

FACULTY SENATE
Tuesday, September 13, 2011
3:30 – 5:15 pm
Senate Chamber, Old Capitol

MINUTES

- Senators Present: J. Adrain, D. Anderson, T. Anthony, R. Axelson, A. Budd, W. Coryell, J. Cox, D. Cuning, E. Ernst, R. Ettinger, L. Fielding, K. Gerken, N. Grosland, D. Hasan, M. Hill, B. Hoskins, D. Jeske, Z. Jin, D. Katz, K. Kreder, B. Levy, S. Levy, V. Magnotta, K. Markon, B. McMurray, P. Muhly, D. Murry, J. Niebyl, N. Nisly, F. Nothwehr, D. O’Leary, J. Pendergast, C. Ringen, A. Rodriguez-Rodriguez, S. Seibert, J. Sessions, J. Solow, K. Tachau, T. Treat, W. Vispoel, S. Vos, R. Wachtel, E. Wasserman.
- Officers Present: C. Bohannan E. Dove, R. Fumerton, L. Snetselaar.
- Senators Excused: M. Finkelstein, G. Lal, J. Murph, K. Sanders, S. Schultz, D. Wilder.
- Senators Absent: N. Andreasen, L. Ayres, I. Barbuzza, J. Bertolatus, D. Black, D. Bonthius, S. Clark, M. Fang, S. Gardner, F. Gerr, C. Getz, B. Gollnick, W. Haynes, M. Johnson, J. Kline, S. Kurtz, J. Murry, E. O’Brien, G. Penny, B. Rakel, P. Snyder, A. Thomas, J. Wemmie, S. White, S. Wilson, J. Wood, N. Zavazava.
- Guests: J. Carlson (Office of the President), J. Dietrich (Student), D. Heldt (*Gazette*), K. Shemanski (University Human Resources), M. Pottorff (Office of the Provost), T. Rice (Office of the Provost), K. Ward (University Human Resources), L. Zaper (Faculty Senate).

I. Call to Order – President Fumerton called the meeting to order at 3:30 pm.
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultySenate.09.13.11.pdf>.

II. Approvals

- A. Meeting Agenda – Past President Dove moved and Professor Pendergast seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Senate Minutes (May 3, 2011) –Professor Jeske moved and Professor Tachau seconded that the minutes be approved. The motion carried unanimously.
- C. Committee Replacements (Linda Snetselaar, Chair, Committee on Committees)
 - John Solow (Economics) to fill the unexpired term of Matt Billett (Finance) on the Faculty Council, 2011-13
 - Bob McMurray (Psychology) to fill the unexpired term of Johanna Schoen (History) on the Faculty Council, 2011-13

- John Murry (Marketing) to fill the unexpired term of Matt Billett (Finance) on the Faculty Senate, 2011-13
- Catherine Ringen (Linguistics) to fill the unexpired term of Johanna Schoen (History) on the Faculty Senate 2011-13
- David Hasan (Neurosurgery) to fill the unexpired term of Erling Anderson (Anesthesia) on the Faculty Senate, 2011-13
- Daniel O'Leary (Psychiatry) to fill the unexpired term of John Canady (Surgery) on the Faculty Senate, 2011-13
- Stewart Ehly (Psych & Quant Foundations) to fill the unexpired term of Linda Snetselaar (Epidemiology) on the Council on Teaching, 2011-12
- Marcella David (Law) to fill a vacancy on the Judicial Commission, 2011-13
- Katherine Tachau (History) to fill the unexpired term of David Drake (Dows Institute) on the Committee on Selection of Central Academic Officials, 2011-13
- Christopher Morphew (Educational Policy & Leadership Studies) to fill the unexpired term of Dennis Harper (Rehabilitation & Counselor Education) on the Committee on Selection of Central Academic Officials, 2011-12

Past President Dove moved and Professor Tachau seconded that the replacements be approved. The motion carried unanimously.

III. New Business

- *Compensation and Classification Redesign Update (Kevin Ward and Karen Shemanski, Human Resources)*

President Fumerton reminded the group that Mr. Ward had spoken to them last spring about the classification portion of this project. He indicated that today Mr. Ward would talk about the compensation portion. Mr. Ward briefly listed the original project goals for the redesign; these include recruiting and retaining talent, providing a market-competitive salary plan that rewards individual job performance, and inserting greater communication and transparency around the pay practices for Professional and Scientific staff. The new classification titles, codes and descriptions based upon key areas of responsibility went into effect on July 25. In mid-September the compensation plan will be released. The plan will indicate new pay level assignments for those job classifications, along with market ranges and zones and pay practices for making future salary decisions.

Early on in the project five attributes were identified for evaluating jobs (knowledge and skills, judgment, breadth and scope, impact and accountability, and communication). Job classifications were evaluated according to these attributes and then assigned to pay levels by Human Resources staff. These pay level assignments were reviewed by the senior Human Resources leaders and by Buck Consultants, which has been working with the university on this project. Mr. Ward stressed that these new classifications and the new set of evaluation criteria were big changes from the previous, outdated system. Individuals who once considered themselves peers because they shared the same title may now find themselves in completely different job classifications and pay levels. Benchmark data were used to determine the compensation structure. One hundred and seventy-one benchmark jobs were used for comparison; these jobs covered 74% of university staff. They are representative of the different job functions and pay levels in the labor market. Various data sources were used, encompassing a range of employment sectors (higher education, health care, business). Both local and national

markets were looked at, depending on the market for a specific position. Target midpoints were then determined for each pay level. Each pay level was given two midpoints, one for the majority of jobs in that level (Structure A) and one for a group of jobs that have a more competitive market (Structure B). Each job will be assigned to a structure within a level. For example, both HR manager and lead database administrator are assigned to Level 5, but the former falls under Structure A and the latter under Structure B. The zones were constructed to be plus or minus 12% of the target midpoints. The ranges then extend above or below the market zones, depending on job performance, level of responsibility, etc. The top two levels are for coaching and executive level positions; those jobs will not be assigned midpoints but will be looked at individually.

In terms of current staff, 66 1/2% are in Structure A and 33 1/2% are in Structure B. Forty-two percent of staff are in market zone, while 94% are somewhere in market range. Two percent are below market range and five percent are above market range. Situations in which individuals fall above or below range will be looked at individually and then modified over time if appropriate. The real focus for salary determination will be on job responsibility and performance and only then on relationship to market zone. The market will be monitored annually. For those under zone but within range, they may be moved into zone depending on level of responsibility and job performance, if appropriate. For those above zone but within range, responsibility and performance will continue to be recognized, if appropriate. For those below the range, they may be moved into the range when resources are available. For those above the range, it may be appropriate to continue rewarding an exceptionally high performer.

The university is seeking a higher level of transparency around mid-year and other types of adjustments to salary. Because a single job classification can now encompass a range of responsibilities, the university wants to move away from the notion that an employee must move up to a new classification to earn a higher salary. The new system allows for an increase in compensation of 1-5% after documentation of changed responsibilities. Movement to a higher classification could result in a salary increase of 1-10%, depending on relationship to the new market zone. Career shifts such as moving to a P&S position from a Merit or SEIU position, transferring to a job at the same classification level, or perhaps moving to a job at a lower level could also lead to changes in salary. The flex pay program (lump sum payments throughout the year) will likely be continued for high performers. Mid-year market adjustments should be less frequent. The practices of counter offers and interim appointments will be continued.

Mr. Ward stressed that this is a new framework for making salary decisions, allowing for more strategic decisions about how funds are distributed and how staff are rewarded for performance. It does not change the funding available. Salaries will not be decreased as a result of this project, nor will they be automatically increased. Future increases will be driven by performance in relationship to the market zone but within the resources available. Communication regarding the new compensation structure will begin in late September, the framework will be implemented in October and the first salary decisions made within the new framework will take effect on July 1.

Professor Solow suspected that the market zones may be wider than illustrated by Mr. Ward's presentation and expressed concern about the university under-pricing itself out of the market by confining itself to an arbitrarily low end of the market. Mr. Ward responded that flexibility is built into the system, to pay within or above the market zone, as appropriate. He added that further information for supervisors regarding pay practices will be available shortly and may address Professor Solow's concerns. Professor Nisly asked whether gender equity in pay practices was addressed by the project. Mr. Ward said that comparable worth and other gender-related analyses had been made during the course of the project. Buck Consultants had identified certain classifications as disadvantaged in the market, and the university planned to offer greater flexibility to supervisors to go beyond zone in salary decisions for these classifications. In response to a question, Mr. Ward clarified that the July 1 date indicated in his presentation was the date for the compensation portion of the redesign to go into effect. Following up on Professor Nisly's question, Professor Ringen referred to a statistic that Mr. Ward had presented earlier, indicating that some employees were above market range and some were below. She expressed concern that women might be disproportionately represented among those currently below market zone, while men might be disproportionately represented among those currently above market zone. Ms. Shemanski responded that Human Resources had examined the distribution and found this not to be the case.

- *Updates to Anti-Retaliation Policy (Jonathan Carlson, College of Law)*

Professor Carlson reminded the group that the Faculty Senate had approved the revised Anti-Retaliation Policy in February. He explained that a recent Supreme Court decision [Burlington N. & S.F.R. Co. v. White, 548 U.S. 53 (2006)], however, had set the standard for retaliation under Title VII; the UI policy was not in accordance with that standard, even though this is a policy under which one could respond to Title VII complaints. Professor Carlson drafted some language to alter the definitions of "retaliation" and "adverse action" in the UI policy to conform to the Supreme Court's ruling. He then brought this revision to the Faculty Council, which offered several further edits for clarification indicated on the handout. One problem with the original UI policy was that it seemed to define retaliation as only occurring at the workplace, while the Supreme Court stated that retaliation could occur outside the workplace. The other problem was that the UI policy did not set a clear standard for what counted as retaliation, while the Supreme Court set this standard as any "materially adverse action" which would dissuade someone from making or supporting a complaint.

Professor Tachau moved and Professor McMurray seconded that the revised Anti-Retaliation Policy be approved. The motion carried unanimously.

- *Tenure-Clock Extension Policy Revision (Tom Rice, Associate Provost for Faculty)*

Associate Provost Rice explained that this revision had been triggered by an incident in which a faculty member had requested a tenure-clock extension upon the birth of a child late in the fall semester of the tenure decision year, after the tenure process was well underway. He noted that the intention of the policy had been to provide a full year after the entry of a child into the family for the faculty member to focus on the new child and not worry about the tenure process; however, the policy's language at that time indicated that the extension could be conferred at any point in the probationary period. Therefore, the extension was granted in this

case. The Provost's Office then reviewed the policy with the goal of clarifying the language on this aspect, but also found some other aspects of the policy to clarify.

Associate Provost Rice then explained the revisions recommended. The first of these revisions is to specify that the new child must have been added to the family before September 1 of the tenure decision year for the automatic extension to be granted to the faculty member. In circumstances of a difficult pregnancy, the faculty member could apply for a discretionary extension. The second revision calls for the faculty member to notify someone (DEO, dean, Provost's Office) about the addition of the child to the family. This notification had not been specified in the original policy, as the framers had instead emphasized the automatic nature of the extension. The third revision sets a deadline by which a faculty member who wishes to decline the extension must notify his/her DEO. This deadline is the departmental or collegiate deadline by which faculty members must indicate interest in consideration for voluntary review. The fourth revision postpones all of a faculty member's subsequent reappointment and tenure review dates by the same length of time as the probationary period has been extended.

Professor Barcey Levy asked about procedures when a faculty member requests an extension because of a difficult pregnancy or other medical concerns. Associate Provost Rice indicated that the policy covers discretionary extensions for health concerns and other matters. Marge Pottorff, Faculty Human Resource Coordinator from the Provost's Office, added that discretionary extensions are granted for one year. Professor Cox asked why a faculty member would need to decline the automatic extension if it must be requested in the first place. President Fumerton, Associate Provost Rice, Ms. Pottorff, and others clarified that the extension is not requested, but is automatic upon notification of the qualifying event. Therefore the extension must be formally declined if it is not wanted. Professor McMurray commented that he had recently been eligible for the automatic extension but had decided to decline it. He added that at that time the policy had been unclear about tenure expectations for faculty members who decline the extension, but the revision has resolved that issue (tenure expectations remain the same whether one accepts or declines the extension). Professor Ringen indicated that she had served on the task force that had proposed the automatic extension. She noted that prior to the implementation of the policy some women had felt pressured not to request an extension, and she stressed that the policy must maintain the automatic nature of the extension. It must be evident in the policy that *notification* of a qualifying event does not constitute a *request* for an extension.

Professor Jeske, speaking as a DEO, asked for clarification of the DEO's role when the DEO is aware that a faculty member has added a child to the family. Should the DEO then extend the tenure clock without even speaking to the faculty member? Secretary Bohannon and President Fumerton responded that the policy states that when the DEO becomes aware of the new child, s/he shall notify the faculty member of the right to an automatic extension. If the faculty member specifically declines, there will be no extension, but otherwise, the automatic extension will go into effect. Professor Muhly asked how adoption was handled in the policy; Associate Provost Rice responded that the extension would begin from the day that the adopted child actually joins the family.

A faculty member asked why the policy couldn't allow for one to decline the extension for the third-year review, but accept the extension of the tenure clock. Associate Provost Rice responded that the purpose of the extension was to allow for the family to adjust to the arrival of a new child. Commenting on the portion of the policy that requires one to decline an automatic extension by the collegiate deadline established for notifying DEO's of interest in being considered for voluntary review, Professor Tachau noted that this deadline occurs in the spring for her college and wondered if there could also be a September 1 deadline instead. President Fumerton responded that in many departments, September 1 is already too late for a faculty member to decide to decline the extension and come up for tenure, as preparations for the tenure process need to begin before September.

Professor Steven Levy suggested that, to avoid confusion, the language in the policy be revised to clearly indicate that the faculty member shall notify the DEO, dean, or Provost's Office of the new child, and that this notification triggers the automatic extension. Professor Cox perceived some ambivalence in the policy regarding the DEO's responsibilities, commenting that a DEO may be unclear about his/her obligations to find out personal information about the department's faculty members. There was extensive discussion about how to clarify the faculty member's obligation to notify someone of the new child while still stressing the automatic nature of the extension. Suggestions were made to rephrase the language within the policy. President Fumerton and others advocated leaving the policy unchanged, but inserting information about the automatic extension into the offer letter. Ms. Pottorff noted that an annual notification about this policy goes out to faculty. There was debate regarding the responsibility of junior faculty to be aware of policies versus the DEO's obligation to watch out for junior faculty and make sure they are aware of relevant policies. There was also discussion of legal ramifications if the DEO finds out about the new child, but not from the faculty member, or if the DEO remains unaware of the child. The discussion ended without a consensus on a revision of the passage about the faculty member notifying someone about a new child in order to activate the automatic extension.

Professor Tachau moved and Professor Solow seconded that the revised Tenure-Clock Extension Policy be approved except for the second paragraph, which is to be revised and brought back to the Faculty Senate for approval.

Professor Cox drew the group's attention to a passage of the policy in the third paragraph that was revised at the Faculty Council meeting, regarding tenure expectations for those faculty members who decline an extension, and wondered if this passage was clear enough.

Professor Tachau made a friendly amendment to her motion that the sentence in question be revised as follows, "When a faculty member declines an automatic extension, her/his tenure clock is reset to its previous date and the tenure expectations remain the same as for probationary faculty members who did not decline **or were not eligible for** an extension."

Professor Barcey Levy made an additional friendly amendment that the word "Extension" be added after "(i) Automatic" and after "(ii) Discretionary."

The motion carried unanimously.

Professor Tachau suggested that an introductory sentence be added to the second paragraph to the effect of, “of course, for there to be an automatic extension, the university needs to know that there has been a qualifying event.”

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

V. Announcements

- The next Faculty Council meeting will be Tuesday, October 4, 3:30-5:15 pm, University Capitol Centre 2520D.
- The next Faculty Senate meeting will be Tuesday, October 18, 3:30 – 5:15 pm, Senate Chamber, Old Capitol.

VI. Adjournment – Professor Pendergast moved and Professor Ringen seconded that the meeting be adjourned. The motion carried unanimously. President Fumerton adjourned the meeting at 5:03 pm.