

FACULTY COUNCIL
Tuesday, January 23, 2024
3:30 – 5:15 pm
Executive Boardroom (2390), University Capitol Centre

MINUTES

Councilors Present: R. Curto, C. Fox, N. Greyser, J. Gutierrez, C. Just, J. Kline, T. Mangum, M. McQuistan, A. Shibli-Rahhal.

Officers Present: M. Charlton, E. Gillan, A. Rodríguez-Rodríguez, C. Sheerin.

Councilors Excused: D. Anderson, L. Durairaj, A. Farag, J. Koch, M. Santillan, M. Schroeder, D. Shane, E. Welder.

Councilors Absent: J. Sa-Aadu.

Guests: M. Gardinier (Emeritus Faculty Council), A. Hanson (Office of the Provost), S. Reddy (*Daily Iowan*), 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 – President Gillan noted that a previously-scheduled speaker had a sudden conflict and could not present today. The presentation will be rescheduled. Professor Just moved and Professor Mangum seconded that the revised agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (November 14, 2023) – Professor Just moved and Professor Mangum seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (February 13, 2024) – President Gillan indicated that changes may be made to the draft agenda prior to the Senate meeting. At this time, an executive session is proposed for the DEI Task Force update from Liz Tovar, Executive Officer, Office of Diversity, Equity, and Inclusion. Councilors were supportive of holding this agenda item in executive session. Professor Kline moved and Professor McQuistan seconded that the draft agenda be approved. The motion carried unanimously.
- D. Committee Appointments (Caroline Sheerin, Chair, Committee on Committees) –
 - *None at this time*

III. New Business

- *Faculty Dispute Procedures Update (Ed Gillan)*

President Gillan prefaced his update by reminding the group that, in addition to the tenure track, there are three relatively newer tracks at the university. The clinical track was the first of these new tracks to be implemented, in 1993, followed by the research track in 2008, and the instructional track in 2016. All three tracks underwent five-year reviews after implementation.

Dispute procedures for these three new tracks – the *specialized tracks*, as this group will now officially be designated – have taken different forms. A dispute procedure policy has long existed for the tenure track, while the clinical track was incorporated into this dispute procedure policy upon the clinical track’s implementation. The research track was not explicitly added into the dispute procedure policy, nor were separate procedures developed for this track, so the procedures for the research track remain ill-defined. As required by administrators, the instructional track received its own set of dispute procedures within the [instructional track policy](#); the five-year review of the track raised concerns about some aspects of this separate set of procedures. President Gillan explained that a review of the faculty dispute procedures policy was precipitated several years ago when administrators in the Office of the Provost and the Office of the General Counsel proposed a significant policy revision to the Faculty Senate officers and the Faculty Senate’s Faculty Policies and Compensation Committee (FPCC). Eventually, a small work group comprised of faculty (President Gillan, FPCC Chair Professor Witt, and former Senate president Professor Daack-Hirsch) and administrators (Associate Provost for Faculty Geist, Deputy General Counsel Lukas, and Deputy Counsel Byrd) convened in summer 2022 and has been meeting every two weeks ever since. The work group has by now analyzed the entire [faculty dispute procedures policy](#) and proposed revisions that will encompass all four tracks. This process of analysis, debate, and revision has necessarily entailed compromise. A central component of the process involved discussion around administrator-proposed divergent dispute procedures for the tenure track and the specialized tracks, with the faculty members of the work group seeking to maintain as much uniformity in the two sets of procedures as possible.

President Gillan speculated that a complete proposed revision of the faculty dispute procedures would come before the Faculty Council at the March 5 meeting. Today, however, he indicated that he would describe both proposed sets of procedures using flow charts that he had developed. Beginning with the tenure-track dispute procedures, President Gillan noted that these procedures would also apply to clinical-track faculty in the College of Law, as required by that college’s accrediting body. The tenure-track dispute procedures currently are and will remain a formal, hearing-based process before a faculty panel. The Office of the Provost could initiate dispute procedures for cases involving ethics violations or unacceptable performance. Faculty members could initiate dispute procedures for cases involving denial of promotion or tenure, or for general grievances of an administrative decision. Panelists are chosen from among the members of the [Faculty Judicial Commission](#) by the Commission’s presiding officer. The administrative/investigative officer coordinates the panel hearing. The panel makes its recommendations based on standards of evidence and issues a report to the university president, who makes the final decision. Appeals can be made to the Iowa Board of Regents.

For the specialized tracks, President Gillan continued, the proposed procedures distinguish between probationary and non-probationary faculty members. A written complaint/response procedure only is available to probationary faculty members. A final decision in these disputes is made by the provost. Appeals can be made to the Iowa Board of Regents. For general grievances initiated by non-probationary faculty members, the same written complaint/response procedure is the only option available. For qualifying employment decisions, however (termination during term, non-renewal, and promotion denial), the faculty member can choose either the written procedure or a peer review procedure. The peer review committee is selected from among the

members of the Judicial Commission by the presiding officer in the same manner as that for the tenure-track faculty. President Gillan noted that having the peer review panelists chosen by the *presiding officer*, rather than by the *provost* (a provision within the dispute procedures in the instructional track policy), was a significant concession for which the faculty members of the work group successfully advocated. The peer review committee submits a report and recommendations to the provost, who makes the final decision. Appeals can be made to the Iowa Board of Regents.

Professor Kline asked if the members of the peer review panel must be of the same track as the specialized-track faculty member who requested the hearing, and if so, were there enough faculty members of each track on the Judicial Commission from which to choose. President Gillan responded that not all members of the panel were required to be of the same track as the faculty member, but there must be at least one panelist of the same track. Requirements regarding rank also apply. He added that the Faculty Senate will need to ensure that the Judicial Commission includes a sufficient number of faculty from all four tracks once the revised policy is implemented. Professor Kline then asked for clarification on the differences between the hearings for tenure-track faculty and for specialized-track faculty, which thus far appear identical. President Gillan explained that, while the presiding officer chooses Judicial Commission members for panels in both situations, the tenure-track hearing remains a highly formal, trial-like process with witnesses, external attorneys, etc.

Professor Mangum wondered how faculty on the specialized tracks would respond to having a tenure-track faculty member on their peer review committee. President Gillan observed that tenure-track faculty members have experience serving on promotion and other types of review committees for specialized-track faculty members. Vice President Sheerin commented that there had been concerns that service on review panels would become unduly burdensome on members of the specialized tracks, if all panel members had to come from the same track as the faculty member utilizing the dispute procedures. Professor Shibli-Rahhal asked if specialized-track faculty members could serve on panels for tenure-track faculty. President Gillan responded that it depended on the type of dispute – for general grievances, this was permitted, but not in cases of denial of tenure or promotion, although he would double check this. Professor Shibli-Rahhal questioned the fairness of allowing tenure-track faculty to serve on panels related to denial of promotion for specialized-track faculty, but not allowing specialized-track faculty to serve on panels related to denial of promotion for tenure-track faculty. She wondered if this lack of fairness was merely an issue of academic culture. President Gillan observed that administrators might justify this imbalance by saying that tenure-track faculty are deeply involved in teaching, research, *and* service, while the specialized-track faculty may focus on *just one* of those activities. Past President Rodríguez-Rodríguez commented that administrators might also feel the need to preserve the special status of tenure in front of external audiences. Vice President Sheerin reiterated the argument that specialized-track faculty are not required to focus on all three areas of teaching, research, and service, so they might not be perceived as qualified enough to evaluate all three aspects of a tenure-track faculty member's activity. She added that legal precedent has been established that affords tenure additional due process rights. Emeritus Faculty Council representative Gardinier commented that this major

revision of the faculty dispute procedures may be the opportunity to reconsider this policy provision.

Professor Curto asked for clarification regarding the phrase *specific set of grounds as basis of dispute* used in the flow chart regarding tenure-track faculty dispute procedures. President Gillan responded that, just as the *hearing* for tenure-track faculty follows a very formal process, the *disputes* raised by the faculty member must fit into one of a limited set of formal grounds, such as *unfair impediment*, *improper reason*, or *violation of university obligation as written*. He added that the Office of the Provost would typically only use the faculty dispute procedures against a faculty member for ethics violations or for unacceptable performance, generally in order to terminate a faculty member. Professor Mangum asked if any Councilors have been on judicial panels. President Gillan, acknowledging that hearings seldom take place, responded that he had been on two panels. He commented that he had been impressed by the seriousness with which his fellow panelists had approached their duty and that he had found value in the process. Vice President Sheerin observed that the existence of the dispute procedures is perhaps their greatest value; faculty members know that they have recourse against potentially arbitrary or unfair decisions. Professor Kline added that not only do the procedures protect faculty members who may have been unfairly treated, but they also uphold the standards of promotion and tenure, so that undeserving faculty members are not promoted or granted tenure.

Drawing attention to #6 in the summary list of policy changes, Professor Curto asked for the rationale for shortening the window to file grievances not related to reappointment, promotion, or tenure from one year to 60 business days (12 weeks). President Gillan responded that administrators found the one-year window to be unreasonably long, so this compromise was identified. He added that the window begins when an administrative decision is issued, not when the event that precipitated the decision occurs. Professor Curto asked if a faculty member with an at-will administrative appointment could use the dispute procedures to grieve the loss of that appointment. President Gillan responded that this was likely not permitted by the policy. Commenting more generally on the proposed revision to the dispute procedures, President Gillan indicated that the work group sought to make the procedures more clear throughout the policy and eliminate any confusion that arose among provisions in different sections of the policy. He added that the proposed revised procedures for specialized-track faculty would contain a provision that a review be conducted five years after implementation to determine the effectiveness of the revised procedures. President Gillan encouraged Councilors to review the rest of the flow charts and information in today's handout. Professor Fox asked if there were any particular issues to which Councilors should pay special attention. Vice President Sheerin responded that policy components such as *timing* (are the faculty member and the university afforded equal time periods to respond, are these time periods reasonable), *notice* (is the notice period sufficient), *composition of panels*, and *decision makers* should be of particular interest to Councilors. Past President Rodríguez-Rodríguez added that it might be helpful to imagine oneself pursuing a dispute and judging the proposed policy's effectiveness from that perspective. She then led the Councilors in a round of applause to thank President Gillan for his extensive work on the proposed revision of the faculty dispute procedures.

- *President's Report (Ed Gillan)*

President Gillan indicated that the first review of the Office of the President since 2003 will soon be underway. Past President Rodríguez-Rodríguez will chair the review committee. The process includes both a review of the Office and a review of the president, with the latter report remaining a confidential personnel document. For all reviews of central administrative offices, President Gillan explained, the final report is delivered to the university president (in the case of the Office of the President review, the final report is delivered to the provost) and later presented to the Faculty Senate at a Senate meeting. The report is then posted on the Faculty Senate [website](#). Executive Officer and Associate Vice President of the Division of Diversity, Equity, and Inclusion Liz Tovar will speak to the Senate at the February 13 meeting, President Gillan continued. She will provide an update on the activity of the UI DEI Task Force that is reviewing recommendations from the Iowa Board of Regents regarding the university's DEI programs. President Gillan is a member of the task force.

The call for nominations for the Michael J. Brody Award for Faculty Excellence in Service to the University and the State of Iowa has gone out earlier than usual this year, with nominations due in the Faculty Senate office by February 2. The selection process needs to be complete in time for the awards to be presented at the newly-established university awards ceremony to take place at Hancher in late April. Nominations are underway for Senate elections to be held in late February. Only four colleges – Business, Law, Medicine, and Public Health – are holding elections this year. And, faculty will soon be invited via email to apply for seats on charter, university, and Senate committees, with terms beginning during the 2024-25 academic year.

As the final item in his report, President Gillan turned to recent updates to the policy on [fixed-term faculty appointments](#). He indicated that an expanded fixed-term *instructor* position, applicable to all four tracks, has been created to resolve issues that have arisen related to the newly-renamed *assistant professor* (formerly *lecturer*) position on the instructional track and related to the new faculty members who will enter UIHC through the acquisition of Mercy Hospital. Previously, the *instructor* position was used on a limited basis in the tenure track (for those individuals hired prior to obtaining their terminal degree [ABD]) and in the clinical track (for those individuals hired prior to obtaining required certifications). The latter had been described in the [clinical track policy](#) (redlined version), but that language was removed when the fixed-term faculty appointments policy was updated. There was also limited use of a fixed-term *lecturer* position, usually for one year only, distinct from the instructional track's former *lecturer* rank. According to regulations, all UIHC physicians must hold faculty status. The Mercy physicians will therefore enter UIHC with the new fixed-term *instructor* title. Vice President Sheerin pointed out that *instructors* will not have representation in the Faculty Senate or access to grievance procedures. This has also been true of *visitors* and *adjuncts*, who have been and will continue to be covered by the fixed-term faculty appointments policy.

Councilors immediately raised concerns that the new *instructor* rank would pose the same problems that the instructional-track faculty policy had sought to solve. It appeared to them that the university is creating a new lower-status faculty classification, without access to representation or grievance procedures, in which faculty members could be kept indefinitely, even if they possess the qualifications to be hired or promoted to an *assistant professor* rank in one of the four tracks. President Gillan indicated that administrators have assured the Senate

officers that this is not the intent of the revised policy. Professor Gutierrez asked how the new *instructor* position related to the current *associate* position in UIHC. Alaina Hanson, Faculty HR Director in the Office of the Provost, explained that the current *associates* will transition to the new *instructor* position, thus joining the Mercy physicians in that rank. Ms. Hanson described the *instructor* position as a landing place for faculty members until they decide how to proceed with their UIHC careers. She added that the *visitor* rank is limited to three years and that the *adjunct* rank must be an appointment of less than 50%, so neither of those two ranks would work as an entry point for the Mercy physicians.

In response to a question, President Gillan explained that the issue that had arisen related to the newly-renamed *assistant professor* (formerly *lecturer*) position on the instructional track involved those colleges who had hired instructional-track faculty members without terminal degrees. While using the title of *lecturer* for such faculty members was acceptable, national disciplinary expectations discouraged the use of the title *assistant professor* for faculty members without terminal degrees. The practice track (already used by the colleges of Business and Engineering) within the instructional track could be an option for these colleges, as well, President Gillan noted.

- *Councilor Roundtable Discussion (All Councilors)*

There was not enough time for a roundtable discussion.

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

V. Announcements

- The next Faculty Senate meeting will be Tuesday, February 13, 3:30 – 5:15 pm, Senate Chamber, Old Capitol.
- The next Faculty Council meeting will be Tuesday, March 5, 3:30-5:15 pm, Executive Boardroom (2390), University Capitol Centre.

VI. Adjournment – Professor Greyser moved and Professor Curto seconded that the meeting be adjourned. The motion carried unanimously. President Gillan adjourned the meeting at 5:00 pm.