

FACULTY SENATE
Tuesday, December 2, 2008
3:30 – 5:15 pm
Senate Chamber, Old Capitol

MINUTES

- Present:** D. Anderson; D. Asprey; J. Beckman; J. Bertolatus; S. Bishara; D. Black; G. Buettner; H. Butcher; M. Cohen; J. Fieselmann; J. Garfinkel; E. Gidal; D. Hammond; B. Justman; K. Kader; D. Look; S. Lutgendorf; T. Mangum; J. Menninger; F. Mitros; A. Morris; N. Nisly; M. Noonan; F. Nothwehr; B. Plapp; J. Polumbaum; L. Richman; C. Ringen; L. Robertson; K. Schuh; C. Scott-Conner; C. Sponsler; K. Tachau; R. Valentine; T. Vaughn; S. Vincent; E. Wasserman; J. Wilcox; R. Williams; M. Wilson Kimber; C. Woodman.
- Absent:** L. Ayres; G. Bergus; L. Boyle; M. Donovan; G. El-Khoury; T. Gross; C. Helms; G. Jogerst; L. Kirsch; T. Kresowik; D. Macfarlane; C. McCarthy; S. McGuire; P. Mobily; S. Moorhead; R. Mutel; J. Reist; T. Schnell; W. Sharp; T. Stalter; H. Stecopoulos; N. Street; J. Tomkovicz; M. VanBeek; R. Wachtel; J. Wadsworth; S. Wilson; T. Yin.
- Excused:** A. Campbell; D. D'Alessandro; C. Kletzing; E. Lawrence; G. Russell; L. Wang; S. Wolfe; J. Woodhead.
- Officers**
- Present:** D. Drake (Vice President); M. O'Hara (President); V. Sharp (Past President); S. Stromquist (Secretary).
- Guests:** L. Cox (Ombudsperson); B. Eckstein (Provost's Office); K. Guckert (Dance Marathon); C. Joyce (Ombudsperson); T. McLean (*Daily Iowan*); B. Morelli (*Iowa City Press-Citizen*); B. Sayre (Emeritus Faculty Council); L. Zaper (Faculty Senate).
- I. Call to Order – President O'Hara called the meeting to order at 3:32 pm.
- II. Approvals
- A. Meeting Agenda – Professor Cohen moved and Professor Fieselmann seconded that the meeting agenda be approved. The motion was unanimously approved.
- B. Faculty Senate Minutes (September 2, 2008) – Professor Cohen moved and Professor Richman seconded that the minutes be approved. The motion was unanimously approved.
- C. Committee Replacements (David Drake)

- Donald Black (Psychiatry) to fill the unexpired term of Janeta Tansey (Psychiatry) on Faculty Senate, 2008-11
 - Dwight Look (Internal Medicine) to fill the unexpired term of Brian Schutte (Pediatrics) on Faculty Senate, 2008-10
 - Jill Beckman (Linguistics) to replace Jeff Cox (History) on Faculty Senate, Fall 2008
 - One new appointee to the Faculty Judicial Commission: John Wadsworth (Rehabilitation Counseling), 2008-11
 - Philip Wertz (Dentistry) to fill a vacant position on the University Libraries Charter Committee, 2008-11
 - Michael Eckert (Music) to fill the unexpired term of Mary Trachsel (Rhetoric) on the Council on Teaching, 2008-09
 - Larissa Samuelson (Psychology) to fill the unexpired term of Carolyn Brown (Communication Sciences & Disorders) on the Family Issues Charter Committee, 2008-10
 - Patricia Clinton (Nursing) to replace Astrid Oesmann (German) on the Human Rights Charter Committee, Fall 2008
 - Keela Herr (Nursing) to replace Gina Schatteman (Integrative Physiology) on the Governmental Relations Committee, 2008-09
 - Jerry Anthony (Urban & Regional Planning) appointed to the Committee on the Selection of Central Academic Officials, 2008-11
- Professor Cohen moved and Professor Asprey seconded that the committee replacements be approved. The motion was unanimously approved.

III. New Business

- *Dance Marathon (Katie Guckert, Executive Director)*

Ms. Guckert explained that Dance Marathon is the largest student-run philanthropic organization on campus. About 1600 students from many different departments participate. The group raises money to benefit children treated for cancer at the University of Iowa Children's Hospital. Currently the group is supporting 350 families, but the funds raised also go beyond the families to support the Children's Hospital in general. Ms. Guckert invited faculty to the Dance Marathon event, to be held from 7 pm on Friday, February 6, to 7 pm on Saturday, February 7. She referred the group to her handout, *Dance Marathon Information for University of Iowa Faculty*, for various ways that faculty could show support for the event. Faculty members can dance for the full 24 hours, or for a four-hour shift (Spirit Dancing) on Saturday. Other ways to participate include donating money; acknowledging and thanking student dancers in your classes; and volunteering at the event to help with setup, check-in, etc. Additional information about the event can be found at <http://www.uiowa.edu/~dancemar/>. President O'Hara encouraged faculty to participate in Dance Marathon and praised the students' efforts in putting on this event.

- *Proposed Revision to Chapter 15 Professional Ethics and Academic Responsibility, Section 15.4 Responsibilities to Colleagues (Mike O'Hara)*

President O'Hara indicated that several years ago the Ombudsperson had come to the Faculty Senate with concerns about the lack of clear guidelines on faculty behavior. When instances of faculty uncivil behavior toward faculty colleagues or staff arose, DEO's did not have a policy to refer to in order to handle the situation appropriately. First Professor LeBlond and then Professor Kurtz began drafting a revision to the Operations Manual Part III Chapter 15 Professional Ethics and Academic Responsibility to address this issue, with a focus on Section 15.4. This section had previously referred only to faculty colleagues, but was expanded to include staff colleagues, as well (faculty interactions with students are addressed elsewhere in Chapter 15). The Faculty Council made further revisions to the policy at their recent meeting.

Professor Tachau referred to a discussion that had occurred at another Faculty Council meeting about the threat to academic freedom. She explained that in some recent court cases, faculty were not deemed exempt from retaliation after making statements critical of their institutions' administrations. This is a common practice in the corporate world, and it appears the courts were following this example. There is now a movement in the academic world to add wording to academic freedom policies to protect faculty from retaliation when they constructively criticize their administrations. Most of the policy under consideration here refers specifically to faculty and staff, but the last sentence broadens the policy to include other members of the University community, potentially referring to administrators. We need to determine whether or not our *Operations Manual* needs a slight revision to ensure that our current practices regarding academic freedom are protected.

Professor Tachau moved and Professor Menninger seconded that the last sentence ("A faculty member should treat other members of the University community with appropriate respect.") of the policy be tabled until the legal implications of the sentence are considered.

Professor Ringen asked what harm there could be in delaying consideration of this policy. President O'Hara responded that consideration of this policy had already been postponed for quite some time, and that did not reflect well on the faculty. Several senators spoke in favor of considering the policy now. A number of other senators suggested that the last sentence be stricken, as the tight focus of the policy is lost if the sentence is retained. Other senators found the word "appropriate" in that sentence to be problematic. Professor Morris asked if the last sentence was intended to broaden the policy's focus. President O'Hara responded that the last sentence simply sums up a faculty value. Professor Lutgendorf asked how this revised policy related to faculty interaction with administrators. President O'Hara responded that Chapter 15 overall does not refer to faculty interaction with administrators. Administrators would generally fall into the two categories of faculty and staff. Professor Tachau suggested that we consult our lawyer colleagues about this. President O'Hara reminded the group that Professor Kurtz, a lawyer, had drafted the revision.

Professor Mangum made a friendly amendment to the motion to table/strike the last sentence of the revised policy.

The motion with the friendly amendment to strike the last sentence was unanimously approved.

Professor Wasserman noted the specificity of the last two sentences, as opposed to the aspirational nature of the preceding language. Professor Menninger commented that the sentence “However, vigorous debate and criticism are not to be viewed as a lack of respect” was oddly placed, and should come at the end so that it can refer to the entire paragraph. Professor Morris suggested a re-ordering of the sentences, putting the last two sentences after the first two sentences. Professor Menninger asked for a definition of “hostile work environment,” as some might consider criticism, however respectful, to engender such an environment. President O’Hara responded that in his opinion it was not necessary to define terms so concretely in this policy. Most instances of incivility will probably be handled at the departmental level, with only the most egregious cases rising to the level of consideration under this policy. Professor Gidal commented that he found the revised version to be somewhat patronizing, and inferior to the current version. He suggested that the fifth, sixth, and seventh sentences be moved to follow the second sentence, with the current third and fourth sentences moved to the end.

Professor Scott-Conner moved and Professor Cohen seconded that the revised policy with the amended sentence order be approved.

Professor Lutgendorf expressed concern about the meaning of “hostile work environment;” it seems that “vigorous debate and criticism” can still create a hostile work environment even if the person is not threatening or intimidating. The word “hostile” is not defined in a clear and useful way. President O’Hara asked the Ombudspersons to comment on this. Ms. Joyce responded that although some faculty might consider this policy patronizing or unnecessary, the fact is that the Office of the Ombudsperson does see instances of extreme incivility, and there has not been a policy in place to address these cases. There is much clearer policy about staff behavior, and such policy is also needed for faculty. Professor Wasserman asked for examples of this inappropriate behavior. Ms. Joyce and Professor Cox gave the examples of name-calling and shouting. Professor Cox added that the phrase “hostile work environment” is typically applied to situations in which there is hostility based on the Title VII protected categories, such as gender, race, etc. In legal cases, anger does not usually contribute to the creation of a hostile work environment. Professor Tachau made reference to the Jean Jew case as another example of a hostile work environment.

The motion was unanimously approved.

The approved version will be distributed to the Senate following the meeting.

- *Updates to Honorary Degree policies (Catherine Ringen, Chair, Awards and Recognition Committee)*

Professor Ringen explained that the Honorary Degree Selection Committee (HDSC) had requested that the Awards and Recognition Committee look over the current policies and procedures for awarding honorary degrees and recommend some revisions. Specifically, the HDSC had concerns about the vagueness regarding the achievements that could qualify one for an honorary degree, especially philanthropy. Also, the HDSC found impractical the requirement that it consult with the faculty of the appropriate college when an individual faculty member made a nomination. Professor Ringen referred the group to the handout, *University of Iowa Policy on Honorary Degrees*, and indicated where the Awards and Recognition Committee had made changes to the original document. In addition to clarifying wording on the items noted above, the Awards and Recognition Committee also made edits regarding the exclusion of individuals currently holding elected government office from consideration and the required number of letters to support nominations. Senators suggested three minor edits to the document that did not affect content. In response to several questions regarding the policy statement on philanthropy, Professor Ringen stressed that the HDSC needed clear guidelines to follow. While philanthropy cannot be the “main criterion for awarding an honorary degree,” someone who has given a large gift would not be excluded from consideration as long as that person had significant achievements in other areas. She also explained that the phrase “individuals holding elected government office” was intentionally broad, so that it could apply to people both within and outside Iowa.

Professor Scott-Conner moved and Professor Cohen seconded that the revisions to the Honorary Degree Selection policy and procedures, with three minor edits, be approved. The motion was unanimously approved.

- *Office of the Ombudsperson Annual Report (Lois Cox, Cynthia Joyce)*

Ms. Joyce reported that the Office of the Ombudsperson is guided by four principles: confidentiality, informality, neutrality, and independence. The office reports to the president, but only about trends, not specific cases. She referred the group to the handout, *Office of the Ombudsperson 22nd Annual Report*. During 2007-08, the Office handled 424 cases; these included cases handled by phone and email in addition to office visits. The percentages of visitors have remained fairly constant; this past year, the breakdown was staff 52%, students 27%, faculty 16%, and other (patients, parents, community members, etc.) 5%. The Office gave 77 presentations and workshops. Primary concerns for both faculty and staff were job conflicts (65% staff and 55% faculty). Job conflicts included issues such as problems with colleagues, co-workers, supervisors, or administrators. Primary student concerns were academic, 43%. Ms. Joyce noted various trends: there was a significant increase in undergraduate disciplinary concerns over last year, with 3/4 of these related to drugs and alcohol; a rise in graduate student non-academic issues; an increase in faculty concerns about academic issues and a decrease in faculty concerns about tenure, promotion, and salary; a continued increase in cases involving possible discrimination, particularly regarding physical disability; and an increase in cases involving disrespectful behavior.

Professor Cox then discussed the Office's concerns over the past year. She reported that concerns were not tracked statistically but were issues that took up a lot of the Office's time and stood out as unusual. One of these, supervisory feedback, is largely a staff concern, but faculty are often required to give this feedback. If there is bad news to be delivered, the supervisor may give this bad news in a brusque or hostile fashion if the supervisor is uncomfortable. Sometimes employees are given inadequate information about performance evaluations (e.g., they are told that they cannot append any written comments to their evaluations). Human Resources has information available on having difficult conversations. Another, largely staff, concern is the treatment of employees in transitional employment situations. These situations include unsuccessful job applicants, probationary periods, furloughed employees, faculty members denied tenure (people have reported being shunned by their colleagues), and faculty and staff members who have resigned (colleagues expressed resentment that a person was leaving; such persons expressed concern that they would not receive appropriate acknowledgement for the work they had done here). Student trends included undergraduate student discipline and graduate student conflicts. Professor Cox observed that there is no ethics policy for graduate students, although they engage in both research and teaching. Professor Tachau asked if there were patterns of complaint from faculty, staff, and students displaced by the flood. Professor Cox responded that the Office has seen complaints from such individuals, but no patterns yet. (The report data run through June 30, 2008.) The Office was notified by Human Resources that they may see complaints arising from the current economic situation. Ms. Joyce added that the Office is concerned that those affected by the flood may feel that they are invisible.

Professor Wilson Kimber noted that faculty in the School of Music were required to take an online ethics course, but she had not heard of this requirement for faculty in other departments. The Ombudspersons were also unaware of such a requirement for faculty. Professor Ringen commented that DEO's were required to take this course. President O'Hara stated that he would look into the matter. Ms. Joyce added that there is a new conflict management website, located at <http://www.uiowa.edu/~confmgmt/>.

- *Update on Searches (David Drake)*

Vice President Drake reported on the four high-level searches currently underway. The search committee for the Vice President for Legal Affairs/General Counsel will be co-chaired by Dean Carolyn Jones and David Drake. The group has received its charge from President Mason. The job description and recruitment plan are being finalized. The job posting should occur around mid-December. Committee members include faculty members Barbara Schwartz, Carolyn Colvin, Carin Green, Nicole Nisly, and Jay Sa-Aadu; staff members Doug True, Glenn Kell, Randall Ney, Chuck Green, and Debbie Thoman; and students Harrison Wheeler and Rob Sand.

Professor Nancy Hauserman has agreed to be the chair of the search committee for the Vice President for Student Services. The rest of the committee is still being formed. The committee will not begin its work until the committee reviewing the

Office of the Vice President for Student Services submits its report in early February. Professor Keith Carter will chair the search committee for the Vice President for Strategic Communications. The rest of the committee is still being formed. A search firm will be used, and should be selected this month. A committee to search for the Chief Diversity Officer will be formed after January 1. The organizational chart and job description for this position are still under consideration.

Vice President Drake added that the search for the Vice President for Research is currently on hold.

- *CLAS re-districting (Shel Stromquist)*

Secretary Stromquist explained that the College of Liberal Arts and Sciences had recently re-structured its three voting groups to make them consist of approximately equal numbers of faculty. An imbalance in numbers had arisen because of the removal of certain departments (Microbiology, Economics, etc.) from the CLAS voting system. Although historically these voting groups had disciplinary coherence, they now serve strictly as voting divisions. The CLAS Executive Committee approved this restructuring last spring. The new alignment has been brought before the Senate because the Faculty Senate election process for CLAS uses this structure at the nomination and Senate election stages. Four departments were moved from Group 1 to Group 2, and two departments were moved from Group 3 to Group 2.

Secretary Stromquist moved and Professor Menninger seconded that the Faculty Senate adopt the new CLAS alignment for the purposes of Faculty Senate elections.

Professor Ringen asked if this new alignment had been voted on by the CLAS Faculty Assembly. Secretary Stromquist responded that this had not been required for adoption. Professor Ringen suggested that there be no divisions for voting, since the new divisions do not have disciplinary coherence. The Carver College of Medicine, for example, does not divide its faculty into groups for the purpose of voting in the Faculty Senate elections. Professor Polumbaum observed that voting divisions provide greater opportunity for representation for smaller departments. Professor Tachau noted that faculty members from different departments have different experiences (e.g., when and how research is done, the role of graduate students). Some charter committees require their faculty members to come from different areas in order to elicit a wider perspective. She suggested that there be an extensive discussion of this issue. President O'Hara responded that for the 2009 election, the Senate would need to make a decision today.

In a voice vote, the motion was defeated.

President O'Hara suggested that a committee of CLAS senators be formed to look at CLAS representation within the Senate and to come up with an alignment based on faculty size. Professor Cohen asked if re-districting was ever done based

on faculty numbers within colleges. President O'Hara responded that this was done every year in compliance with instructions in the Faculty Senate constitution.

- *COIA Bylaws (Mike O'Hara)*

President O'Hara explained that the Coalition on Intercollegiate Athletics (COIA) is an organization of faculty senates "at NCAA Football Bowl Subdivision (FBS; formerly Division IA) institutions that have elected to join the Coalition by vote of their senate membership." The University of Iowa has been a member of this organization since its inception. Various faculty members have attended the COIA annual meetings over the years. COIA has now created bylaws, and we have until December 8 to vote on whether these bylaws should be approved. COIA does not require dues. President O'Hara added that COIA has generally been regarded as a positive organization, and an important one for us to participate in.

Professor Cohen and Professor Ringen seconded that the COIA bylaws be approved. The motion was unanimously approved.

IV. From the Floor

Professor Tachau expressed concern that it appeared that no representative from the President's Office or the Provost's Office was in attendance at the meeting. President O'Hara responded that a representative from the Provost's Office had been at the meeting earlier.

Professor Mangum asked about the status of the Strategic Initiatives. President O'Hara responded that the Provost has been communicating frequently with the Faculty Senate leadership about this. He was not entirely sure of its status at this point, but the Strategic Initiatives plan has not yet been finalized.

Professor Ringen asked for an update on the FRIC proposal for the re-structuring of employee benefits. Professor Tachau, a member of FRIC, responded that FRIC meetings occur on the first Friday of each month and faculty are welcome to attend. FixFlex has presented its alternate proposal. Human Resources is working on determining how this proposal would affect employees. FRIC is also open to other concrete proposals. FRIC is currently exploring whether child care benefits can be separated from health care benefits.

V. Announcements

- The Faculty Senate/Iowa City Area Chamber of Commerce Legislative Reception will be held on December 18, 4:30-6:00 pm, in the Old Capitol. President O'Hara stressed that this was a critical time to be communicating with our legislators, and he encouraged senators to attend.
- The next Faculty Council meeting will be Tuesday, January 20, 3:30-5:15 pm, in the Penn State Room, 337 IMU.
- The next Faculty Senate meeting will be Tuesday, February 3, 3:30 – 5:15 pm, in the Senate Chamber, Old Capitol. [Subsequently postponed to Tuesday, February 17, 3:30-5:15 pm, in the Senate Chamber, Old Capitol.]
- The Faculty Senate election process will begin in February with nominations; please encourage your colleagues to participate. President

O'Hara commented that a vigorous Faculty Senate is critical to faculty vitality on campus.

VI. Adjournment – Professor Ringen moved and Professor Menninger seconded that the meeting be adjourned. President O'Hara adjourned the meeting at 5:11 pm.