

FACULTY COUNCIL
Tuesday, April 12, 2022
3:30 – 5:15 pm
Zoom

MINUTES

Councilors Present: D. Anderson, N. Brogden, J. Buckley, M. Cunningham-Ford, A. Curtius, L. Erdahl, L. Glass, B. Janssen, M. Kivlighan, A. Merryman, N. Nisly, M. Pizzimenti.

Officers Present: M. Lehan Mackin, T. Marshall, A. Rodríguez-Rodríguez, J. Yockey.

Councilors Excused: L. Joseph, G. Russell, E. Welder.

Councilors Absent: D. Andersen, C. Bradley.

Guests: L. Adams (Instructional Faculty Track Review Committee), R. Dobyns (Governmental Relations Committee), B. Ernst (*Daily Iowan*), M. Gardinier (Emeritus Faculty Council), L. Geist (Office of the Provost), L. Gemmani (Faculty Policies and Compensation Committee), E. Gillan (Faculty Policies and Compensation Committee), R. Hansen (*Daily Iowan*), K. Hegarty (Instructional Faculty Track Review Committee), L. Laurian (Faculty Policies and Compensation Committee), K. Leary (Faculty Policies and Compensation Committee), J. Rantanen (Faculty Policies and Compensation Committee), C. Sheerin (Instructional Faculty Track Review Committee), A. Stapleton (Instructional Faculty Track Review Committee), D. Witt (Faculty Policies and Compensation Committee), L. Zaper (Faculty Senate Office).

I. Call to Order – President Marshall called the meeting to order at 3:30 pm.

II. Approvals

- A. Meeting Agenda – Professor Pizzimenti moved and Professor Janssen seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (March 8, 2022) – Professor Glass moved and Professor Nisly seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (April 26, 2022) – Professor Nisly moved and Professor Anderson seconded that the draft agenda be approved. The motion carried unanimously.
- D. Faculty Senate and Council Election Results (Teresa Marshall) – Professor Nisly moved and Professor Curtius seconded that the Faculty Senate and Council election results be approved. The motion carried unanimously. President Marshall thanked the departing Councilors for their service: Professors Russell, Cunningham-Ford, Buckley, Curtius, Glass, Bradley, Erdahl, Merryman, Nisly, and Pizzimenti.

- E. 2022-23 Committee Recommendations (Ana Rodríguez-Rodríguez, Chair, Committee on Committees) – Vice President Rodríguez-Rodríguez indicated that work is still underway to fill several remaining vacancies. Professor Nisly moved and Professor Glass seconded that the 2022-23 committee recommendations be approved. The motion carried unanimously.

III. New Business

- *Instructional Faculty Track Review Committee Report (Caroline Sheerin and Anne Stapleton, Co-chairs)*

President Marshall reminded the group that the Faculty Senate had approved the Instructional Faculty Policy on March 22, 2016. A review of the policy not later than five years following implementation was required by the policy. Last spring, President Yockey, in coordination with Associate Provost for Faculty Geist, named a committee, composed of faculty members in various tracks, to carry out the review, which was conducted during this academic year. President Marshall thanked the co-chairs and the committee members for their work, adding that the co-chairs' leadership and the committee's teamwork have been amazing for her to observe. She noted that the results of this review have implications for administrator-proposed changes to the clinical track, as well.

Professor Sheerin began the presentation of the interim report, which she indicated may still undergo minor changes in the coming months. She thanked the committee members (Lori Adams, Matthew Cantrell, Ken Culp, Brian Hand, Kay Hegarty, Kelly Messingham, and Michael Zmolek) for their many hours of work on the report. Because committee members came from a range of tracks and of colleges, a wide variety of viewpoints were expressed and considered by the members. Professor Sheerin further thanked review committee Co-chair Anne Stapleton, Faculty Senate President Teresa Marshall, Faculty Senate Administrative Services Specialist Laura Zaper, Associate Director for Institutional Data Deb Tiemens, Faculty Policies and Compensation Committee Chair Doris Witt, and Faculty Policies and Compensation Committee member Ed Gillan for their involvement in and support of the review process.

Turning to the committee's charge, Professor Sheerin reiterated that the policy calls for a review at the five-year mark. As part of this review, three aspects of the policy require specific attention: *effect of this policy on the number of tenure-track, tenured, clinical, and adjunct faculty relative to instructional faculty at the University and in individual colleges; effect of this policy on the composition of Faculty Senate, Faculty Senate committees, and University committees; and instructional faculty dispute procedures in III-10.11h*. Regarding the rationale for the first two points, Professor Sheerin explained that, prior to the implementation of the policy, tenured and tenure-track faculty had raised concerns that the instructional track would turn into a "tenure-lite" track and that instructional-track faculty (ITF) would become the dominant cohort among faculty on campus. As for the third point, Professor Sheerin noted that the dispute procedures created for the instructional track are significantly less robust than those for the other tracks, an issue that indeed turned out to be of great concern during the review. The charge to the review committee was not limited to these three issues, however, so the committee members identified additional areas for review: *titles and ranks, length of term, roles, review and promotion, and morale*. The methodology used by the review committee

included a long, detailed survey, with a response rate of 61%, of the approximately 350 UI ITF; interviews with deans or designees of all colleges, even those without an instructional track; a review of peer institution policies; and a review of university data. Professor Sheerin noted that the interim report relies heavily on the survey results and the university data. Information from the review of peer institution policies was received too late to be fully incorporated into the interim report, but will be discussed in the final report. While feedback from the dean interviews is not yet presented directly in the report, that feedback informed many of the committee's decisions.

Professor Sheerin then began addressing the report's findings on the required areas of review, focusing on the third issue, regarding the faculty dispute procedures. She commented that she has come to appreciate over time how important grievance procedures are in protecting faculty at all ranks and levels, but that it is especially important for ITF to have access to a meaningful and robust grievance procedure, particularly for issues related to academic freedom. It is unclear why a less robust dispute policy was instituted for ITF. Survey results indicated four issues of primary concern to ITF regarding their dispute procedures. First, the vast majority (83%) of survey respondents disagreed with the policy provision allowing for no notice period for non-renewal in the first six years of employment. Given the constraints of the academic employment cycle, it is difficult to find another job quickly when there is no notice period. Second, two dispute review procedures for ITF are set out in the policy. The administrative review procedures do not involve faculty in decision-making, while the peer review procedures do. The former apply at the lecturer level and in probationary periods, while the latter apply to all other ITF. It seems unlikely that the findings of administrative review procedures will diverge from the original decisions. Third, there is unequal time given for a grievant to initiate a review (10 days) and for the university to respond (15 days). Considering that an ITF may not even be aware of the availability of a grievance procedure, 10 days seems too short of a timeframe to initiate a review. Fourth, 66% of survey respondents found that the policy lacked clarity on the composition of the peer committee appointed to review a grievance. The committee should include at least one ITF, 49% of respondents indicated. Based on these findings, the report recommends the following revisions to the policy: a minimum of three months' notice for probationary ITF and six months' notice for all other ITF; access to a peer review process for all ITF except those in a probationary period; a 20-day time period for both the grievant and the university to initiate and to respond to a grievance; and clarification of the process for forming the review committee, ensuring all members are familiar with ITF.

Professor Stapleton continued the presentation of the report, pausing first to reiterate thanks to the committee members for their extensive work. She observed how fruitful committee work can be when faculty members join forces across the university. Displaying a graph of the percentages of types of faculty at UI from 2015 to 2021, she then turned to a discussion of the review's first required issue, the effect, if any, of ITF on the number of tenured and other faculty. While the graph showed a surge in the percentage of ITF in the two years following the implementation of the new track, that growth is likely attributable to faculty members moving into the instructional track from fixed-term appointments, which had a corresponding precipitous decline. Data from the Office of the Executive Vice President and Provost showed that in Fall 2021, 9.96% of UI faculty were on the instructional track. This figure

is analogous to the percentage (9.77%) of fixed-term lecturers in Fall 2016. The percentage of tenure-track faculty members declined overall from 2016 to 2021, but this appears to be a continuation of a trend that began prior to the implementation of the instructional track. In that same time period, the percentage of clinical-track faculty members has increased, Professor Stapleton observed. In Fall 2016, when the instructional track was implemented, faculty on the tenure track made up 47.56% of UI faculty, while in Fall 2021, this percentage was 43.43%. Faculty on the clinical track rose from 24.68% in Fall 2016 to 29.77% in Fall 2021. Thus, data supports the conclusion that the implementation of the ITF policy has not had a substantial effect on the tenure track.

Addressing the review's second required issue, the ITF policy's effect on the composition of Faculty Senate, Faculty Senate committees, and charter and university committees, Professor Stapleton reminded the group that ITF Faculty Senate representation in each college is capped at 10% of the delegation, or one senator, whichever is greater. Only 18.62% of ITF survey respondents found this cap appropriate. One respondent commented that the cap implied that ITF are somehow less invested in the university than tenure-track faculty (TTF). To the contrary, numerous respondents indicated that they are strongly invested in the university and seek support for their work. Professor Stapleton noted that the number of TTF in the Faculty Senate has remained stable between 2016 and 2021. Survey respondents pointed out that ITF representation in Faculty Senate is not reflective of the percentages of ITF in colleges. For example, while the College of Liberal Arts and Sciences employs 202 ITF, 26.5% of regular track faculty, only two senators from the College serve on Senate. There are no ITF Senate representatives from the College of Engineering, in which ITF are 15.3% of regular track faculty. There are even no ITF Senate representatives from the College of Nursing, in which ITF are 37.5% of regular track faculty. As for changes in charter and university committee membership, the number of TTF serving on these committees dropped from 88 in 2016 to 74 in 2021, while the number of ITF rose from 2 in 2016 to 13 in 2021. Increases in clinical-track faculty and research-track faculty serving on these committees rose in the same timeframe. Both ITF and TTF experienced increases in membership on Faculty Senate committees from 2016 to 2021.

The review committee makes several recommendations related to the first and second issues. The first of these is to improve ITF representation in the Faculty Senate by eliminating the 10% cap or by revising the policy to allow for Senate ITF representation to reflect the ITF population in the colleges annually. Second, although the policy currently makes a statement about the integration of ITF into the university mission, the committee recommends strengthening this language in order to integrate ITF more fully into the mission, especially by encouraging ITF participation in collegiate and departmental governance. Increasing ITF representation in Faculty Senate would also move the university towards this goal.

As mentioned earlier, the review committee addressed issues in addition to those required by the policy. Regarding titles and ranks, Professor Stapleton indicated that three concerns had been identified by the committee: current titles are not congruent with other tracks; clarity is desired to distinguish between *Associate Professor/Professor of Instruction* and *Associate Professor/Professor of Practice*; and the policy's reference to *established record of excellence beyond teaching in professional productivity and/or service* is unclear in the qualifications

for the associate and professor in instruction ranks. The review committee therefore makes recommendations to change the *Lecturer* title to *Assistant Professor of Instruction/Practice* and to clarify the distinction between *Associate Professor/Professor of Instruction* and *Associate Professor/Professor of Practice* in both the *Definitions* and *Qualifications for specific ranks* sections. The committee also advocates for dropping the phrase *beyond teaching* from the qualifications criteria; both ITF survey respondents and interviewed deans expressed confusion about the meaning of this phrase.

Another issue explored by the review committee was length of term. The committee found that ITF want more stability congruent with and reflective of their appointments at each level. And, almost a third of respondents disagreed that the current term lengths are appropriate. The ITF policy indicates that if someone is promoted, they could still end up with only a three-year appointment, regardless of rank. The committee recommends lengthening the appointment terms to reflect the title associated with each level of promotion. Thus, assistant professors would be given three-year appointments (currently these appointments are 1-3 years); associate professors, five-year appointments (currently 3-5 years); and professors, five- to seven-year appointments (currently 3-7 years). However, the recommendations do allow flexibility for colleges to give 1-3 year probationary appointments at all ranks at the initial hiring.

Professor Stapleton then turned to roles, which is an issue difficult to consolidate and define, she noted, because of the richness and diversity that ITF bring to all colleges and units. The portfolios and instructional delivery models of ITF vary widely across campus and include, for example, developing innovative courses and outreach programs, overseeing labor-intensive laboratories, lecturing hundreds of students and mentoring teaching assistants, teaching writing seminars that require input on multiple drafts, leading seminars, and producing textbooks. Many ITF have heavy teaching loads, up to 8 courses per academic year, and therefore find little time for service or professional productivity, mentioned in the policy. Survey respondents indicated that there is a confusing overlap between these two categories and that they are difficult to access, due to a limitation of opportunities, time, and/or funding. The review committee recommends changing the language of the ITF policy preamble to reflect the valuable contributions of ITF, including by eliminating the reference to the primacy of the tenure track. The new language could stress the flexibility of the instructional track to meet the changing needs of the university's educational mission. Other recommendations call for revising the *Definition* and *Role of instructional faculty* sections to recognize different instructional models and to eliminate or revise confusing wording regarding service and research expectations.

Many ITF survey respondents, along with deans, had concerns about review and promotion, an issue next addressed by Professor Sheerin. These concerns have arisen primarily at the collegiate and departmental levels, so the review committee urges colleges and departments to review their own promotion policies and procedures, to ensure that they are being followed in ways consistent with the university policy and that they are being applied uniformly to all ITF within a particular college or unit. The final issue addressed by the review report was morale among ITF. Morale is low, Professor Sheerin indicated. Citing responses from the survey, she noted that ITF feel that they are not getting the respect they deserve. A particularly relevant quote from a survey response was "Honor ITF for what they do." The review committee

recommends the establishment of an advisory board, a standing or ad hoc Faculty Senate committee, or a separate body of governance for ITF and other non-tenure-track faculty, to provide a forum for these faculty members' voices to be heard at the university and collegiate levels. Concluding her remarks, Professor Sheerin commented that investing in the careers of ITF would ensure a committed faculty, which in turn would build a stronger institution and further raise the quality of teaching at UI. In conclusion, she noted the review committee's acknowledgment that UI has been a leader in terms of creating a career path for ITF. President Marshall thanked Professor Stapleton and Professor Sheerin, as well as the entire review committee, for their extensive efforts on the review report.

Professor Nisly commended the committee for their outstanding work. She commented that times have changed in the many decades since the tenure track was created. She noted, for example, that the clinical track has a cap on Senate representation, just as the instructional track does; this cap also no longer reflects the percentages of the clinical-track faculty members in each college. Professor Nisly expressed the view that if the Senate does not diversify its representation by faculty track, separate governance bodies may be formed by non-tenure-track faculty; this may not be an ideal development for shared governance. She felt that the instructional track, the research track, and the clinical track have many similar concerns that need to be addressed.

Secretary Lehan Mackin observed that over a third of the faculty in the College of Nursing are on the instructional track. ITF are clearly hired, she explained, to contribute to the teaching mission of the college. They have no scholarship expectations and their service requirement is only about 5% of their time. Professor Sheerin commented that ITF service requirements vary widely across colleges; in the College of Law, ITF carry out a significant amount of service, which is part of their review and promotion criteria. She added that service is a double-edged sword for ITF, who want to contribute to the institution, for example through policy-making, but whose role is primarily that of a teacher. Striking a balance is an ongoing challenge. Professor Janssen noted the report's required focus on the impact of the instructional track on the tenure track. While data was presented about the changes over time in number and percentages of faculty on the various tracks for the university as a whole, she sought to understand what might have occurred within colleges that necessitated an increase in faculty on other tracks, especially the clinical track. Professor Sheerin and Professor Stapleton explained that, when the instructional track was implemented, there was great concern that deans might use this new track to "gut" the tenure track and cause TTF numbers to plummet. Fortunately, this was not the case; deans appear to have used the track as intended. Therefore, the data do not show a sudden drop in TTF following implementation of the instructional track, but rather the slow decline that has been observed for the past several decades. Because the review committee's focus was specifically on the IT policy, the members were unable to delve into the causes for changes in numbers of faculty on other tracks.

In the chat, Professor Gillan, a member of the Faculty Policies and Compensation Committee (FPCC), wondered if the decline in tenure-track faculty and rise in clinical-track faculty could be attributed mainly to the Carver College of Medicine. President Marshall commented that in the College of Dentistry this phenomenon has also occurred. The need for

clinical-track faculty to teach in clinics, as well as the increasing difficulty for faculty to obtain National Institutes of Health (NIH) grant funding, have contributed to the change in percentages of faculty types in the college. Professor Nisly noted that, in the Carver College of Medicine, the rise in clinical-track faculty coincided with the emergence of new national guidelines for medical residents. Residents previously had no limitations on their hours worked. Faculty members were not involved in patient care, leaving it entirely to the residents, and focused exclusively on their research. Once the new guidelines limited the hours that residents worked, however, the clinical track was created out of necessity. Physicians were now needed to care for patients and staff the hospital. Tenure-track faculty were unable to do this because of the 80% research requirement for NIH grant recipients. Clinical-track faculty members have become vibrant contributors to the college, she emphasized. Professor Erdahl observed that in the Carver College of Medicine, a new category of faculty has emerged, *associates*. These individuals sometimes are not eligible to practice medicine independently in the United States because they have not yet gone through the medical credentialing process. It was not clear to Professor Erdahl that this category of faculty is used equitably throughout the college; this may be an issue for the incoming collegiate administration to address.

Professor Gillan commented that he was a member of the FPCC for part of the time when the instructional-track policy was developed. Some of the language, such as that in the preamble, was written to address concerns about the impact of the new track on the tenure track. Also, the clinical-track policy was used as a model for the instructional-track policy in many ways, including in the establishment of caps on the number of ITF in Faculty Senate. Professor Gemmani, an ITF and also an FPCC member, commented that she saw many of her ITF colleagues' concerns discussed in the report. She expressed the view that the instructional track *has* impacted the tenure track, in the sense that in the College of Liberal Arts and Sciences, departments have been denied funding to fill tenure-track lines and told that they can simply hire ITF to teach classes. This practice is a cost-saving measure for colleges. Professor Witt, chair of the FPCC, thanked the review committee for their report. She commented that, while it is important to affirm the intrinsic value of the contributions of instructional-, clinical-, and research-track faculty to the university, there is also concern about dwindling resources available for the tenure track. She added that it would be helpful to have a comparable report about the clinical track, which has been a particular focus of FPCC attention this year. Professor Sheerin observed that the instructional track is designed for faculty members who primarily want to teach; it is not a potential gateway to the tenure track. The tracks must be used in the manner for which they were created. Each track must also not be constrained by policy provisions designed for other tracks.

Professor Stapleton thanked Councilors for their helpful feedback. She indicated that review committee members still intend to make additional minor revisions to the report. President Marshall noted that a vote on the recommendations from the final report would likely take place in the fall.

- *Senate Officer Election Resolution (Ana Rodríguez-Rodríguez)*

In preparation for the upcoming Faculty Senate Officer elections, Vice President Rodríguez-Rodríguez introduced a resolution in support of moving the 2022 officer elections from in-person balloting to online voting:

WHEREAS, the University of Iowa Faculty Senate has elected to hold their meetings online to reduce risk of exposure to COVID-19 for the 2021-22 academic year; and

WHEREAS, because of the virtual meetings, all University of Iowa Faculty Council and Faculty Senate meetings for the 2021-2022 academic year must occur remotely through an online video conferencing platform; and

WHEREAS, by holding all Faculty Senate meetings in an online format, the 2022 Faculty Senate Officer elections can no longer occur in person on April 26, 2022; and

WHEREAS, the ability to conduct the 2022 Faculty Senate Officer elections is necessary to ensure the viability, sustainability, and continuing operational capacity of the Faculty Senate;

THEREFORE, the Faculty Council of the University of Iowa resolves as follows.

RESOLVED, that the Faculty Council recognizes the circumstances created by the COVID-19 pandemic in relation to the Faculty Senate's ability to conduct meetings and elections during the 2021-2022 academic year.

RESOLVED, that the Faculty Council authorizes the Faculty Senate Committee on Elections to conduct the 2022 Faculty Senate Officer elections remotely through the secure Qualtrics online voting system in lieu of in-person balloting.

Professor Nisly moved and Professor Pizzimenti seconded that the resolution supporting movement of the 2022 Faculty Senate Officer elections from in-person balloting to online voting be approved. The motion carried unanimously.

- *President's Report (Teresa Marshall)*

President Marshall invited Faculty Senate Governmental Relations Committee Chair Rick Dobyons to give an update on the committee's planned Legislative Forum. Professor Dobyons explained that the Legislative Forum, jointly hosted by Faculty Senate and Staff Council, would take place on Monday, April 18, at 6:30 pm in the Second Floor Ballroom of the Iowa Memorial Union. The event would also be available on Zoom. The Forum would feature candidates running for state office from Johnson County. Iowa City's current two Representatives and one Senator are all rotating off this year and will be replaced, a situation that has not occurred for many years. These three legislators are traditionally the ones who convey the spirit of the University of Iowa in Des Moines, so it is important for us to learn about these candidates. It is equally important, however, for the candidates to hear the views of the university community. Among the questions that will likely be posed are those relating to funding for the university, views on tenure, the role of the state in helping keep university graduates in Iowa, and communication of the value of the university to the state.

As a follow-up to the discussion on academic freedom at the last Council meeting, President Marshall indicated that the Senate officers had met with President Wilson, Provost Kregel, and other central administrators. At this meeting, the Senate officers asked who serves as an advocate for the faculty and who is going to protect the faculty. The Senate officers were assured by the administrators that the university supports academic freedom and that legal counsel would support the faculty with respect to concerns regarding academic freedom associated with pedagogically relevant classroom content delivered in context. Nevertheless, President Marshall commented, a gray area remains. The protocol that administrators prefer for faculty members to follow when situations arise involves turning to DEO's as the first step. The DEO would then contact the dean, who in turn would contact the Associate Provost for Faculty, who in turn would contact the Office of the General Counsel. Training is planned at the DEO and dean levels to address such situations. While seemingly logical, this hierarchical strategy may not be entirely satisfactory in the view of the faculty. The Senate officers plan to meet with the Faculty Senate Committee on Academic Values to identify steps that could be taken that would make faculty feel more comfortable. They will also consider what central administrators could do to facilitate this effort. Noting the essential role that the American Association of University Professors (AAUP) has played in establishing and supporting the concept of academic freedom, Professor Glass announced that the UI Chapter of the AAUP has invited Henry Reichman, author of *The Future of Academic Freedom* and *Understanding Academic Freedom*, to speak on campus on April 30. President Wilson has agreed to offer comments at this event, as well.

President Marshall reminded the group that two central administrative searches are in progress, for the Vice President for Legal Affairs and General Counsel and for the Vice President for Medical Affairs and Dean of the Carver College of Medicine. She also commented that, although the April 26 Senate meeting will take place on Zoom, next year's Council and Senate meetings will likely be held in person.

At this last Faculty Council meeting of the year, President Marshall acknowledged the work of her fellow officers, as well as of Faculty Senate Administrative Services Specialist Laura Zaper. She also thanked the Councilors for their hard work and support all year.

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

V. Announcements

- The next Faculty Senate meeting will be Tuesday, April 26, 3:30 – 5:15 pm, via Zoom.

VI. Executive Session

- Michael J. Brody Award Recipients

Professor Glass moved and Professor Janssen seconded that the Council move into executive session. The motion carried unanimously.

President Marshall announced the recipients of the 2022 Michael J. Brody Award for Faculty Excellence in Service to the University and the State of Iowa. This information will be publicly announced at the April 26 Faculty Senate meeting.

Professor Buckley moved and Professor Anderson seconded that the Council move out of executive session. The motion carried unanimously.

VI. Adjournment – Professor Anderson moved and Professor Pizzimenti seconded that the meeting be adjourned. The motion carried unanimously. President Marshall adjourned the meeting at 5:05 pm.