

FACULTY SENATE
Tuesday, February 13, 2024
3:30 – 5:15 pm
Senate Chamber, Old Capitol

MINUTES

- Senators Present: A. Achenbach, D. Anderson, B. Ayati, J. Bunch, E. Carlisle, M. Carvour, C. Chan, M. Coleman, R. Curto, R. Curtu, H. Dybevik, A. Farag, P. Ferguson, C. Fox, P. Gilbert, A. Goedken, B. Greteman, N. Greyser, C. Grueter, A. Guernsey, J. Gutierrez, N. Handoo, C. Just, A. Kalnins, J. Koch, M. Landsman, D. Langbehn, A. Lesch, B. Li, T. Mangum, S. Martini, C. McMillan, M. McQuistan, B. Nottingham-Spencer, C. Pinnaro, M. Pizzimenti, J. Sa-Aadu, M. Schroeder, D. Shane, Y. Shi, A. Shibli-Rahhal, F. Solt, E. Thomas, C. Turvey, M. Wald, E. Welder, K. Whitaker, K. Worthington.
- Officers Present: M. Charlton, E. Gillan, A. Rodríguez-Rodríguez, C. Sheerin.
- Senators Excused: L. Adams, L. Durairaj, A. Estapa, S. Ganesan, P. Groves, A. Jabbari, J. Kline, K. Parker, T. Rietz, D. Santillan, F. Williams.
- Senators Absent: M. Abou Alaiwa, S. Abuhammoud, B. An, D. Axelrod, C. Benson, M. Berg, R. Cox, E. Destruel, J. Fiegel, V. Lira, H. Mehdi, P. Nau, J. Nepola, M. Santillan, A. Vikram, T. Wadas, S. Young, L. Zingman.
- Guests: D. Clay (DEI Task Force); M. G. Durham (Office of the Ombudsperson); L. Geist (Office of the Provost); J. Jorgensen (DEI Task Force); S. Reddy (*Daily Iowan*); C. Reese (Office of the Ombudsperson); C. Taylor (DEI Task Force); E. Tovar (Office of Diversity, Equity, and Inclusion); T. Uden-Holman (DEI Task Force); S. Vigmostad (DEI Task Force); M. Williams (DEI Task Force); L. Zaper (Faculty Senate Office).

- I. Call to Order – President Gillan called the meeting to order at 3:30 pm.
- II. Approvals
 - A. Meeting Agenda – Professor Langbehn moved and Professor Pizzimenti seconded that the agenda be approved. The motion carried unanimously.
 - B. Faculty Senate Minutes (December 5, 2023) – Professor Langbehn moved and Professor Just seconded that the minutes be approved. The motion carried unanimously.

- C. Committee Appointments (Caroline Sheerin, Chair, Committee on Committees) – Professor Anderson moved and Professor Mangum seconded that the committee appointment be approved. The motion carried unanimously.
- Alicia Ambler (ESL) to replace Carrie Swanson (Philosophy) on the Council on Teaching, Spring 2024

III. New Business

- *Office of the Ombudsperson Annual Report (Chanelle Reese, University Ombudsperson and Meenakshi Gigi Durham, Faculty University Ombudsperson)*

Professor Durham began the presentation on the FY2022-2023 annual report by indicating that the Office of the Ombudsperson is a university resource that provides problem solving and conflict resolution services. These services are available to all faculty, staff, and students, as well as to anyone with a connection to the university (parents, patients, alumni, etc.). The Office of the Ombudsperson follows the code of ethics of the International Ombuds Association. As part of this code, the Office's services are *confidential*. Records are not kept and the ombudspersons do not disclose Office visitors' concerns without explicit permission. Only in cases of danger of physical harm, [Clery Act](#) requirements, or court-ordered requests do the ombudspersons reveal information about visitors. The ombudspersons are *impartial*, so they seek to hear all sides of a situation. They do not advocate for particular people, but they do advocate for a fair process for all individuals involved. The services and processes of the Office are *informal*; if a visitor chooses to pursue a formal process, such as a grievance, the ombudspersons step away from involvement. And, the ombudspersons are *independent* and report only to the university president, thereby avoiding any conflict of interest issues with other units on campus.

Turning to statistics on the Office's visitors during FY2022-2023, Professor Durham noted that staff represented the greatest percentage of visitors, at 49% (231 individuals). Students made up the next largest percentage of visitors, at 26% (119 individuals). The student group was mainly comprised of graduate and professional students, post-docs, residents, and fellows. The faculty proportion of visitors was 21% (99 individuals). The total number of visitors in FY2022-2023 was 468. Visitors brought a variety of issues to the Office, Professor Durham continued. The most common issue, at 41%, concerned *evaluative relationships*. Examples of evaluative relationships include a faculty member and a graduate student, or a staff supervisor and a staff member. The second most common issue, at 13%, concerned *career (& academic) progression and development*. This could involve, for example, promotion and tenure, or progression towards a degree. The third most common issue, at 10%, concerned *peer and colleague relationships*. More than one concern can be coded per visitor, Professor Durham explained.

Ms. Reese then continued the presentation by noting that the top sub issues all fell under the issue category of *evaluative relationships*. The sub issues included *communication-evaluative*, such as not responding to emails or responding in an unpleasant manner; *performance appraisal/grading*, i.e., the formal or informal evaluation of job or academic performance; *respect/treatment-evaluative*, such as poor regard for other individuals, rude or crude behavior towards them, or disregard for their concerns; and *supervisory effectiveness*, which often involves situations in which issues raised by subordinates are not addressed by supervisors.

There were three concerns highlighted by the report because of their prevalence during FY2022-2023. Ms. Reese indicated that the Office was inundated with complaints about *inconsistencies displayed in the use of Clarification of Expectations and Performance Improvement Plan documents for employees*. Numerous problems cited by visitors regarding the *Clarification of Expectations* included lack of guidance to address performance concerns, inadequate or nonexistent metrics to track progress, and lack of follow-up conversation to determine whether concerns were adequately addressed. Regarding the *Performance Improvement Plan*, visitors found that their plans did not contain clear guidelines to set measurable goals, there was no timeline for review, resources for improvement were not identified, and language used in the plan was alarming. The second concern highlighted in the report was *performance review process for staff classifications*. Visitors indicated that official supervisor comments on the formal online form often differed from those expressed in the performance review discussions. There was also confusion regarding former supervisors providing evaluations. The third concern highlighted in the report was *respect and treatment in the workplace*. Visitors expressed dismay that supervisors did not respond when informed of subordinates' ill treatment by colleagues. Visitors also reported instances of supervisors treating them in a rude and disrespectful manner. Ms. Reese commented that workshops addressing respectful treatment in the workplace might be beneficial for the university.

Turning to an analysis of the report data on faculty, Ms. Reese indicated that, among faculty visitors to the Office, *evaluative relationships* was the most common issue cited, at 39% (148 individuals). The top five sub issues were *consultation*, which are requests for help in resolving conflicts among other people; *communication-evaluative* (described above); *administrative decisions & interpretations/application of rules*, which relates to non-disciplinary decisions, such as a sudden change in courses taught or an unexpected office move; *respect/treatment-evaluative* (described above); and *assignments/schedules*, which relates to fairness and appropriateness of tasks assigned and the volume of work expected. Explaining that one overall theme is assigned to each visitor appointment, Ms. Reese noted that the top faculty theme was *interpersonal conflict*, at 19%. *DEI concerns* came in second, at 14%, while *power dynamics*, in which one individual drives conflict in a unit, came in third, at 10%. The Office also tracks risks posed to the university by the concerns described by visitors. Among faculty concerns, *loss of productivity* was the most common, at 31% (55 cases). Also common were *potential for internal/external grievance*, at 19% (33 cases); *potential for negative publicity*, at 12% (22 cases); and *turnover*, at 12% (22 cases).

The Office tracks case complexity, as well. For faculty, 50% of cases fell into the *green*, or low-complexity, category. Green cases typically involve a simple interpersonal conflict with fewer than four individuals. *Yellow* cases, 17%, are increasingly serious cases with potential consequences for the university if the situation is not resolved. *Red* cases (33%) are highly complex, involve multiple units, and often include formal grievances or litigation. Ms. Reese then turned to a description of the actions that the ombudspersons took in relation to cases. The most common action was *consultation/problem solving*, directly or indirectly, with the visitor, in 33% (81) of cases. *Discuss applicable policies/processes* took place with 15% (37) of visitors, while *coaching*, which can take the form of preparing visitors for difficult conversations, occurred with 14% (35) of visitors. Also at 15% (37) of visits was *listening*, which occurred when

the visitor primarily wanted to vent their thoughts and emotions to a sympathetic audience. Ms. Reese pointed out the category of *inquiry on behalf*, in which the ombudspersons reach out to an administrator, with the permission of the visitor, to obtain information. She requested that, if such a request is received, it is responded to as soon as possible. The administrator's response will then be conveyed to the visitor. Overall, Ms. Reese noted, the services provided by the Office to faculty could be divided into three categories, *information*, 28%; *conflict/dispute resolution*, 30%; and *safe space*, 42%.

As for case outcomes, Ms. Reese noted that the Office aims for a target outcome of *informally managed* for at least 75% of cases. For FY2022-2023 faculty cases, this outcome was at 85%. The category *concern withdrawn* (6%) applied to those cases in which, after considering a variety of options, the visitor decided to take no action. Ms. Reese emphasized that this is not a negative outcome if the visitor is not avoiding the situation and has made this decision freely. *Chose formal process* was at 6%. *Information only*, at 2%, referred to those cases in which visitors passed on information without requesting action. The Office does track patterns, however, and when a concerning pattern emerges related to an individual, a unit, a policy, etc., the ombudspersons will convey their concerns about these patterns to the appropriate administrator.

Aside from visitor appointments, the Office offers additional services. Among these services are *tailored outreach*, *mediation/facilitated conversation*, and *data trend presentation*. Visitor satisfaction rates with the Office were high in FY2022-2023, Ms. Reese reported, with 58% of visitors *very satisfied* and 26% *satisfied*. She also shared positive comments from visitors about the Office. As part of their evaluation of the Office, visitors are asked what they would have done if they had not contacted the Office about their cases. Most responses here were evenly distributed among options such as *brought the issue to formal channel*, *not talked to anyone about the issue*, *looked for other programs or positions within the university*, and *left the university*. As for whether visitors would contact the Office in the future if a need arose, 65% strongly agreed and 22% agreed. And, 66% strongly agreed and 21% agreed that they would refer others to the Office for assistance.

- *Faculty Dispute Procedures Update (Ed Gillan)*

Following up on the Office of the Ombudsperson presentation, President Gillan reminded Senators that some individuals seek a formal process when informal processes are unsuccessful in resolving their disputes. The [Faculty Dispute Procedures](#) (FDP) provide faculty members with a formal dispute resolution process. As President Gillan has mentioned at previous Senate meetings, the FDP are currently under revision by a work group comprised of faculty members and administrators, with periodic input from the Faculty Council and from the Senate's Faculty Policies and Compensation Committee (FPCC). Prior to providing his update on the revision process, President Gillan requested that Senators gather in small groups to discuss what imagined administrative or faculty actions could require use of the FDP.

President Gillan then began his presentation by observing that before 1993, the only faculty track at the UI was the tenure track. The clinical track was established in 1993, followed by the research track in 2008, and then the instructional track in 2016 (although many faculty

members now on the instructional track were already employed by the university as instructors with fixed-term appointments). The Faculty Senate represents all faculty members on these four tracks, he noted. As for access to dispute procedures, the clinical track was incorporated into the dispute procedures already in place for the tenure track. When the instructional track was created, however, a separate set of dispute procedures was inserted directly into that track's policy. Dispute procedures for the research track have been ill-defined, as the track was neither incorporated into existing procedures nor assigned its own procedures. The required five-year review of the instructional track exposed some concerns with the dispute procedures set forth in that track's policy. Around this same time, FPCC received from administrators in the Office of the Provost and the Office of the General Counsel an extensive proposed revision to the FDP covering the tenure and clinical tracks. A central component of this proposed revision was the establishment of two streams of procedures. One stream would apply to the tenure track and would remain largely similar to the existing procedures, while the other stream would cover the *specialized tracks* (i.e., the clinical, research, and instructional tracks) and would generally resemble the process that had been created earlier for the instructional track.

A new analysis and revision of the FDP was initiated and assigned to a work group that included faculty members President Gillan, former Senate President Daack-Hirsch, and FPCC Chair Witt and administrators Associate Provost for Faculty Geist, Deputy General Counsel Lukas, and Deputy Counsel Byrd. The work group has been meeting every two weeks since summer 2022 and has nearly completed the new proposed revision. President Gillan anticipated that the text of the proposed revised policy would come before the Senate at the March 26 meeting, assuming prior final approval from FPCC and Faculty Council. Today, instead of sharing draft policy text, President Gillan intended to highlight major proposed procedural changes, as well as to outline the steps of the two procedure streams via flow charts.

President Gillan reiterated that major changes were not made to the procedures for the tenure-track faculty (TTF). Many components of the tenure-track procedures have been determined by legal precedent and by American Association of University Professors (AAUP) guidelines. He explained that reasons for TTF to initiate a dispute would include non-renewal (for probationary faculty), promotion or tenure denial, and general grievance, while administrators might initiate a dispute for ethics/conduct issues or unacceptable performance. About once or twice a year, disputes advance all the way to a hearing. Panelists for the hearing are selected from among the members of the [Faculty Judicial Commission](#) by the Commission's Presiding Officer. Hearings are highly formal, with witnesses and legal counsel, and are coordinated by the Administrative (Investigative) Officer. After the hearing, the faculty panelists submit a report and recommendations to the university president, who makes the final decision on the case. Appeals can be made to the Iowa Board of Regents.

Turning to the new proposed procedures for the specialized faculty (SF), President Gillan reminded the group that these procedures are largely based on those created for the instructional-track faculty (ITF) when that track's policy was written, although modifications have been made as a result of the recommendations in the instructional track review report. Probationary SF have access to a written complaint/response process for all disputes, whether employment-related or general grievance. The final decision on the dispute is made by the

provost. Appeals can be made to the Board of Regents. For non-probationary SF, the only option for general grievances is the written complaint/response process. For employment-related disputes (termination during term, non-renewal, promotion denial), the faculty member can choose between the written process and a peer review process. While the peer review process is less formal than that for TTF, the panelists are still chosen by the Presiding Officer from among the members of the Judicial Commission. This is a significant change from the original ITF dispute procedures, which called for the provost to select the panelists. After the review, the faculty panelists submit a report and recommendations to the provost, who makes the final decision on the case. Appeals can be made to the Board of Regents.

Summarizing several key changes for TTF procedures, President Gillan noted that timelines have been shortened for some process steps. The Judicial Commission membership criteria has been revised to exclude probationary faculty. Flexibility was added to allow for selection of an Administrative Officer from outside UI. All university notifications must occur during a faculty member's contract period. Grievances other than reappointment/promotion/tenure must be filed within 60 business days (currently that period is one year). Protected class discrimination grievance grounds are first reviewed through a Title IX or Office of Institutional Equity (OIE) hearing. The ad hoc committee review for unacceptable performance will still take place, but on a smaller scale (we now have post-tenure five-year reviews and annual reviews that were not previously available). For the sake of clarity, all the judicial procedures from the individual policy sections were combined into one section.

Reminding the group that the proposed SF dispute process is based on the current ITF dispute process, President Gillan summarized several differences between the proposed SF process and the current ITF process. The revised process distinguishes between probationary and non-probationary SF, and allows for a peer review process for employment-related decisions for non-probationary SF. As described earlier, selection of the peer reviewers now follows the same process as for TTF. SF can initiate disputes on various grounds (including violation of academic freedom). The peer review committee operates independently and can consult with the Administrative Officer on due process or procedural issues.

President Gillan added that more explanation on standards of proof had been inserted into the proposed FDP revision. He also noted that the SF portion of the revised FDP would be reviewed in five years. President Gillan encouraged Senators to review the flow charts provided in their meeting handout. Professor Curto asked for the rationale regarding who makes the final decision on cases. President Gillan responded that in cases involving TTF, final decisions are made by the university president, while in cases involving SF, final decisions are made by the provost. He explained that the current procedures for the TTF call for the president to make this decision. The current ITF procedures call for the provost to make the final decision and that provision was retained for the SF procedures. The work group did not find justification for changing these established provisions, especially since the processes differ. The TTF process includes a formal hearing, similar to a trial, while the SF process includes only a peer review of documents and an interview with the faculty member (and perhaps others), but not a hearing. In response to a question about the composition of panels for SF peer review, President Gillan indicated that panelists would come from a mix of tracks, with at least one TTF and one SF from

the same track as the faculty member under review. Professor Farag asked about the timeline for sharing the final FDP version with the colleges. President Gillan responded that earlier drafts had been shared with associate deans, so they are aware that this revision is occurring.

- *Executive Session: DEI Task Force (Liz Tovar, Executive Officer, Office of Diversity, Equity, and Inclusion)*

President Langbehn moved and Professor Mangum seconded that the Faculty Senate move into executive session, inviting Executive Office Tovar and other members of the DEI Task Force to remain in the room. The motion carried unanimously.

Executive Officer Tovar provided an update on the activities of the DEI Task Force. She and other members of the task force then took questions from Senators.

President Langbehn moved and Professor Mangum seconded that the Faculty Senate move out of executive session. The motion carried unanimously.

- *President's Report (Ed Gillan)*

There was no time left for President Gillan to present his report, so he sent a follow-up email message to Senators. That message is appended to these minutes.

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

V. Announcements

- The next Faculty Council meeting will be Tuesday, March 5, 3:30-5:15 pm, Executive Boardroom (2390), University Capitol Centre.
- The next Faculty Senate meeting will be Tuesday, March 26, 3:30-5:15 pm, Senate Chamber, Old Capitol.

VI. Adjournment – Professor Curto moved and Professor Langbehn seconded that the meeting be adjourned. The motion carried unanimously. President Gillan adjourned the meeting at 5:15 pm.

Appendix I – President’s Report (distributed electronically to Senators on February 15, 2024)

Hello Senators,

Thank you for your active and engaged participation in our Tuesday Senate meeting that had three pretty intense parts (ombuds office annual report, faculty dispute procedures update, DEI task force). Here are the items in my president’s report that got skipped due to us hitting our 5:15 pm end time:

1) The committee for the administrative review of the Office of the President is assembled and will start work soon (Ana Rodriguez-Rodriguez is Chair, with two members of our committee on the selection of academic officials (Craig Just – Engineering, Michael Sauder – CLAS), and Dawn Anderson (Law), David Hensley (Business), and an external reviewer Jon Steadland (chief of staff in president’s office – Univ. of Minnesota). One invitation is pending, but this group can start its work this semester.

2) A reminder that Senate and charter/non-charter UI committee recruitment emails have been sent out to all faculty (Jan 25th, Feb. 15th reminder). Encourage your colleagues to consider applying for open committee spots that interest them. Our Committee on Elections is organizing the senate officer candidate slate now from current and past senators (contact VP Caroline Sheerin for more info).

3) Starting in 2024, there is a consolidation of several fixed term faculty titles used by tenure/instructional/clinical tracks for faculty who do not meet the qualifications for the Assistant Professor entry rank. A multi-track Instructor title was created to fit with different track needs. This position complements the other fixed term positions of Adjunct and Visiting.

<https://provost.uiowa.edu/human-resources-administration/faculty-hr-administration/faculty-appointment>

4) We are pleased to see that UI has expanded its 24/7 CommUnity Crisis Services support and crisis line to students, staff, and faculty!

<https://mentalhealth.uiowa.edu/ui-support-and-crisis-line>

Best wishes,

Ed

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