

The University of Iowa
FACULTY SENATE
September 25, 2001
Old Capital, Senate Chamber

Members Present: K. Abdel-Malek, J. Aikin, Z. Ballas, A. Bhattacharjee, D. Bills, T. Boles, D. Brown, C. Colvin, J. Cowdery, J. Cox, D. DeJong, J. Desmond, C. Dungy, L. Dusdieker, B. Fallon, R. Hamot, R. Hegeman, , L. Hunsinger, R. Hurtig, E. Irish, J. Jew, S. Kurtz, S. Larsen, P. Lloyd, C. Lynch, D. Mandersheid, T. Mangum, K. Marra, A. McCarthy, J. Menninger, S. Moorhead, P. Muhly, B. Muller, G. Parkin, J. Polumbaum, C. Porter, A. Qualls, M. Raymond, C. Ringen, J. Ringen, P. Rubenstein, T. Schmidt, H. Seaba, R. Slayton, L. Snetselaar, C. Sponsler, W. Stanford, S. Stromquist, K. Tachau, L. Troyer, R. Valentine, E. Wasserman, J. Westefeld,

Members Absent: J. Altman, S. Armstrong, N. Bauman, J. Berg, C. Berman, R. Bork, M. Browning, P. Chang, H. Cowen, K. Diffley, L. Geist, M. Klepser, R. LeBlond, J. P. Long, R. Miller, J. Moyers, W. Nixon, I. Nygaard, S. Vincent, R. Weir, P. Weller

Members Excused: V. Grassian, P. Heidger, Phil Kutzko, T. O’Dorisio

Guests: C. Tipsword (Safety and Security Committee), Pat Arkeme (Staff Council), John Keller (Graduate College), Chuck Green (Dept. of Public Safety), Jon Whitmore (Provost Office), Jim Jacobson (*Gazette*), Charles Drum (University Relations), Lee Anna Clark (Provost Office), Lola Lopez (Provost Office), Chris Squire (Provost Office), Steve Hoch (Provost Office), Vicki Hertz (Faculty Assembly), Heather Woodward (*Press-Citizen*), Julie Thatcher (Faculty Senate Office)

I. Call to Order

President Bhattacharjee called the meeting to order at 3:35.

II. Approvals

A. Senate Minutes, April 24, 2001

The minutes were accepted as amended.

B. Recommended Council/Senate Replacements

The recommended replacements were accepted.

C. Recommended Committee Replacements

The recommended replacements were accepted.

III. Announcements and Reports

A. Faculty Convocation

President Bhattacharjee urged the Senators to attend this evening's Convocation, the annual event during which faculty awards are given out. President Coleman will address the budget reduction and her vision, providing a compass for how she will direct the university. Governor Vilsack has recommended a cut of 46 million dollars, of which almost 22 million is to come from the University of Iowa. President Bhattacharjee warned that cuts of this magnitude can change the face of the University, but relayed that at present, all that has happened is that the numbers have come in, and the central administration is looking for feedback.

B. Provost's Annual Report to the Senate- Jon Whitmore

Provost Whitmore began his address by admitting that the recent national tragedy and the budget cut had tempered his optimism. Nonetheless, he is deeply impressed by how the faculty has stepped forward to provide open dialogue and a strong sense of community after the terrorists' attacks in New York City and Washington. He thanked the faculty for their response to these awful events. He then reported that late last week he learned of the 22 million dollar cut to the university's budget. The substantial tuition increase being considered by the Board of Regents is a saving grace. As has been his practice, he provided a "blue book" containing reports of the activities of the past year and plans for the current year. This year he distributed a condensed blue book, plus the URL for a web site where additional details can be found.

Provost Whitmore continued that with the new budget information, we are forced to decide what we wish to preserve. Having considered how to balance a complex university, he emphasized that we must identify and protect the core, a topic that President Coleman will address at Convocation. As he had discussed this summer with Faculty Council, he sees the university's core as having three parts: the curriculum, the people—faculty, students, and staff—and our shared values of learning, commitment to the community, integrity and quality. Using the analogy of a three-legged stool, which is apt to tip, he wants to add a fourth part to the core to increase its stability: a blueprint for the future, the Strategic Plan. That document sets forth the university's commitment to innovation, to augmenting strengths, to building distinction, in areas such as library acquisition and interdisciplinary activities.

Provost Whitmore then spoke in more detail about interdisciplinary programs. Interdisciplinary programs will remain an area of commitment. The two committees the Provost appointed last year made excellent recommendations, and some of those have been implemented already, such as the appointment of a Special Assistant to the Provost for Interdisciplinary Activities, Prof. Chris Squire. He reported on Prof. Squire's survey on interdisciplinary activities, which included the finding that a large number of faculty already are so participating, and 30% of faculty are interdisciplinary by nature of their appointments. Interdisciplinary projects have garnered \$25 million in external support. He announced the creation of a new web page on interdisciplinary activities as his office's response to the faculty committee's charge to provide an annual report. Provost Whitmore concluded his remarks by renewing his support of the

partnerships among faculty, deans and colleges. He celebrates the progress of the university and pledged to build upon the core and expand it as resources allow.

Provost Whitmore then took questions from the Senate. Prof. Kurtz asked about the timeline for the budget cuts. Provost Whitmore replied that since these are not across-the-board cuts, the legislature must approve them, which won't happen for some time. Also, the central administration cannot come up with a plan in a few days to accommodate the drastic budget cuts. Rather, it will take a few weeks at least. Prof. Lynch then asked whether these cuts are enough to balance the budget, worrying that there would be more down the line. Provost Whitmore agreed that that was a possibility.

Prof. Hurtig commented that in the past, the university was able to get by, even when there were cuts. Perhaps that gave the message that there was room to cut more. He suggested that this time there be a tangible consequence to the cuts, or else in the future, the institution may exist only on nonstate funds. He proposed the analogy of a Department of Streets and Roads that leaves potholes unfilled when their funding is insufficient to operate. If courses like freshman rhetoric were cut, it would be obvious that the university lacks the funds it needs to function. Prof. Tachau added that it is extremely important that the effects of the cuts be visible, especially to those who will contact the legislature, such as the parents of our students. She also suggested that hidden subsidies to athletics be cut.

Prof. DeJong asked how much money would be generated by a tuition increase. Provost Whitmore answered that roughly 1 million dollars is generated per 1% increase; i.e. a 15% tuition increase will give us 15 million dollars more. Prof. Aikin noted that this 22 million dollars is cut from this year's budget, not next. She then asked whether the university will be breaking contracts, to which Provost Whitmore replied that it would not.

C. Report of the Funded Retirement and Insurance Committee Chair- Sheldon Kurtz

Prof. Kurtz began his report with the well-known fact that health care costs are rising, as much as 30% nationwide. With that in mind, he had good news for the Faculty Senate regarding the price and makeup of our health care coverage. FRIC can only make recommendations to the President; in most years at the time of the FRIC report to the Senate, the President already has a proposal. President Coleman has not acted yet this year, which is completely understandable in light of the recent events. He also cautioned that FRIC can't control the amount of the flexible benefits, but would like to see them increase if our health care costs increase. At present, there are two unknowns: whether the President will accept the recommendations of FRIC and whether flexible benefits will increase.

Prof. Kurtz then gave some specifics about the increases his committee expects, which he characterized as fairly low increases in both out of pocket expenses and copayments. He noted that whereas deductibles in Chip I, II, and III will all increase this year, it is the first time in some years that they have increased at all, and predicted that there will be small yearly increases from now on. The increases on premiums have been kept small, and in four plans, there is no increase at all. The cost of UI Care plans will see very minor increases. Finally, he emphasized that being in Chip I makes no economic sense at all.

Regarding early retirement, Prof. Kurtz reported that the Board of Regents will terminate the current incentive program for early retirement this year. Recently the regents have made the current plan a little more flexible for those who would be eligible, having reached the age of 62, by this June. Those wishing to take advantage of the early retirement program may now exercise this option by retiring in June 2002, or one or two years after that. This amended plan has not yet been okayed on this campus. FRIC will meet next Friday with President Coleman and will make that recommendation then. By this November the regents want a proposal for future early retirement programs. FRIC is very busy working on such a proposal, which must be completed in October to be put on the docket for the November regents meeting.

Prof. Westefeld asked whether, if Chip I is eliminated, it will be replaced by a similar plan. Prof. Kurtz replied that it may be. Prof. Tachau agreed that we are splitting the pool of insured and suggested that we be given fewer options. She emphasized the need for a plan that covers University employees who are often working away from Iowa City. She brought up the need for parity in coverage for mental health. Prof. Kurtz replied that they are working toward that; the problem is how to incorporate it into existing plans, as a certain consequence is that costs will go up. Prof. Tachau then expressed her concern that Wellmark is decreasing the amount they will reimburse local psychiatrists and psychologists who are not affiliated with UIHC. Prof. Kurtz answered that FRIC was aware of this movement and had been talking about it, but hadn't done much about it yet. Their first concern was to get the right panel of providers.

D. Report of the University Safety and Security Committee- Chuck Green and Connie Tipsword

President Bhattacharjee introduced this topic by reminding the Senators that we had received a packet of information, including two specific proposals, on an issue that the Faculty Senate Officers first became aware of about a month ago during a meeting with President Coleman. The main proposal is to arm the sworn officers of the Department of Public Safety (DPS) with air tasers, which are stun gun devices. He reminded the Senate that for three decades, the officers of DPS have not carried lethal weapons. This policy was reaffirmed unanimously by the Senate a few years ago. Now this proposal for tasers has been viewed favorably by the administration and by the student government. The vote on this issue in Faculty Council was very close, where the proposal failed by a margin of a single vote.

Director of Public Safety Chuck Green then gave a brief presentation. He concentrated on the question of what the expectations are of the sworn officers of the DPS. Using the specific case of Memmer, a suspect for the recent double murder in Coralville, he asked, if a fugitive sought for homicide is found on campus, what do we expect of our DPS officers? He stated that whenever an armed suspect was about, ICPD must be called in. He addressed the opinion in a recent issue of the *Press-Citizen*, in which he was challenged to demonstrate the need for the taser. His officers provide law enforcement. Without appropriate tools, he will change their charge to that of security only. If they have no weapons, from now on the only option will be to call in the ICPD.

After his presentation, Green answered questions from the Senators. Prof. Brown asked whether, if an officer draws this device, someone would think it is a lethal weapon, and so maybe provoke more force from a gun? Green replied that tasers are not effective against guns. He reminded us that most of the weapons they have encountered are sharp-edged; however, so far it has been the uniform that evokes the cooperative response from an assailant.

Prof. Hunsinger brought up the student protests on campuses across the nation during the 1960's. He then asked for clarification: whether the DPS can be called on to deal with issues other than dealing with unruly teenagers, and suggested that maybe we should be calling in the ICPD in more serious situations. Green stated that he is ready to build the best campus security force, but it won't be doing any more law enforcement without the appropriate tools. Prof. Hunsinger continued that he was not sure he wants the DPS to be a police force, and thought that this was an issue for the community to decide. Green repeated that often the DPS does call in ICPD. That was the case when they found Memmer, the double murder suspect in the Field House. On the other hand, during an incident when a student was holding a knife to the throat of another student, DPS responded, called ICPD, but they didn't come as they were tied up with other legitimate activities.

Prof. Kurtz asked whether there is a line where the jurisdiction of DPS ends and ICPD starts. Green replied that they blend: ICPD can come on campus to make arrests, and similarly DPS officers can go off campus to make an arrest. Prof. Lynch asked who is in control when ICPD is called in, to which Green replied that ICPD is, especially when weapons are involved. Prof. Hurtig then asked about jurisdictions where police don't have weapons, do they have stun guns? Green replied that, except for those in England, he doesn't know of any police departments without firearms. Prof. Colvin asked whether, if tasers are allowed, the agreement in which DPS blends with ICPD would change. Green replied that it would not, adding that even now, when they are called, ICPD prefers that DPS officers go first, to see if there are less than lethal alternatives.

Prof. Mangum asked whether DPS officers can make arrests, to which Green answered that they can, just like ICPD, since after all, they get the same training. Prof. C. Ringen inquired about the availability of any statistics regarding taser use that resulted in officers getting hurt, as a result of having tasers. Green answered no, and added that a lot of times all one has to do is to point the taser to get compliance. Simply marking the potential target with the taser's red light spot has a very strong psychological effect that makes a person wish to comply with the officers. He added that tasers are great for stopping possible suicides.

Prof. Porter requested more information about the statistics of lethality associated with tasers. Green replied that there have been no reports of deaths caused directly by a taser in the 30 years that it has been on the market. There have been some reports of deaths, but most of these were associated with PCP ingestion, for some unknown reason. Nonetheless there have not been numerous reports of death. Prof. Westefeld then asked Green, since officers haven't been armed for so long, what has changed for him? He answered that he has been trying to do this for seven years. Although he was opposed to arming DPS officers before he took the job as Director of Public Safety, by the end of his first year he was convinced that they need to be armed. Prof. Sponsler followed by asking whether the degree of violence has changed on campus, to which

Green replied that it ebbs and flows. What has changed is his expectation of the DPS officers. Incidents happen, and it is his position that officers need to be prepared when there is an unexpected weapon.

Prof. Kurtz moved and Prof. Lynch seconded the following:

MOTION 1: Include stun device, Air Taser brand, with the equipment assigned to all sworn Public Safety Officers.

Prof. Hurtig asked whether this is an all or none question. Will DPS officers carry a taser all the time, or just in response to certain kinds of situations, in which case it would require pulling them out of the trunk for specific situations. Green responded that they had considered the latter, but rejected it, seeing the problem that an officer doesn't always know ahead of time whether and what kind of weapons they will encounter. This would be especially problematic for small officers.

Prof. Aikin echoed Prof. Hunsinger's comments about the 60's, and cautioned us to remember Kent State. While she was not opposed to stun guns, she is very concerned that without stringent guidelines, they could be used against protesting students. Prof. Hurtig agreed, adding that he would feel more comfortable if the DPS could provide to the senate a description of the circumstances under which tasers would be used.

Prof. Hurtig offered the following friendly amendment to add at the end of proposal 1:

Amendment: The DPS will make available to the Faculty Senate for its review the guidelines given to the officers describing under what circumstances the taser would be used.

The amendment was accepted by Profs. Kurtz and Lynch.

Prof. Cox then spoke to the general point. He stated that we are obviously divided, unfortunately so. Similarly are the students and the staff divided on this issue, and the community as well is divided. He continued that there is a special history in this community. We have had an unarmed campus for 35 years. Two years ago we were not divided, but voted unanimously to remain unarmed. Since then, there has been no outcry from students or faculty. We have an experiment that has worked. What has changed is the rhetorical force with which this issue is presented. The only objections to the lack of arms have come from DPS. Prof. Cox urged us not to give this up lightly, adding that he thought that this will not be the end of the discussion. His advice to the administration is not to give up an experiment that has been working.

President Bhattacharjee then explained the table prepared by Prof. Irish, in which incidents in the last six years involving a weapon were categorized by weapon type and by severity of its involvement.

Noting that opinions were strong, Prof. Cowdery called the question, seconded by Jean Jew. *The motion failed.*

The discussion resumed with Prof. Brown offering three points. First, he believes that Green is right, that if we insist on asking DPS officers to be put in the line of danger, it is not fair that they do so without a weapon. Second, Eric Shaw would be alive if ICPD had tasers. Third, DPS will not move from tasers to guns unless the faculty approves; this is not a case of a slippery slope. Prof. Kurtz added that the 35-year tradition of an unarmed campus will not be gone. He viewed the taser as essentially long distance mace, not a lethal weapon. Adopting the use of the taser will not turn us into an armed campus, but will give our DPS officers what they deserve.

Prof. C. Ringen stated that she felt uneasy about the example that Green gave in support of adopting the taser. In this domestic dispute, in which weapons turned up unexpectedly, if an officer armed with a taser had drawn it, might that not have provoked the assailant so that officer would have been killed? Prof. Tachau cautioned that we cannot put ourselves in the place of the DPS officers. She noted that a lot of the incidents have been at the hospital, and suggested that only DPS officers there have tasers. Prof. Troyer weighed in with her concern about adopting tasers, noting that things currently are working just fine. She felt that Green's arguments support his need for guns, not tasers. She also reported that she had done some independent checking on the web, and found a significant number of reports in which the taser was ranked low in effectiveness. She felt that we should hear about alternatives.

Prof. Porter then commented on the "nonlethal" assessment of the taser. He noted that there is a 4.8 % mortality for males, and maybe higher for females. There is also an increased rate of fetal loss. He did not want to suggest it is lethal, but felt it was unfair to characterize as nonlethal. Prof. Mangum added that to vote for the taser is to convert the DPS to a police force. She wants DPS officers to feel safe. She would like to have a security force, not a police force on campus. Prof. Stromquist stated that we all appreciate the hard and dangerous work the DPS does. He also appreciates the DPS's creativity in diffusing situations, in absence of firearms. He reiterated his wish to express appreciation; however, he did not think that the statistics show that the campus has become more dangerous. He felt that we should take pride in being a campus that has resisted the tide to arm campus police.

Prof. Manderscheid countered Prof. Porter's characterization of the taser as not nonlethal, referring to the attached letter from Vice President Skorton, in which he concludes that the taser is less dangerous than a nightstick. Prof. Brown admitted that he has been wavering on this issue, and was not convinced that this is urgent. He thought that the community as a whole should readdress what kind of force we want and whether campus police should have to deal with lethal situations. Prof. Lynch replied that he will vote for adopting the taser because Director Green refuses to put his officers in harm's way. Prof. Lynch added that he would rather have campus police deal with campus situations. Prof. Wasserman agreed, asserting that we need to do everything we can to support the DPS. He continued that to fail to see any dangerous trends after the awful events of two weeks ago is a most specious argument. Prof. Desmond added that she was shocked at the number of weapons encountered by the DPS, and that this number was convincing to her.

Prof. Qualls called the question, seconded by Prof. Cowdery. *The motion carried.*

MOTION 1: (see above). *The motion carried, with 25 in favor and 18 opposed.*

Prof. Hurtig moved and Prof. Tachau seconded the following:

MOTION 2: If the president is to choose to implement this proposal, the President will review it in one year to assess its effectiveness. *The motion carried.*

Prof. Porter asked whether the President will see numbers of the vote. President Bhattacharjee answered that she will.

Prof. Lynch moved and Prof. Dungy seconded the following:

MOTION 3: Change the designation of all sworn personnel from Public Safety Officers to Police Officers in the Department of Public Safety. Change the division designation from patrol division to police division.

Prof. Tachau asked why changing the names is important. Green answered that currently there is confusion about their status, which allows one to question their authority. If the names are changed, officers won't have to prove anything. Prof. Tachau pursued this point, asking whether the change would occur this year, incurring the cost of changing the regalia in a terrible budget year. Green pointed out that his officers are currently badgeless, as they are waiting for this decision.

Prof. Bills moved to table the motion. *The motion failed.*

John Cowdery then called the question, which was seconded by Prof. Mandersheid. *The motion carried.*

MOTION 3 (see above). *The motion carried.*

IV. From the floor

President Bhattacharjee then requested any motions from the floor. By consensus, the motion was for adjournment.

V. Adjournment

The meeting adjourned at 5:24.

Respectfully submitted,
Erin Irish
Secretary