

**Iowa State University
FACULTY SENATE
Session XIV, Meeting 4
MINUTES
December 11, 2001**

I. Call to Order: The meeting was called to order at 7:30 p.m. by President-Elect Max Wortman, and substitute senators were seated.

II. Attendance:

- a) Members Present: S. Agarwal; D. Anderson; C. Baldwin; D. Bazylinski; D. Bullen; J. Chen; G. Colver; B. Coree; H. Cravens; J. Cunnally; J. Dana; F. Dark; R. Dearin; C. Drewes; M. Duffy; T. Emmerson; C. Fehr; A.M. Fiore; C. Ford; D. Fowles; W. Franke; R. Gregorac; B. Hand; C. Heising; A. Hendrickson; J. Herwig; P. Hoffman; P. Holden; D. Hopper; J. Hutter; H. Ilahiane; D. Jones; J. Lamont; G. Leavens; P. Martin; M. Mattson; G. Mattson; J. Maves; J. Moses; F. Nutter; G. Palermo; G. Phye; M. Porter; C. Post; P. Premkumar; J. Raich; G. Rajagopalan; B. Robinson; K. Schilling; J. Schuh; D. Simonson; L. Stephens; B. Summers; A. Thieman; C. Thoen; S. Tim; D. Vrchota; T. Weber; W. Woodman; M. Wortman; M. Yaeger; B. Yang.
- b) Substitute Members: D. Russell for D. Epperson; B. Grundmann for G. Hightshoe; K. Jolls for J. Hill; J. Kaufmann for R. Johnson; C. Gasta for G. Jura; T. Besser for P. Korsching; M. Hargrove for J. Robyt; D. Lewis for J. Tollefson; N. Pohl for W. Trahanovsky.
- c) Absent Members: I. Anderson; M. Chen; D. Coffey; E. Cooper; M. Doran; J. Girton; C. Mize; J. Opsomer; M. Owen; S. Russell; B. Thacker; C. Trexler; W. Ware..
- d) Guests and Visitors: R. Richmond, Provost Office; S. Carlson, Provost Office; Rex Heer, P&S Council; L. Allen, Ames Tribune; L. Charles, University Relations; J. Christensen, GSS.

III. Consent Items: *Motion to approve the minutes of the Faculty Senate meeting of November 13 [01/M/3], the agenda for the Faculty Senate meeting of December 11, the calendar, and the Fall 2001 Graduate List was passed.*

IV. Announcements

President Pope announced that more than half of the members of the Faculty Senate have returned the president-elect form sent out by the Faculty Senate Council on Judiciary and Appeals.

David Hopper urged members to contribute to the Giving Tree, a program that supports the YMCA program for Families in Transition. Those who wish to participate may buy what is listed on a card or write a check and have staff members purchase gifts for the children. Gifts brought to the office for the Giving Tree will be wrapped by staff members.

V. Reports

A. President Gregory Geoffroy

1. **Budget:** Reporting on the recent revenue estimating conference, President Geoffroy said the good news is that state revenues are not falling so far behind that another mid-year deappropriation will be necessary. (This, of course, could change by the March revenue estimating conference.) The bad news is that revenue estimates for FY03 are \$485 million short of what the legislature and the governor need to do to take care of everything. The deficit, said Geoffroy, will probably be addressed by deferring such items as the reorganization of state government. At ISU, Geoffroy noted, the administration has reduced budget-cutting targets for the colleges, especially for non-academic units.
2. **Tasers:** President Geoffroy announced his decision to proceed with the recommendation on the use of tasers and said that the matter will be forwarded to the Board of Regents for its January meeting. UNI and U of I are doing likewise. Comments Geoffroy received from faculty, staff, students, and people in the community reveal that undergraduate students favor the measure; graduate students, who provided no formal recommendation although feedback from this group, have been mostly supportive; and the same holds true for the staff. P&S made no formal recommendation; and response from faculty has been mixed. Geoffroy took into account the Faculty Senate recommendation as well as individual faculty comments, the latter of which have been mostly supportive.
3. **Name Change within the Department of Safety.** Geoffroy, who said he has not yet decided on the name change, reported that U of I is going to proceed with the name change, but UNI is not.
4. **Use of campus facilities.** The policy governing the use of campus facilities received lots of good input and strong support, according to Geoffroy, who said that no one opposed it and many made good suggestions for revising it. The President announced that ISU is going to loosen it up even more, although with safeguards to insure that classes are not interrupted. The policy will be submitted to the Board of Regents at the January meeting.

B. Provost Rollin Richmond

Although he received no questions from the Faculty Senate to be answered at this meeting, the Provost said he did want to comment on the nontenure-track policy. Provost Richmond urged the Senate to be expeditious and in doing so to preserve the rigor of the tenure-review process at ISU. He also wished members of the Senate happy holidays.

V. Old Business**A. Continuing Nontenure-Track Task Force Report [S00-30]**

Denise Vrchota announced that David Hopper would comment on Revised Motion #3 (old motion #7) of the nontenure-track policy before the floor would be open for discussion. Hopper, pointing out that the main issue here is that the central administration feels strongly about a shadow or tenure-like status for nontenure-track positions, noted that some people on the Nontenure-Track Task Force feel just as strongly in the opposite direction. This will be key to our debate tonight, said Hopper, who noted that the Provost has spoken with him and with the Executive Board of the Faculty Senate about moving ahead on this.

Following Vrchota's declaration that the floor is now open for discussion, Michelle Mattson asked what would happen if the matter under discussion did not pass this evening. In that case, said Hopper, old #7 will stand, and then the Senate will vote on the whole eight. Of the original eight motions, Hopper said that the Senate has approved the new #1, thereby replacing the old #3; and the new #2, which pertains to the old #5; and the new #4. Hopper stated that Revised Motion #3 (old #7), skipped in favor of Revised Motion #4 at the Faculty Senate meeting in November, has two parts: the first begins with *Except*, and the second covers designations to be considered for use. The latter, he said, are not binding:

Revised Motion #3: Delete all of item #7 and substitute the following:

Except for retired faculty, individuals filling temporary vacancies, and those whose appointments are less than full-time, individuals holding faculty positions will hold either probationary or continuing appointments. The performance of faculty members on renewable term appointments, full-time and part-time, will be regularly evaluated with established criteria appropriate to their positions. The university will define the credentials and the quality of scholarship it requires of faculty members in different academic positions and will make appointments and decisions regarding compensation and advancement based on the criteria specific to the position.

In addition to adjunct faculty, the Faculty Senate recommends to the administration that these additional nontenure-track faculty designations be considered for use at ISU:

- ? Lecturer and Clinician (a limited term, full-time or part-time appointment not to exceed three years and renewable for no more than a total of six years).
- ? Senior Lecturer and Senior Clinician (a continuing, full-time or part-time appointment that may be bestowed after a total of six years and requiring the vote of the appropriate promotion and tenure unit; must be peer re-

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viewed by tenured faculty at least every seven years). Any Senior Lecturer or Senior Clinician recommended for termination will be accorded all the rights of due process normally reserved for tenured faculty members.

According to Hutter, throughout the 30 years he has been here some 20 to 25% of the faculty have been temporary. Therefore, what we have is what the AAUP refers to as (and objects to) “folding chairs”: the position is permanent, but the people are temporary. Hutter said we would be wise to choose to keep some of those people for longer periods rather than automatically firing them and replacing them with new temporary faculty.

Bill Robinson said he did not think the Senate should pass Revised Motion #3 because the amendment says individuals will be either probationary or continuing. This creates a shadow tenure system, said Senator Robinson. Noting that the word *probationary* denotes tenure-track and *continuing* connotes tenured, Robinson said that passing new #3 means every full-time non-tenure track appointment will be regarded as step toward permanent appointment. Even if the person is not permitted to vote on faculty appointments, he noted, in most respects it will be very much like tenure including the fact that these people, like faculty, can be dismissed for incompetence. As a practical matter, said Robinson, this establishes a system whereby if you hire full-time temporary faculty, you must do so with the understanding that they are en route to permanent employment. Although Robinson remarked that departments wanting to do this should be able to request it of the Provost, passing Revised Motion #3 means that all departments must hire for positions tantamount to tenure. As a result, hiring people on three or five-year terminal contracts would be ruled out, a possibility Robinson did not believe could really be legal. He also reported that a small majority of his respondents did not like idea of a two-tiered system, although he acknowledged that one department seems to want such positions. His concern is that passing this will make it a systematic institutional policy whereby persons will be hired on a basis that promises them a track to a permanent position.

Clark Ford wondered if the word *probationary* presented a problem for Robinson, suggesting that the phrase, *limited term* in both parts of the text might help. Robinson agreed that it was helpful. Warren Franke suggested that everything in Revised #3 be nuked except lecturer and clinician, thereby giving departments latitude to terminate if they need to. Senator Franke likewise expressed the concern that such a continuing appointment thing makes a mockery of the tenure process. Bill Woodman, remarking that hypocrisy serves good uses, insisted that faculty members are lying to themselves if they believe these positions are going to go away. The positions will not disappear, said Senator Woodman, even if the people do. He therefore counseled that faculty bite the bullet and do what needs to be done.

Hutter stated that he does not agree that all temporary faculty become virtually

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tenure track but admitted the last portion about the designations is a problem; perhaps the policy should just state that a continuing appointment is possible. Hutter added that the Senate could delete everything from the words, *In addition*, to the end of the motion, but warned that to delete the entire motion because senators are unhappy with this possibility made no sense. Hutter agreed with Senator Ford that it would be reasonable and acceptable as a friendly amendment to add the phrase, *limited term*, in between the words *either* and *probationary* in the fourth line of the resolution.

Gary Levinson pointed out that with the current system, people have to be dismissed after six years, which makes it hard for them and hard for us as departments to get rid of them. Dorothy Fowles, wondering what these people will be called, said the problem is that there are all sorts of titles for them. She noted that *adjunct* may serve us well. According to Ganesh Rajagopalan, the six-year appointment resembles the tenure process, so much so that it raises the question about exactly what the difference is between the regular tenure process and this. This motion more or less says we have another way of granting tenure.

Gregory Palermo rose to speak both in favor of Revised Motion #3 and against it. If everything below the words, *In addition to*, were deleted as suggested, said Palermo, what would the paragraph beginning with *Except* do differently than what we currently do? Hopper responded that it would not change anything that we are doing now, specifically, it would keep the five-year term limit. If that is the case, said Palermo, then does what is below that paragraph matter? Hopper disagreed, saying that what follows is a description of term limits. It describes the basis for the continuing appointment. Robinson countered that right now a person can be hired with the understanding that their position will not be renewed after three years or six years, that they can be hired with the understanding that they are not on tenure track but can be renewed up to six years. The change would be that that would no longer be allowed. Hopper acknowledged that Robinson was correct.

Raising the issue of the legal status of faculty in these positions, Tony Hendrickson wondered how we can make this kind of decision about their status. Hopper responded by pointing out that in a joint conversation he and Hutter had with Knight of AAUP, Knight said the language in this proposal does grant a tenure-like status for these positions but acknowledged that it probably would not stand up in court. Thus, said Hopper, in terms of the strict, legal interpretation of the law, this is not tenure and if an individual appointed under what is recommended went to court, the person would lose hands down. If that is the case, asked Rajagopalan, is there a real need for this paragraph in the policy?

Speaking to that point, Hutter said he and Hopper did not ask Knight what would happen if a tenured faculty member lost a job because of financial exigency. What the task force is recommending, said Hutter, is that the administration and the Faculty Senate may wish to seriously consider language such as this or something else that would accomplish the following: to have a mechanism so that ISU

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can keep some of the 25% of faculty it employs and regularly rolls over and turns out. These faculty usually perform these jobs for half the money and twice the teaching load. According to the proposed motion, some of these people in the future would have continuing appointments and would be entitled to the same type of a hearing in the case of dismissal as is any tenured faculty member as a protection from arbitrary dismissal. Robinson agreed with Hutter that there ought to be a place for certain persons to have more job security than they currently have, but pointed out that is not what this amendment says.

To solve the problem of the wording in Revised Motion #3, Warren Franke recommended that in the paragraph beginning with "Except" the word *renewable* be used in place of *continuing*. [Not acted upon.] The legal status of persons in these positions was the concern of Jeffrey Kaufmann, who stated that what had been said about the AAUP regarding the continuing appointments was not relevant because the employment issue here would come under Iowa law.

Rajagopalan addressed the matter of review: if the person in this appointment has to go through a committee for promotion and tenure, he asked, what would it amount to? Palermo responded that he reads Ganesh's question to mean: is this a shadow tenure system or not, is it an implied contract or not? The way he reads the document, said Palermo, is that the language is really the language reserved for tenure, including the requirement of peer review. Reading from Revised Motion #3 about the designations *Lecturer* and *Clinician*, Palermo stated that since this portion of the amendment is an issue to be considered and not adopted, he finds the motion only allows the Senate to consider considering it. In agreement with Palermo, Hopper stated the Faculty Senate is advisory to the administration on this issue, which means that the entire set of recommendations before the Senate are just that, recommendations. To the point that ISU has shared governance, said Hopper--and it is strong here, he added--the Faculty Senate's views will be heard.

At this point, Hopper affirmed that he stood before the Senate as Hopper and not as Chairman of the Task Force on Nontenure-Track Faculty. Reminding the Senate that at last month's meeting he corrected the Provost when he said that the recommendations were Hopper's, Hopper reiterated that they are not his personally. Hopper, noting that U of I has had nontenure-track positions for some years, read the U of I's paragraph on clinicians that appears on their website: *decision not to renew may be for not meeting standards or for changed economic circumstances or program needs. The latter can only occur at the conclusion of the appointment.* Their position, said Hopper, has been that there is not tenure-like status here.

Motion to close debate was passed.

Motion to amend Revised Motion #3 by replacing "probationary" with "limited term" failed to pass.

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Commenting that the change in wording made her feel she could not vote on the motion, Mattson moved to reconsider. Max Porter, however, said the move to reconsider has to come from the prevailing side. Ford so moved, but since he was not from the prevailing side Palermo stated that his vote could be recorded as on the prevailing side and moved that we reconsider. ***The motion to reconsider failed.***

Hopper then offered the following motion, which was a modification of the previous motion:

Replacement for the rejected Revised Motion #3:

Tenure-track faculty shall be responsible for selecting, reviewing, and renewing nontenure-track teaching appointments, consistent with the principles of shared governance, and in accordance with each unit's governance document. This purview includes personnel carrying out instructional duties providing course credit.

In addition to adjunct faculty, the Faculty Senate recommends to the administration that the following nontenure-track faculty positions be considered for use at ISU:

- ? Lecturer and Clinician: a limited term full or part-time appointment of from one to three years and renewable for no more than a total of six years.
- ? Senior Lecturer and Senior Clinician: a limited term full or part-time appointment not to exceed five years, requiring a notice of one year of intent not to renew. To be eligible for appointment as Senior Lecturer or Senior Clinician, the individual shall have served as a Lecturer or Clinician or its equivalent for six years.

A motion was made (and seconded) to add the following language to the end of Hopper's replacement of Revised Motion #3: These positions can be dropped when no longer needed, and when needed we can add more tenured lines.

In discussing the proposed motion, Hutter queried the Provost about faculty hired by ISU according to this scheme. When they are no longer needed programmatically or ISU no longer has money to retain them, would their termination require review by any type of faculty body? Provost Richmond responded that although he believes this motion in the final sentence of the first paragraph provides for review by a faculty committee, he does not think it would be appropriate for all to come before this review. To Robert Gregorac's question about whether such faculty would be limited to a total of eleven years, Hopper said, no. When Rajagopalan suggested that the appropriate faculty committee might be P&T, Hopper replied that it would be better to let departments decide how they want to handle this. Tom Andre agreed, stating that different departments have different needs and therefore should develop their own ways of reviewing such people. A procedure is needed, he said, but recommended that it be done through the gov-

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ernance document. Rajagopalan concurred, adding that the governance document should include this so that it cannot be changed by the DEO.

Hutter suggested substituting for the final phrase in the first sentence of Hopper's revised motion, *each unit's governance document*, the following wording, *procedures established by each department*, which Hopper accepted as a friendly amendment. When Palmer Holden said that in that case it may not have to be faculty, Vrchota suggested that the new phrase read *by the faculty in each department*. Hopper accepted this. Hutter reminded senators that whatever the Senate does here today does not alter AAUP policies and guidelines. Robinson noted that the top two lines of Hopper's alternative motion make it appear that faculty in these positions are allowed to be renewed but need not be. Hopper responded that Robinson's understanding was correct, but he declined to accept Robinson's wording as a friendly amendment.

Motion to adopt Hopper's motion, as amended, was passed.

Palermo, who did not present his second amendment because he said it was no longer relevant and should be dropped, stated that his first amendment stands as follows:

Tenure-track faculty shall be responsible for selecting, reviewing, and renewing non-tenure track teaching appointments, consistent with the principles of shared governance, and in accordance with each unit's governance document. This purview includes personnel carrying out instructional duties providing course credit.

Regarding Palermo's amendment #1, Hutter recommended that everything be dropped following "governance" and that the final sentence be retained but with the following change: *This purview includes any faculty carrying out instructional duties. providing course credit.* Palermo, however, recommended that *personnel* not be replaced by the word *faculty*. A final observation was made by Woodman, who noted that saying this is in accord with the governance document is fine, but reminded the Senate that since most appointments are made in late summer this will present problems.

Palermo's Amendment #1 was passed.

Daniel Bullen moved the adoption of the entire document of the task force as amended.

Tom Andre said that there is one issue he feels strongly about because his unit uses faculty from the field to bring instruction to its students. As a result, he believes the rationale has an overly negative tone and therefore recommends that something be added to indicate that there are legitimate uses for these faculty in professional departments especially.

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Motion to adopt the entire document of the task force as amended was passed.

Motion to extend the meeting for ten minutes was passed.

B. New Master's Degree Program in Veterinary Diagnostic and Production Animal Medicine [S01-5]

Motion to approve new master's degree program was passed.

[The motion did not require a second because it comes from a program.]

C. Proposed Name Change of Department of Public Safety

Jerry Stewart, Interim Director of Department of Public Safety, noted that in the two divisions of DPS, Law Enforcement and Parking, the bulk of the 32 full-time employees are in Law Enforcement. Because this is an academic institution, Stewart stated that the Law Enforcement Division recruits officers with university degrees: 80% have an undergraduate degree and 20 to 25% have advanced degrees. All are state-certified, and the division is a nationally accredited agency.

According to Stewart, there is confusion about what the Division of Law Enforcement does, which is why it seeks to rename the division. Although he cited a recent domestic squabble in which a visitor to a woman's dorm room yelled at the DPS, "You're not the police!", Senator Mattson, speaking on behalf of the LAS Caucus, said it does not think DPS is going to change anything by doing this. Stewart responded that ISU is the only one of the three Regents universities without this designation, noting that the office was called the ISU Police until ten years ago when it was changed to the Department of Public Safety. Carla Fehr wondered what this tell us about freedom on campus, especially considering that we already have the City of Ames Police here.

Motion to extend for two minutes was passed.

Motion to approve the change of name from Law Enforcement Division to Police Division was passed.

The meeting of the Faculty Senate was adjourned at 9:12 p.m.

Constance Post
Faculty Senate Secretary