

FACULTY SENATE
Tuesday, March 29, 2011
3:30 – 5:15 pm
Senate Chamber, Old Capitol

MINUTES

- Senators Present: D. Anderson, N. Andreasen, D. Black, C. Bohannon, S. Clark, J. Cox, E. Ernst, L. Fielding, S. Gardner, B. Gollnick, W. Haynes, M. Hill, D. Jeske, M. Johnson, D. Katz, J. Kline, K. Kreder, S. Kurtz, R. Kuthy, E. Lawrence, B. Levy, S. Levy, B. McMurray, J. Menninger, D. Morris, J. Murph, J. Niebyl, N. Nisly, J. Pendergast, G. Penny, J. Polumbaum, B. Rakel, J. Reist, J. Schoen, C. Scott-Conner, P. Snyder, C. Sponsler, T. Stalter, K. Tachau, T. Vaughn, W. Vispoel, S. Vos, R. Wachtel, E. Wasserman, J. Wilcox,
- Officers Present: E. Dove, R. Fumerton, J. Garfinkel.
- Senators Excused: V. Allareddy, M. Billett, A. Campbell, M. Finkelstein, P. Mobily, S. Schultz, J. Wood.
- Officers Excused: D. Drake.
- Senators Absent: E. Anderson, J. Bertolatus, D. Bonthius, H. Butcher, J. Canady, W. Coryell, M. Fang, E. Gidal, T. Gross, L. Kirsch, C. Kletzing, V. Magnotta, R. Mutel, L. Robertson, K. Sanders, T. Schnell, H. Stecopoulos, R. Valentine, J. Wadsworth, L. Wang, J. Wemmie, S. Wilson, N. Zavazava.
- Guests: B. Butler (Provost), J. Carlson (Office of the President), G. Dodge (Chief Diversity Officer), E. Herman (Presidential Committee on Athletics), L. Larson (University Relations), M. O'Hara (Psychology), R. Sayre (Emeritus Faculty Council), K. Ward (University Human Resources), L. Zaper (Faculty Senate).

I. Call to Order – President Dove called the meeting to order at 3:30 pm.
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultySenate.03.29.11.pdf>.

II. Approvals

- A. Meeting Agenda – Professor Tachau moved and Professor Jeske seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Senate Minutes (February 8, 2011) – Professor Black moved and Professor Kuthy seconded that the minutes be approved. The motion carried unanimously.

- C. Committee Replacements (Richard Fumerton, Chair, Committee on Committees)
- Christina Bohannon (Law) to fill a vacancy on the Judicial Commission, 2011-13.
- Secretary Garfinkel moved and Professor Schoen seconded that the replacement be approved. The motion carried unanimously.

III. New Business

- *Annual Review Policy (Ed Dove)*

President Dove gave a brief presentation, accompanied by PowerPoint slides, of the history of post-tenure review at the university. He explained that the original post-tenure review policy, adopted many years ago, indicated that post-tenure review was optional for full professors and did not even mention associate professors. The revised post-tenure review policy requires that all tenured professors undergo review. The Faculty Council endorsed the peer review section of the post-tenure review policy in October 2010, while the Faculty Senate approved it in December 2010. President Dove went on to point out that the UI Operations Manual does not mention an annual review procedure, although faculty across campus regularly undergo such reviews. The Faculty Policies and Compensation Committee endorsed language on annual review procedures in February 2011. This was followed by the Faculty Council's endorsement of this language earlier this month. Following the Faculty Council meeting, President Dove had shared the draft annual review policy with the Council of Deans and other administrators. He was now seeking approval of the policy from the Faculty Senate.

President Dove further explained that the Office of the President and the Office of the Provost have requested two minor changes in the language of the peer review section of the Post-Tenure Review Policy to align the language more closely with university practice. Since this policy was approved by the Faculty Senate in December, President Dove was requesting that the Senate vote on these two changes. The first of these changes is in section 10.7.3 *Five-year peer review of tenured faculty*, line 48, "(1) Overview. In a shared governance academic environment, the faculty body ~~has primary institutional responsibility for faculty status~~ plays a critical role in ~~(i.e., appointment, reappointment, promotion, tenure and dismissal)~~ of faculty members. One of the ways that faculty ~~Faculty members~~ exercise this responsibility is through the formal process of peer review." President Dove then directed the group to line 117, where the administration has suggested that a parenthetical reference to the Professional Ethics and Academic Responsibility Policy (III-29.7) be inserted in addition to the parenthetical reference to the Unacceptable Performance of Duty Warranting Termination Policy (III-29.8).

Professor Barcey Levy moved and Secretary Garfinkel seconded that sections 10.7.3 and 10.7.4 of the Post-Tenure Review Policy be amended as suggested by the administration.

Professor Menninger asked for an explanation of the need for these revisions, specifically the distinction between "primary" and "critical" in the first revision. Professor Tachau argued against making this change and commented that if the revision was more reflective of current university practice, then the university has strayed from the requirements of the Operations Manual, which in turn reflects the pronouncements of the American Association of University Professors on the role of the faculty. This has historically been the role of the faculty, as faculty alone have the required expertise on matters of curriculum and scholarship. To state otherwise

would be to relinquish part of the faculty's role. Vice President Fumerton responded that the revision was suggested to resolve the ambiguity created by the term "primary," which could be interpreted to mean that the faculty initiate the enumerated processes regarding faculty, while in fact a number of different bodies could initiate these processes. The faculty, however, would always at some point play a role in these processes. "Primary" could also be interpreted as referring to the entity with the most authority, yet processes such as dismissal could not be completed by faculty alone without involvement and approval of administrators. These processes reflect a partnership between administration and faculty, both of which play critical roles. Professor Tachau spoke in favor of the ambiguity of the original version and cautioned against giving up the rationale, for example, for why the faculty grievance procedures carry weight. Professor Gollnick suggested substituting the words "necessary" or "indispensible" for "critical." Professor Kline spoke in favor of the word "critical."

Professor Gollnick offered a friendly amendment to replace the word "critical" with the word "indispensible." Professor Levy accepted this friendly amendment to her motion.

Professor Pendergast commented that she interpreted the phrase "has primary institutional responsibility for faculty status" (in the original version) in broad terms, while she interpreted the phrase "plays a critical role in appointment..." (in the revised version) as referring to individual faculty members playing specific roles in these various processes.

In a hand vote, the motion carried, 26-11.

President Dove then directed the group's attention to line 8 of section 10.7.1 *Introduction*. He indicated that new text had been added here to describe the two kinds of review of tenured faculty, annual review by the unit head and periodic review by peers. Lines 29-44 contain additional new text describing the annual review in detail. Both sections of new text had been approved by the Faculty Council at its March 8 meeting. President Dove noted the passage crossed out in line 30, and explained that the crossed-out language had been developed by the Faculty Policies and Compensation Committee. That language was subsequently modified by the Faculty Council. President Dove explained that the new policy does not substantially change the way in which faculty are currently reviewed annually, except that now a written report of a negative evaluation will be kept on file. The faculty member who is the subject of the negative evaluation has the opportunity to respond in writing. This response will also be kept on file.

Professor Kurtz moved and Professor McMurray seconded that the proposed additions to the Post-Tenure Review Policy regarding annual review be approved.

Professor Tachau asked for opinions from any unit heads present how this new requirement might affect their workloads. Professor Scott-Conner questioned how "unit head" was to be defined; in some departments, leadership roles are played by both department heads and division chairs. President Dove responded that it was up to each college to further define the term "unit head" to fit its particular structure. Professor Cox observed that the policy only requires a written report if a review is negative; he asked for clarification of what constitutes a negative review. Vice President Fumerton pointed out that the policy uses the phrase "significant deficiencies" rather than "negative review." He added that being in the bottom tier

of a department's faculty does not necessarily trigger a negative review. Professor Cox suggested that clarifying language be added to the policy so that deans and unit heads do not interpret the policy this way. Professor Jeske, DEO of Philosophy, commented that in her college unit heads are required to classify their faculty members as "exceeding expectations," "meeting expectations," or "failing to meet expectations," as those expectations have been established by the unit. She added that she has yet to classify a faculty member as "failing to meet expectations" and considered that negative reviews would most likely be few and far between and therefore not time-consuming. If there are frequent negative reviews written in a unit, then clearly that unit has serious problems that must be addressed.

Regarding the definition of "unit head," Professor Kurtz commented that in his reading of the policy, "unit head" refers to the person who sets the faculty member's salary. He asked Professor Scott-Conner whether the department head or the division chair in the units she had described had the responsibility of setting salary. Professor Scott-Conner responded that typically the division chair suggests a salary but the department head makes the final decision. President Dove noted that it may be the division chair, rather than the department head, who conducts the review, however. Professor Scott-Conner voiced support for the policy's requirement to document significant deficiencies in a faculty member's performance. Vice President Fumerton agreed that this was an essential component of the policy, even if rarely used.

Professor McMurray suggested that the phrase "by the unit head" be stricken from the passage regarding who conducts the review, allowing for options on who writes the notification. President Dove noted that the policy does not specify who composes the written notification. Professor Pendergast expressed concern about waiting until a situation is very serious before written documentation is made. While verbal conversations regarding deficiencies may have taken place prior to the negative review report, these conversations may not have made the same impact on the faculty member as a written document would. She raised the possibility of annual written evaluations. Professor Kurtz followed up on an earlier comment, stating his concern about faculty salaries being set by administrators who have not conducted reviews. He did not think that the policy had been written with this possibility in mind. President Dove indicated that this situation might be the case in certain large units. Vice President Fumerton added that a unit head might rely heavily on the advice of a faculty committee when conducting a review. In response to a question from Professor Kurtz, several senators indicated that faculty committees, rather than unit heads, have had the responsibility of setting salaries in their units. Professor Menninger advocated for a peer role in the process. Professor Vaughn suggested that the policy address the two issues of evaluation and salary separately, although decisions regarding the latter could be made on the basis of the former. Professor Lawrence urged that a role for a committee be explicitly written into the policy, so that the unit head does not carry all the responsibility for the evaluation and the decisions made on its basis.

Professor Tachau commented that it was unlikely that a policy could be written that would uniformly apply to all units. Given the nature of the current discussion, she added that the policy might require further work. She did advocate, however, for leaving vague the passage about how and by whom the faculty member is informed of a negative review. This way, each unit can

develop the process that works best for it. She also expressed concern for increasing the workloads of unit heads. Professor Jeske pointed out that the annual review is in addition to the five-year peer review which should also track the faculty member's performance; therefore, a written evaluation indicating anything beyond "failing to meet expectations" was unnecessary. She added that, as DEO, she regularly consults with senior faculty in her unit regarding salary issues. Professor Nisly commented that it was unlikely that the policy's language could be further altered to convey the variety of options at the unit level for annual review. The policy indicates a role for the faculty and for the unit head (however that individual is defined) and each unit can interpret the policy in a manner appropriate for it. Professor Cox pointed out that the policy calls for annual review procedures to be set by the unit head *in consultation with the faculty*; therefore these procedures, whatever they turn out to be, will have the confidence of both parties. Professor Sponsler suggested altering the policy language to state that annual review is "conducted by the unit," striking the following word "head" and thereby allowing for annual review to take place in whatever form is appropriate for that unit. Vice President Fumerton stressed that the policy was written to take into consideration departmental autonomy and a wide range of unit practices regarding annual review. The only change for most units under the policy will be the requirement for a written notification of a negative review. Professor Vaughn commented that the current policy language in line 40 implies that the negative review and faculty response would go directly from the division head (if one exists in that unit) to the dean, skipping over the unit head. Professor Menninger commented that unit communication generally flows to the dean only from the unit head, not from other unit members.

Professor Kurtz offered a friendly amendment to his motion that lines 39-40 be revised to read "The final report and the faculty member's response will be sent to the Dean and will be kept with the faculty member's personnel records."

Professor Lawrence raised an issue concerning the terms "unit head" and "DEO" and whether this might cause confusion in interpretation of the policy. She suggested a clause be added to clarify situations in which those titles may refer to different individuals. In response to a question, Interim Provost Butler indicated that the term "DEO" is defined in the Operations Manual and is used interchangeably with the term "unit head."

Professor Scott-Conner offered a friendly amendment to Professor Kurtz' motion that lines 29-30 be revised to read "through a process developed by the unit head (DEO, or equivalent) in consultation with the faculty." In a hand vote, the motion carried 39-2.

- *College of Pharmacy Research-Track Policy (Ed Dove)*

President Dove indicated that the Faculty Policies and Compensation Committee had reviewed the College of Pharmacy Research-Track Policy and compared it both with the university policy and the various collegiate policies (Carver College of Medicine and College of Public Health). The College of Pharmacy Research-Track Policy is consistent with all of those policies. The Faculty Policies and Compensation Committee and the Faculty Council have approved the policy.

Professor Scott-Conner moved and Professor Kurtz seconded that the College of Pharmacy Research-Track Policy be approved.

Professor Cox noted that the policy allows research-track faculty members to be appointed to either the tenure or clinical track only once in their careers at the university. He asked what situation this rule was designed to prevent. Professor Pendergast commented that, in the College of Public Health, research-track faculty are prohibited from bouncing repeatedly between tracks, for example, moving to the tenure track, then moving back to the research track following a denial of tenure, then perhaps moving to the clinical track. Professor Steven Levy asked for clarification of how many times a research-track faculty member could transfer tracks. Professor Ernst responded that it was her understanding that a research-track faculty member could move either to the tenure track or to the clinical track, but could not hold positions in both the clinical and tenure tracks at different points in his/her career. Professor Wasserman noted that the policy limits the number of research faculty to the greater of eight individuals or 10% of the tenured/tenure-track faculty. He asked how many faculty there are in the College of Pharmacy. Interim Provost Butler responded that there are roughly 70 tenured and tenure-track faculty in the College.

The motion carried unanimously.

- *Conflicts of Commitment and Interest Policy (Ed Dove)*

President Dove announced that the university's Conflicts of Commitment and Interest Policy is currently being audited by the Board of Regents team of auditors, which has requested that a report on the policy be submitted to them in May. The Office of the Provost is reviewing the policy and preparing the report. This report is required to list possible problems with the policy and their possible solutions. Since the Faculty Senate played a role in writing the policy, it will also be involved in the review and any potential revision of the policy.

- *Report on Annual Meeting of Coalition on Intercollegiate Athletics (Michael O'Hara, Psychology)*

President Dove reminded the councilors that the Coalition on Intercollegiate Athletics (COIA) is an alliance of university faculty senates from 57 Division I institutions. Professor O'Hara represented the University of Iowa at COIA's annual meeting held January 21-23 in Chicago at the Big Ten Center. Professor O'Hara briefly described the presentations made at the annual meeting. Penn State University President Graham Spanier spoke about presidential control of athletics. President Spanier opined that institutional control, or lack thereof, of collegiate athletics is the root of most problems that arise with athletics. He advocated for a strong system of monitoring for collegiate athletics, along with presidential engagement in athletics matters. Jim Delaney, director of compliance for the Big Ten Conference, discussed initial admission eligibility. Since many athletes are not well-prepared for college by their high schools, which have varying standards, Mr. Delaney suggested raising the university admission GPA requirement for core courses (English, math, etc.). Mr. Delaney also indicated that freshman ineligibility is an issue that has re-emerged. NCAA President Mark Emmert spoke about initial eligibility standards and better predictability of student success. The academic progress rate currently used has not turned out to be the predictor of student success that it was

intended to be. Mr. Emmert argued that it was up to faculty to help make some of these changes regarding academics.

Professor O'Hara then indicated that the NCAA is looking into increasing the GPA requirement of two-year college students transferring to four-year institutions. According to the NCAA, two-year college students tend to enter four-year colleges poorly prepared, and tend to drop out at higher rates than student athletes who enter four-year colleges directly from high school. Suggested revisions include increasing the transferable GPA from 2.000 to 2.500 and expanding the physical education activity course limit of two credits to all sports (currently applied only to men's basketball), as well as requiring a more academically rigorous set of core courses. There has also been a suggestion to stop the eligibility clock for one year while students catch up on their academics while still at the two-year college.

Professor O'Hara concluded by noting that COIA had developed a list of best practices regarding athletics programs and then conducted a survey of member universities to determine whether the universities are using these best practices; it would appear that many universities are not. The University of Iowa falls in the middle, especially regarding faculty governance of athletics. Among the institutions that are following best practices more consistently regarding integration of academics into athletics are the University of Illinois and Oklahoma State University. Professor O'Hara added that COIA is in a transition stage, as leadership of the organization passes from the founders to a new generation of faculty leaders.

- *Report from the Presidential Committee on Athletics (Ellen Herman, Chair)*
President Dove explained that the Presidential Committee on Athletics (PCA) is advisory to the University President and the Athletics Director. The advice of the committee is consistent with the rules of the Big Ten Conference and the NCAA, as well as the policies of the university and the Board of Regents, State of Iowa. The PCA is obligated to report periodically to the Faculty Senate. President Dove added that starting July 1, Professor Herman will serve as the new Faculty Athletics Representative, along with Professor Gene Parkin. They will replace Professor Betsy Altmaier, who will step down from that position after ten years.

Professor Herman indicated that the PCA has five subcommittees, including the Academic Achievement Subcommittee (chaired by Professor Susan Birrell), which among other tasks reviews students who are on the verge of termination and upholds the days-missed policy (student athletes are not allowed to miss more than eight days of classes per semester because of athletics activities). The subcommittee is currently working on an "exceptional appeals" process which would allow students, particularly those in individual sports, to appeal that limit in special circumstances. The subcommittee is also crafting a "non-traditional course" policy, as more courses are being offered online and in other alternative formats. This policy would allow the PCA to monitor how and where these courses are being offered.

Another subcommittee, the Student Athlete Welfare Subcommittee (chaired by Professor William Hines), recently developed a students' rights and responsibilities statement. The subcommittee is currently looking into creating a transfer policy allowing those students who want to transfer sufficient time to look for another institution while still on scholarship at the

UI. Presently, student athletes who want to transfer must first give up their scholarships before looking for another school. The Equity Subcommittee (chaired by Professor Michael Lomax) has been periodically interviewing coaches regarding equity issues on their teams. The Staff Subcommittee (chaired by staff member Lisabeth Kestel) provides PCA members to serve on all search committees for Athletics staff. The Finance and Facilities Subcommittee (chaired by Professor John Menninger) previously had a lot of power over ticket prices, building projects, etc., but now that the PCA serves a merely advisory role, that power has greatly diminished. Professor Herman cited the example of ticket prices being published before PCA members were able to discuss them. She expressed frustration at the limited role of the PCA in those areas. Professor Herman concluded by mentioning that the PCA is revising its policy manual to align it with the PCA's new advisory role. She added that she has concerns about an impending lack of continuity on the committee, as a number of members will soon be rotating off, while many of those who will remain have only been on the PCA for a short time.

Professor Polumbaum stated that she had served on the PCA when it transitioned from being the Board in Control of Athletics and moved to an advisory role only. At that time she had suggested that Athletics look into adding an academic surcharge to athletics tickets. This surcharge would then go into the general fund. Several other Big Ten institutions do this already. Professor Polumbaum urged that this idea receive consideration again. Professor Tachau supported this suggestion. Professor Herman noted that she had heard that after the Kinnick bonds are paid off, there was some notion that money might be given back to the general fund (by Athletics).

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

V. Announcements

- The annual Tenure Workshop, sponsored by the UI AAUP, Faculty Senate, and the Provost's Office, will be held on Thursday, April 7, 6:30-9:00 pm, in room 104 of the Adler Journalism and Mass Communication Building. The workshop will provide practical advice on how to be successful in obtaining tenure. Please encourage your tenure-track colleagues to attend.
- Governor Branstad has signed into law a cap on Professional Development Awards of 3% of the number of tenured, clinical-track, and research-track faculty at each Regents institution. This would provide for a maximum of 66 PDA's for the 2012-13 academic year. This cap would be in effect for only one year.
- The next Faculty Council meeting will be Tuesday, April 12, 3:30-5:15 pm, University Capitol Centre 2520D.
- The next Faculty Senate meeting will be Tuesday, April 26, 3:30 – 5:15 pm, Senate Chamber, Old Capitol. Elections for Senate officers (vice president and secretary) will be held.

VI. Adjournment – Professor Tachau moved and Professor Kurtz seconded that the meeting be adjourned. The motion carried unanimously. President Dove adjourned the meeting at 5:05 pm.