

**FACULTY SENATE**  
**Tuesday, December 6, 2011**  
**3:30 – 5:15 pm**  
**Senate Chamber, Old Capitol**

**MINUTES**

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

- I. Call to Order – President Fumerton called the meeting to order at 3:35 pm.  
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultySenate.12.06.11.pdf>.
- II. Approvals
- A. Meeting Agenda – Professor Treat moved and Professor Pendergast seconded that the agenda be approved. The motion carried unanimously.
  - B. Faculty Senate Minutes (October 18, 2011) – Professor Kurtz moved and Professor Pendergast seconded that the minutes be approved. The motion carried unanimously.
  - C. Committee Replacements (Linda Snetselaar, Chair, Committee on Committees)

- Elias Shiu (Statistics & Actuarial Science) to fill the unexpired term of Yasser Karim (Anesthesia) on the Financial Aid Advisory Committee (2011-2012)
- Surjit Khurana (Mathematics) to fill the unexpired term of David Drake (Dows Institute) on the Judicial Commission (2011-2013)
- Rachel Williams (Women's Studies) to fill a vacancy on the Judicial Commission (2011-13)

Professor Kurtz moved and Professor Pendergast seconded that the committee replacements be approved. The motion carried unanimously.

- D. Faculty Senate Elections Vacancy Tally (Linda Snetselaar) – Vice President Snetselaar announced that there are 13 open seats on the Senate and 2 open seats on the Council for the 2012 Faculty Senate elections. She indicated that nominations would begin in late January and she requested that senators encourage their colleagues to nominate themselves or others for vacancies. Professor Jeske moved and Professor Kurtz seconded that the vacancy tally be approved. The motion carried unanimously.

### III. New Business

- *Funded Retirement and Insurance Charter Committee Update (Shelly Kurtz, Co-chair)*  
Professor Kurtz observed that the annual enrollment period for university benefits had occurred last month and he commented that many employees saw little or no increase in premiums for health insurance. He noted that the enrollment pool for the CHIP II health insurance plan remains small, but that there is no intention of terminating the plan next year, although this may happen in the future. It is unclear to the committee why employees continue to enroll in the plan, since it is cost-effective for only a very small group of people.

Professor Kurtz then spoke briefly about long-term care insurance policies. Given the high cost of providing such care, there is a possibility that industry-wide rate increases will occur for these plans. Professor Kurtz also mentioned that many of the UIHC clinics most often visited by university employees will eventually be moving to the Iowa River Landing, a new site currently under construction in Coralville. He suggested that the Faculty Senate invite a UIHC administrator to speak to them about the new Coralville site and its impact on university employees who have long been accustomed simply to walking over to the hospital for their care.

- *Electronic CV (Tom Rice, Associate Provost for Faculty and Marge Pottorff, Coordinator, Faculty Human Resources, Provost's Office)*

Associate Provost for Faculty Tom Rice indicated that this project had been briefly mentioned to the Senate last year, but he was now formally presenting the project to the faculty and asking for their support of it. He reminded the group that the university had come under increasing pressure from the legislature to demonstrate the value and quality of faculty research and teaching. While Associate Provost Rice has no doubt about the value and quality of faculty work, he has realized that proving this is difficult without readily available data. He gave an example of a request by the Board of Regents, State of Iowa for the university to provide to the legislators data on the number and amount of grants brought to the university by faculty on career development awards two years ago. Working with the Office of the Vice President for Research, as well as with the faculty who had received the awards that year, the Office of the

Provost was eventually able to put together data to respond to this request. As another example of a situation in which it would be helpful to have readily accessible, comprehensive data of faculty activity, he noted that, when President Mason travels throughout the state or country, she likes to present information on faculty activity in that particular area. The electronic CV project will allow for the creation of just such a comprehensive source of data.

The company with which the university is working on the project has implemented the electronic CV in hundreds of university departments throughout the country, but the UI will be one of the first to implement the electronic CV campus-wide. In addition to the standard information usually included on CV's, the electronic format will also elicit information about publicly-engaged work, thus allowing for reports to be generated illustrating faculty activity in a particular city or county. These reports can serve as a marketing tool for the university among the legislators and the people of Iowa. The data can also be used for responding to requests for information from accrediting bodies, as well as for generating data required by DEO's for annual reviews. Associate Provost Rice indicated that the electronic CV program will be rolled out to the colleges individually, allowing them to tailor the template to their needs; the Tippie College of Business, for example, has already fully implemented the electronic format. He acknowledged that it will be time-consuming for faculty members to input the initial data, but he added that student workers may be available to assist with this task. Also, it may be possible to download information from various databases. Then, faculty members will need to update their information periodically. The goal is for the system to be fully implemented by December 2012.

Professor Tachau expressed skepticism about the ease with which information could be retrieved from the system and she wondered what glitches had been encountered thus far. Ms. Pottorff responded that she has identified few glitches, but that she has been working with the colleges to adapt the system for specific needs. For example, she is now working with the College of Liberal Arts and Sciences on how best to create profiles for faculty who do not fit into the business or science model. She did indicate, however, that there has been some difficulty in creating the National Institutes of Health biosketches that faculty applying for NIH grants must supply. Professor Tachau urged that DEO's for departments such as Music, Art & Art History, English and History be consulted for their views on the profiles. Professor Muhly asked if the database could be manipulated in order to produce CV's of various lengths for different purposes. Ms. Pottorff responded that there would be collegiate templates that could be used. Professor Kurtz wondered if faculty members would need to input their courses taught along with their numbers of students. Ms. Pottorff commented that this information is currently being downloaded from ICON; faculty members would mainly need to add information on service and presentations. All data, however, would need to be updated and/or verified by faculty members. Professor Nisly asked if public engagement is currently being elicited by the system. Ms. Pottorff responded that it was not currently being elicited, but that pop-up questions will be added to encourage the inclusion of such information.

Professor Cuning asked whether time spent meeting with students could be added to the CV. Associate Provost Rice responded that the revised faculty activity report, soon to be implemented, would be a better tool to capture this type of information. Professor Cox asked if the electronic CV would be available to the general public. Ms. Pottorff answered that the

electronic CV is accessed by the faculty member only through workflow and access to the database is highly restricted. Faculty members could choose, however, to post CV's generated by the system to their personal or departmental websites. Professor Kurtz expressed concern about privacy issues, but Ms. Pottorff indicated that rules applicable to human resources data would also apply to the electronic CV database. Professor Pendergast considered the electronic CV a useful tool, but one with many details still to be worked out. She urged that faculty members, not just administrators or DEO's, be consulted regarding their needs. She added that faculty members need to generate CV's that are acceptable at the departmental level, since even departments within the same college can have very different requirements. And, she suggested that data be pulled down into Excel or Access, not into Word, as Word documents would need to be modified each time they are created.

Professor Wilder recognized the benefits of moving to an electronic CV system, but he raised concerns about the company providing the service, specifically, will the company still be in business in the long run and will upgrades to the system be seamless? Ms. Pottorff addressed those concerns, indicating that the company is a leader in its field with a very quick and reliable support component. Each college will have an administrator who is the company's main contact person. She added that staff from UI Information Technology Services and the Office of the General Counsel had reviewed the university's contract with the company and been satisfied with its terms. Many other institutions of higher education are using this company with great success. President Fumerton encouraged faculty to approach this project optimistically.

- *Research-Track Promotion Policy (Richard Fumerton)*

President Fumerton explained that this promotion policy, drafted by the Office of the Provost, would not be included in the Operations Manual, but like the promotion policies for clinical-track and tenure-track faculty, it would be posted on the Office of the Provost website. The research-track promotion policy and the clinical-track promotion policy differ only in language in key places regarding research (expected of the former) and teaching (expected of the latter). President Fumerton noted that research-track faculty are now coming up for promotion, so it is necessary to have a promotion policy in place.

Professor Pendergast expressed a generally positive opinion of the research-track promotion policy. She noted the insertion of the qualifying parenthetical phrase (*if any*) in various places in the policy and suggested that whenever material evidence of teaching is mentioned, this phrase consistently be added in order to emphasize that teaching is not required for promotion of research-track faculty. She indicated that the phrase could be added in the fourth line of III.A.(1), *...the Promotion Record (consisting of student teaching evaluations, **if any**, and publications)...* President Fumerton reminded the group that the research-track policy in the Operations Manual describes the limited situations in which research-track faculty can engage in teaching. Ms. Pottorff said that she would make this edit to the policy.

Professor Pendergast also asked for clarification of the service allowed for research-track faculty. Is it service confined to the research enterprise or can it have a wider scope? Ms. Pottorff responded that the definition of service given in the Definitions section early in the policy (*responsibilities in the research enterprise*) should carry through the entire document. She

noted, however, that this service could extend beyond the research enterprise to include, for example, serving on the promotion committee for another research-track faculty member. Professor Tachau recalled that the Senate had wanted to emphasize the differences between the research-track and the tenure-track. She suggested limiting to one page a research-track faculty member's list of service activities, thereby signaling that service is not a substantial portion of the promotion portfolio. Secretary Bohannon drew the group's attention to the Research Track Policy in the Operations Manual, which states in a.(1)(a) (referring to items that a collegiate research track policy must address), *Participation of research-track faculty in collegiate faculty governance...* She commented that the policy appears to leave it up to the colleges to decide how much service that research-track faculty can perform, within the limits of the university-wide policy. Professor Tachau added that the policy prohibits research-track faculty from engaging in some specific university service activities, such as serving on Faculty Senate. Secretary Bohannon and Professor Pendergast noted that service on research-related university-wide committees might be appropriate for research-track faculty. Professor Pendergast reiterated that she was merely asking for clarification regarding the boundaries of service allowed for research-track faculty; Ms. Pottorff responded that service should be related to the research enterprise.

Professor Cuning expressed concern about the materialization of a teaching track for faculty, now that the research track has been institutionalized. President Fumerton responded that this was not likely.

Professor Pendergast moved and Professor Tachau seconded that the research-track promotion policy be approved for inclusion on the Office of the Provost website. The motion carried unanimously.

- *Anti-Harassment Policy Revisions (Tom Rice, Associate Provost for Faculty and Judie Hermsen, Human Resources)*

President Fumerton indicated that the revisions to the anti-harassment policy had been reviewed by the Faculty Policies and Compensation Committee and by the Faculty Council. He stressed that the Senate should focus discussion on the revisions, as the policy as a whole had been approved by the Faculty Senate in 2005. Associate Provost Rice explained that the Conflict Management Advisory Group, which he co-chairs with Judie Hermsen, came into existence several years ago and was charged by President Mason with reviewing the community policies in the Operations Manual. One of the group's first projects was a review of the sexual harassment policy. Investigations of complaints of anti-harassment policy violations are usually conducted by the Office of Equal Opportunity and Diversity (OEOD), which has discovered that the bar set by the policy is so high that violations are rarely found to have occurred; following the Supreme Court, the UI policy indicates that behavior is not considered harassing unless it incites violence. Associate Provost Rice commented that there are many complaints involving harassment in which the behavior does not rise to the level of inciting violence.

Associate Provost Rice went on to indicate that most of the revisions were minor changes to make the policy's wording consistent with that of the sexual harassment policy. As for substantive changes, the first of these occurs in section 14.4, where language was added to give a complainant additional policy options to pursue if s/he has experienced harassment. The second

substantive change occurs in section 14.3, where language was added to expand the scope of the policy. He stated that if the Faculty Senate approves the revisions, then the policy would go to the deans for review, and then to the President's Office for final approval.

Professor Kurtz asked about the newly-inserted addition of *genetic information* to the list of protected classifications in section 14.5 a. Ms. Hermsen explained that this would make the anti-harassment policy consistent with the recently-passed Genetic Information Non-Discrimination Act. Professor Tachau expressed concerns about whether academic freedom and First Amendment rights received sufficient protection in the policy. Associate Provost Rice indicated that the Office of the General Counsel had reviewed the policy. Ms. Hermsen directed the group to 14.2 b. *Definition of harassment as it relates to the content of speech*, which addresses Professor Tachau's concerns. President Fumerton then directed the group to 14.2 c.(2), another strong statement protecting speech. Professor Ernst added that 14.2 d. also addresses academic freedom. Secretary Bohannon commented that the policy appears to conform well to First Amendment law.

Professor Jeske drew the group's attention to section 14.3 a.(2)(e) *The conduct creates an intimidating or hostile environment*, and asked how *intimidating* was defined. Ms. Hermsen indicated that the language in this section of the policy had been revised to reflect the sexual harassment policy. Professor Tachau commented that the word *intimidating* was vague in this context and suggested that it be removed here and elsewhere in the document. Professor Nisly advocated for focusing only on the revisions made to the document, and leaving for later a thorough review of the entire policy. President Fumerton commented that policy language is sometimes necessarily vague, because not all covered situations can be foreseen. A senator cautioned against having the document give a misleading impression of harassment, which could result in the filing of unfounded complaints. Secretary Bohannon observed that the list of six items under 14.3 a. (2) – which includes the passage in question – does not specify a definition of harassment, but rather identifies the scope of the policy, indicating where and under what circumstances an alleged incident of harassment might occur. She suggested adding language at the beginning of section 14.3 that would direct readers to section 14.2 for a comprehensive definition of harassment, for example, *The University's prohibition of harassment (see 14.2) applies to acts of...*

Raising the issue of "borderline" conduct, that may or may not fall under the policy, Professor Kurtz asked who bears the burden of proof when an allegation is made. Associate Provost Rice responded that usually the OEOD would conduct an investigation of an allegation and that the administration would bear the burden of proof. Ms. Hermsen pointed out section 14.6 e. and f., which describes the procedure to be followed once the investigating office produces a written finding. President Fumerton noted that whatever the finding, the faculty member could take his/her case to a judicial panel. A brief discussion regarding standard of proof was inconclusive.

Professor Cox directed the group's attention to 14.7 b.(4), which states that an administrator may *initiate formal disciplinary action* and then to 14.8 a., which states that *formal disciplinary action taken in response to alleged violations of this policy by faculty members*

*will be governed by the Faculty Dispute Procedures...* Since Faculty Dispute Procedures represent an appeal on the part of a faculty member, he expressed confusion about the timing of these two activities. Can the disciplinary action not be taken unless there is an appeal by a faculty member? President Fumerton responded that, in his understanding of the policy, once an administrator has decided to take disciplinary action, the faculty member can choose to make an appeal prior to the implementation of the disciplinary action.

Professor Steven Levy suggested that the word *or* be inserted after items (a), (b), (c), and (d) in section 14.3 a.(2), for clarification that only one – not all – of these conditions need to be met. Secretary Bohannon further suggested that the word *or* be inserted after item (1) in section 14.3 a., for the same reason.

Professor Kurtz moved and Professor Tachau seconded that the revised anti-harassment policy be tabled until the issues brought up by the Faculty Senate are resolved.

Professor Nisly suggested removing the word *intimidating* and inserting the word *or* in the places mentioned, and then voting on the revised policy yet today, with the intention of carefully reviewing the entire policy in the future.

Associate Provost Rice commented that the changes suggested would require for the policy to come before Staff Council, UISG, and ECGPS once more for approval. Professor Pendergast commented that the entire policy is governed by the definition of harassment provided in section 14.2. Therefore, it is unlikely that a violation of the policy would be found on the sole basis of an allegation that a workplace was *intimidating*.

Secretary Bohannon suggested that these two insertions only be made to section 14.3 a. of the revised policy: *The University's prohibition of harassment, **as defined and limited by section 14.2**, applies to faculty..., and (1) on property owned or controlled by the University or by a student organization, **or** (2)...* Ms. Hermsen indicated that approval of the other shared governance groups would not be required if only these two changes were made.

Professor Kurtz and Professor Tachau withdrew their motion to table the revised anti-harassment policy.

Professor Jeske moved and Professor Barcey Levy seconded that the revised anti-harassment policy be approved with the two proposed insertions (“as defined and limited by section 14.2” and “or”) in section 14.3 a. The motion carried unanimously.

IV. From the Floor –

Professor Tachau moved and Professor Kurtz seconded that the Faculty Senate urge that administrators, when they are applying any policy that impacts faculty (academic freedom, faculty status, First Amendment rights, etc.), consult the policy's legislative history as contained in the minutes of any body that has approved the policy in order to ensure they understand the intent of the policy. The motion carried unanimously.

V. Announcements

- The next Faculty Council meeting will be Tuesday, January 24, 3:30-5:15 pm, University Capitol Centre 2520D.
- The next Faculty Senate meeting will be Tuesday, February 14, 3:30 – 5:15 pm, Senate Chamber, Old Capitol.
- The annual Faculty Senate/Iowa City Area Chamber of Commerce reception for local legislators will be held on Monday, December 12, 4:30-6:00 pm in the Old Capitol.

VI. Adjournment – Professor Pendergast moved and Professor Tachau seconded that the meeting be adjourned. The motion carried unanimously. President Fumerton adjourned the meeting at 5:30 pm.