

FACULTY COUNCIL
Tuesday, November 18, 2014
3:30 – 5:15 pm
Executive Boardroom (2390), University Capitol Centre

MINUTES

Councilors Present: S. Ali, D. Caplan, S. Daack-Hirsch, E. Gillan, K. Kieran, P. Muhly, S. Seibert, P. Snyder, H. Udaykumar, S. Vos, J. Wilcox.

Officers Present: C. Bohannon, E. Lawrence, A. Thomas, T. Vaughn.

Councilors Excused: F. Abboud, P. Brophy, S. Campo, C. Fox.

Councilors Absent: M. Voigt.

Guests: R. Green (Daily Iowan), K. Kregel (Office of the Provost), J. Menninger (Emeritus Faculty Council), C. Wieland (Staff Council), L. Zaper (Office of the Provost).

I. Call to Order – President Thomas called the meeting to order at 3:30 pm,
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.11.18.14.pdf>.

II. Approvals

- A. Meeting Agenda – President Thomas indicated that there would be one change to the agenda. She planned to ask the Council to move into closed session for agenda item *C. Update on Performance-Based Funding*. Professor Wilcox moved and Professor Muhly seconded that the revised agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (October 7, 2014) – Professor Muhly moved and Professor Ali seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (December 2, 2014) – President Thomas indicated that there was one change to the draft agenda. Agenda item *B., Presidential Committee on Athletics Update by Chair Jeff Cox*, has been postponed until the March meeting because of a scheduling conflict. Professor Gillan moved and Professor Muhly seconded that the revised draft agenda be approved. The motion carried unanimously.
- D. Committee Appointments (Christina Bohannon, Chair, Committee on Committees)
 - None at this time
- E. Faculty Senate Elections 2015 Vacancy Tally – President Thomas reminded the group that in April the Senate voted to allow research-track faculty members representation in the Faculty Senate. The vacancy tally includes the 30 research-track faculty members in the voting pool. All of those research-track faculty members are in the Carver College of Medicine. President Thomas further explained that, although the language of the existing Senate constitution still limits participation in the Senate to tenured, tenure-track and clinical-track faculty, there is a provision in

the constitution that allows the Elections Committee to approve participation of other faculty groups in the elections. The Elections Committee has voted to approve the participation of research-track faculty in the 2015 elections. This is a temporary measure until the Senate constitution can be revised, which is a lengthy process. Professor Muhly moved and Professor Snyder seconded that the vacancy tally be approved. The motion carried unanimously.

III. New Business

- *Faculty Athletics Representatives Ellen Herman, Teaching and Learning, and Gene Parkin, Civil and Environmental Engineering*

Professor Herman explained that the role of the Faculty Athletics Representatives (FAR's) is to represent the university faculty as a voice to make sure that there is a balance between athletics and academics relative to the student athlete experience. The FAR's are appointed by the university president and are not employed by the Athletics Department. The role of the FAR's is to assist with the system of checks and balances designed to ensure academic integrity, sound governance, commitment to the rules of compliance, attention to equity, and overall student athlete welfare. The FAR's work with athletic directors, coaches, and compliance and academic services personnel on campus and they interact with other Big Ten FAR's to review practices and make policies that conform to NCAA and Big Ten rules. As examples of FAR activities, Professor Herman noted that the FAR's sign any violations that the university needs to self-report to the NCAA and they work with the Registrar's Office to verify that each student athlete is making appropriate academic progress so that they can remain eligible to compete. At the Big Ten level, the FAR's themselves meet six times per year, and they also meet regularly with the Big Ten athletic directors and senior women's administrators. The FAR's plan to attend the January NCAA annual meeting at which voting will occur on important issues.

Professor Parkin then turned to a discussion of the latest developments in the NCAA. He indicated that a new governance structure will take effect in January. Historically, the NCAA has been run by a board of directors composed of university presidents and chancellors. Starting in January, the re-structured board of directors will have 24 members, 20 of which are presidents or chancellors. Ten of the presidents and chancellors will come from football bowl institutions, five will come from Football Champion Subdivision institutions, and five will come from institutions that do not have football programs. The other four members will include an athletic director, a senior women's administrator, a FAR, and a student athlete. There has been concern that under the old structure, presidents and chancellors became too involved in the daily operations of the NCAA. A Division I NCAA Council has now also been formed that will include 40 members; 32 of those members will be representatives of conferences, such as the Big Ten. There will also be four conference commissioners, two student athletes, and two FAR's (one from Division I and one most likely from a small institution). This will be a big structural change for the NCAA. The Council will be in charge of putting legislation together and sending it to the board of directors.

Autonomy is another major issue within the NCAA currently. Limited autonomy has been granted to 65 institutions, members of the five most highly-resourced conferences (Big Ten, Big 12, Pacific-12, Southeastern and Atlantic Coast). Each institution will have one vote on the

autonomy issues. At UI, the FAR's will discuss these issues with the athletic director and senior women's administrator to determine the university's position on each issue. There will be 80 total votes, with the other 15 votes coming from student athletes. Each of the five conferences will nominate three student athletes for this group. The NCAA's goal previously was to create similar rules for both high- and low-resourced institutions. However, this has turned out not to be a workable system, because of the high-resourced institutions' desire to do more for their student athletes, in areas such as health and wellness, financial aid, and academic support, among others. Cost of attendance will be the only issue voted on in January. This refers to the true cost of attendance at an institution above the amount of the student athlete's scholarship. This can vary among institutions; at UI the true cost of attendance is about \$2,000 more than the actual scholarship. Some changes have already been implemented. For example, UI is now able to set up "re-fueling stations" in various athletics facilities for student athletes to grab a quick snack for free.

Professor Parkin went on to note that UI, along with the other Big Ten institutions, has traditionally had strong faculty involvement in athletics. Most Big Ten institutions have committees similar to UI's Presidential Committee on Athletics (PCA). Important work is done by the PCA's subcommittees. The Academic Achievement Subcommittee oversees and helps to advise the academic center. For example, the academic services staff will identify at-risk student athletes and then a group of faculty members will interview those student athletes early on in the semester and try to help them. The Student Athlete Wellbeing Subcommittee, which includes student athletes among its members, hears presentations from the staff psychologist on the issues with which student athletes visit her, for example. The Equity Subcommittee deals with Title IX and diversity issues among both students and Athletics staff. Members of this subcommittee interview several coaches each year to determine if there are any issues that need to be addressed and if the teams are adequately resourced, among other duties.

Noting that the FAR's have sufficient access both to President Mason and to Athletics Director Gary Barta, Professor Parkin commented that he did not see the need for an additional Faculty Senate committee dedicated to athletics, as Professor O'Hara had advocated for during his appearance at the Faculty Council on October 7. (Professor O'Hara serves as the UI representative to the Coalition on Intercollegiate Athletics.) The FAR's, along with the PCA chair, the PCA subcommittee chairs, and even Athletics Director Gary Barta, would all be happy to meet with the Council and Senate. (Currently, Athletics Director Gary Barta presents to the Senate approximately once per academic year.)

Professor Herman commented on an additional NCAA issue, the possibility of freshman ineligibility. She noted that Big Ten Commissioner Jim Delaney, along with many faculty members, are strongly in favor of this. It would affect primarily football and men's basketball, the sports in which significant numbers of players enter universities without sufficient academic skills for success in college. During the freshman year, the student athletes would be supported by scholarship money, take classes, and practice with their teams, but they would not be allowed to compete. However, there is strong resistance to freshman ineligibility among some men's basketball coaches because many basketball players leave college after their first year to enter professional leagues. Professor Muhly asked how freshman ineligibility might differ from

redshirting. Professor Parkin explained that it was his understanding that redshirting is up to the coach and/or the student, while the freshman ineligibility would be mandatory. He added that the student athlete would still have four years of eligibility for competition remaining. Professor Herman commented that most student athletes finish their education in four and a half years, so this would give them an extra half year.

Vice President Bohannon asked for the FARs' thoughts on COIA. President Thomas noted that some Big Ten institutions have decided not to join COIA and she raised the question whether COIA still truly represents high-resourced institutions like UI. Professor Herman, commenting that she had been on the PCA at the time when UI first sent a representative to the COIA annual meeting, observed that COIA then appeared to be filling a vacuum on many campuses that did not have a committee similar to the PCA. It was her impression that UI was already advanced in terms of providing outside oversight of athletics. Professor Parkin reiterated that he was unsure what a COIA-inspired Senate committee on athletics would add to the outside oversight effort. Both FAR's commented that they believe faculty already have an important voice in athletics issues through the PCA.

- *Smoke-Free Policy (Joni Troester, Director, Organizational Effectiveness/Health and Productivity, Human Resources)*

Ms. Troester reminded the group that she had visited the Faculty Council last year to discuss electronic cigarettes and gather feedback on whether they should be regulated in some way on campus. No definitive stance had emerged from the Council or from the other shared governance groups at that time. Subsequently, new information about electronic cigarettes became available to the general public. Ms. Troester distributed a handout describing the positions and recent actions of the U.S. Food and Drug Administration (FDA), the American Heart Association (AHA), the Johnson County Department of Public Health and the City of Iowa City regarding e-cigarettes, as well as the policy positions of various UI peer institutions. For the past several months, a small working group, including Ms. Troester and representatives from the shared governance bodies, has been meeting to discuss the issue. They have also established a list of stakeholder groups from which to elicit feedback. In addition to the shared governance bodies, Ms. Troester will be visiting with representatives from the residence halls, Facilities Management, Athletics, UI Public Safety, etc.

Ms. Troester explained that the university's current smoke-free policy prohibits smoking (cigarettes, cigars, etc.) in the buildings and on the grounds of the university and is based on the Iowa Smokefree Air Act. Currently, the university's policy does not include e-cigarettes. The only places on campus where they are banned are the residence halls (because of the close living quarters) and the hospital (for various accreditation and safety reasons). Given the enormous growth in sales of e-cigarettes, along with newly-available information about them, it seems appropriate at this time to decide whether e-cigarettes should be included in the university's smoke-free policy. At the same time, it may be relevant to consider whether the university should become entirely tobacco free, as a number of our peer institutions have recently done. Ms. Troester commented that straw polls taken in both the Graduate and Professional Student Government and Staff Council had indicated a preference for a tobacco-free campus.

Professor Muhly reminded the group that in last year's discussion of e-cigarettes, some Councilors had cautioned against jumping to conclusions about whether there were any health risks associated with the devices, in the absence of substantial scientific evidence. Ms. Troester commented that recent studies have indicated slightly elevated levels of nicotine found in bystanders from the vapor. The AHA has expressed concern about e-cigarettes re-normalizing smoking and serving as a gateway for young people to other smoking products. In response to several questions, Ms. Troester indicated that, if the university chooses to implement a tobacco-free policy, the policy must be written in a very thoughtful way, so that it does not become over-arching. She noted that a number of institutions had crafted their policies to prohibit "any non-FDA regulated nicotine-delivery system" in anticipation of the appearance of new nicotine-delivery mechanisms on the market in the future.

Vice President Bohannon observed that when the Council discussed e-cigarettes last year, there was still very little data on whether they were harmful. Manufacturers were making claims that e-cigarettes were much less harmful than regular cigarettes and were even a smoking-cessation device. Therefore, it was better to wait and see what kind of data emerged before taking any policy action. The FDA has now concluded that only a tiny percentage of smokers would use e-cigarettes as a smoking cessation device, while there is potential for significant harm if great numbers of young people begin using e-cigarettes as a gateway to other smoking products. The FDA is now seeking to regulate e-cigarettes. Professor Ali asked for clarification whether there was a bystander health risk for the use of chewing tobacco. Ms. Troester responded that there was no bystander impact; the purpose of banning chewing tobacco would be to improve public health on campus in general. Professor Gillan recalled that part of the conversation last year had revolved around how far the university should go in regulating the legal behavior of students, especially if a bystander or second-hand risk cannot be identified for a particular activity.

In a straw poll, 13 Councilors voted for a tobacco-free policy, 2 Councilors voted to include e-cigarettes in the current smoke-free policy, and no Councilors voted to retain the status quo.

- *Executive Session: Update on Performance-Based Funding (Christina Bohannon, Vice President)*

Professor Kieran moved and Professor Gillan seconded that the Council move into closed session. The motion carried unanimously.

Vice President Bohannon gave an update on performance-based funding and the Councilors then discussed this topic.

Professor Snyder moved and Professor Muhly seconded that the Council move out of closed session. The motion carried unanimously.

- *Update on TIER Efficiency Review (Erika Lawrence, Past President)*
Past President Lawrence explained that the Board of Regents, State of Iowa met briefly on November 14 and approved the final 8 administrative business cases, which had been described to Councilors at the October 7 meeting. Deloitte Consulting has now finished its work for the

university, having moved the business cases through two phases (identification of opportunities for improvement and detailed development of specific opportunities). Consultants (perhaps including Deloitte) may be retained in the future to assist with the third phase, implementation. Previously Deloitte had been working with the Board and the institutions on implementation of the sourcing and procurement business case, which had been approved earlier. However, a final agreement never emerged and the Board will put out a request for proposals. Three of the newly-approved administrative business cases involve centralization of some finance, human resource, and information technology administrative services. These recommendations have caused concern across campus, but they will move forward. Selected finance administrative services will most likely be centralized at the university level, while selected human resource and information technology administrative services will most likely be centralized at a combination of the university, collegiate and unit level. A request for proposals will be put out for consulting services to assist with implementation of this plan.

Meanwhile, the three academic business cases are currently on hold. One of these cases involves developing an institutional research office. The Board is still considering this. The other two cases involve time to graduation and online/distance education. A request for proposals will be sent out for consulting services to develop these opportunities more fully for all three institutions. The current timeline for all three requests for proposals calls for consultants to be selected by January 9. However, Past President Lawrence and her faculty colleague on the TIER Sounding Board, Professor Fumerton, have urged that the timeline for the academic business cases, at least, be extended so that faculty members can have greater involvement in the process.

IV. From the Floor – Past President Lawrence announced that she planned to be on leave next semester. President Thomas indicated that Professor Fumerton, who served as Faculty Senate President during the 2011-12 academic year, has been asked to serve as Past President during the Spring 2015 semester.

V. Announcements

- The annual Faculty Senate/Iowa City Area Chamber of Commerce reception for local legislators will be held on Wednesday, December 10, 4:30-6:00 pm, in the Old Capitol.
- The next Faculty Senate meeting will be Tuesday, December 2, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, January 27, 3:30-5:15 pm in room 2390 of the University Capitol Centre.

VI. Adjournment – Professor Muhly moved and Professor Daack-Hirsch seconded that the meeting be adjourned. The motion carried unanimously. President Thomas adjourned the meeting at 5:20 pm.