

**IOWA STATE UNIVERSITY FACULTY SENATE  
FACULTY SENATE MEETING minutes  
APRIL 20, 2010 – 3:30–5:00 P.M.  
GREAT HALL, MEMORIAL UNION**

**Present:** Agarwal, S.; Anderson, D.; Anderson, P.; Arndt, G.; Baker, R.; Beattie, G.; Beell, T.; Beetham, J.; Beresnev, I.; Blevins, J.; Butler, A.; Byars, J.; Chaudhuri, S.; Clough, M.; Daniels, T.; Day, T.; Dell, B.; Ford, C.; Freeman, S.; Hargrove, M.; Hendrich, S.; Herrmann, P.; Hillier, A.; Hochstetler, A.; Huffman, W.; Jackman, J.; Keren, N.; Korsching, P.; Kushkowsky, J.; Loy, D.; Luecke, G.; Manu, A.; Maitra, R.; Martin, M.; Martin, R.; Matzavinos, T.; Mayfield, J.; McQueeney, R.; Minion, C.; Muench, J.; Niday, D.; Osweiler, G.; Owen, M.; Palermo, G.; Pleasants, J.; Porter, M.; Porter, S.; Rule, L.; Sapp, T.; Schalinske, K.; Selby, M.; Smiley-Oyen, A.; Stalder, K.; Strohschein, C.; Sturm, J.; Torrie, M.; Townsend, T.; Tuckness, A.; Vander Lugt, K.; van der Valk, A.; VanderZanden, A. M.; Wallace, R.; Walter, S.; Windus, T.

**Absent:** Bracha, V; Cooper, E.; Napolitano, R.; Owusu, F.; Prieto, L.; van Leeuwen, H.; Wang, Z.J.

**Substitutes:** L. Thompson for Baldwin, C.; S. Ravenscroft for Doran, M.; M. Dahlstrom for Geske, J.; J. Hostetter for Haynes, J.; B. Caldwell for Katz, A.

**Guests:** Hoffman, E. (Provost); Carlson, S. (Provost Office); Rosacker, E. (University Relations); Morrow, P. (NCCA Faculty Rep); Pollard, J. (Athletics); Peiffer, G. (GPSS); Murtaugh, T. (ISU Daily); Koziel, J. (ABE); Tanaka, P. (University Counsel)

**I Call to Order – 3:30 p.m.**

By van der Valk

**A Seating of Substitute Senators**

See above for subs

**II Consent Agenda**

**A Minutes of Faculty Senate, April 6, 2010 - [S09/M/7]**

**B Agenda for April 20, 2010 – [S09/A/8]**

**C Calendar – [S09/C/8]**

**D MS in Architecture – [S09-22]**

**E MS in Landscape Architecture – [S0-23]**

**F MLA in Landscape Architecture – [S09-24]**

Anderson made a motion to approve. Butler seconded; motion carried.

**III Special Order – Athletic Department Presentation, Jamie Pollard, Athletic Director and Paula Morrow, NCAA Faculty Representative**

Morrow gave a report on academic performance of scholarship athletes at ISU. Noted that as a group such athletes perform as well or slightly better than the average ISU student. Quite a variance however from one sport to another. Gymnastics and golf tied for best at 3.28; lowest is men's basketball at 2.3. Explained the concept of the "special admit" and tracked their

progress over the past few years in terms of first-year GPA; trend is upward. Hard to compare because sample small and sample size fluctuates. Noted that 78% of all student athletes graduate eventually. Noted that ISU has made good progress on APR (Athletic Progress Rate), an NCAA measure of eligibility and retention. Morrow introduced AD Pollard, who in turn noted that Morrow is retiring as NCAA faculty rep after 7 years of service. Recounted accomplishments. Presented two parting gifts, a blanket and artwork from Stix.

#### **IV Special Order – Annual Promotion and Tenure Report -- Provost Hoffman**

Hoffman noted 65 cases came forward. 27 from associate to full, with 26 successful; 36 from assistant to associate/tenure, with 33 successful, 2 denied and 1 granted an extension. 2 cases for tenuring associate professors, both successful; 4 withdrawals during tenure consideration process.

#### **V Announcements and Remarks**

##### **A Faculty Senate President**

Van der Valk noted that monitoring committees are in place for 3 departmental restructurings. Noted that NTE teaching report is published and available for public review. Noted that Executive Board (EB) approved another proposed amendment to Handbook Section 3.4 as “friendly”, and that 2 or 3 amendments would be considered by the Senate today. Noted that the EB proposes a division of tabulated info between Handbook Sections 10.8 and 2.7.

##### **B Faculty Senate President-Elect**

Owen reminded about the spring conference 4/30, noting that additional invite call would go out. Noted that Veronica Dark has agreed to be nominated for Senate Recording Secretary (huzzah!). Noted that EB retreat will take place 6/2/2010.

##### **C Provost**

Hoffman thanks those who have worked to edit the Handbook. Also thanked those who offered comments on the strategic plan. Noted that there had been some criticism of the strategic plan because, unlike business plans, it features visioning in its introductory portion; noted that this was a typical distinction for an academic institution plan.

#### **VI Old Business**

##### **A Revised version of FH Section 3.4 Nonrenewal or Termination of Appointment – Governance Council as amended to date -- [S09-11 4.14.2010] (Porter)**

Van der Valk noted that there are 3 of the original 10 amendments left to consider. Pleasants spoke for the amendment that would make the ISU Handbook conform with AAUP guidelines, substituting “every effort” for the current “good faith effort”, respecting the university’s level of effort in placing displaced faculty. Noted the problem of defining “good faith”. Caldwell seconded Pleasant’s motion to approve this amendment. Whereupon a spirited and highly nuanced discussion ensued.

Van der Lugt supported the AAUP preference for “every”, noting that AAUP probably has experience with terminations and appeals. Tanaka noted that “every” is much broader, and for that reason it is rarely encountered in contract language. Noted that “good faith” is a commonplace in such language, and is understood to mean diligence/honesty/absence of

deceit or fraud. Feared that “every” would be an unreasonable standard. Porter noted that the Governance Council has debated this at length and has come around to support Tanaka’s position. Huffman noted that “every” would constitute a very high transaction cost; stressed that we have to consider cost implications of policies. Townsend pointed out that the cost is quite high for any terminated faculty member. Noted that his research indicates that “good faith” essentially assures that only a perfunctory effort is made, that someone showed up at the table, and was hence possible a meaningless standard, nominal only. Suggested that “every” not such a great burden on administration when stakes are so high for faculty, and that “every” could assure that the placement effort would not be perfunctory. Dalhstrom asked why AAUP prefers “every”. Pleasants replied that AAUP prefers “every” but is not horrified by “good faith”. Wondered whether we might consider the middle ground of “every reasonable” (which seemed quite, well...*reasonable*, but no one picked up on the suggestion).

Tanaka noted that it is rare for a university to adopt AAUP language wholesale. Went on to contextualize the issue, noting that we are not operating in a vacuum, and that currently we stand to lose 482 P+S positions as well as 45 faculty. Owen noted that the U of I accepts “good faith”, and the AAUP doesn’t hate it, so why not we adopt it as well. Ravenscroft noted that her research indicates that “every” appears in 150 instances in US statutory codes, and that a Nexis-Lexis search shows that it’s not really so rare. Van der Valk countered that a Google Scholar search yields 300,000 hits for “good faith”, with “every” much rarer. He then called for a vote on the motion, which was defeated in a show of hands 23Y-42N.

The next amendment, offered by Beresnev, was ruled out of order (before it could be seconded) because its implication of a guaranteed position for displaced faculty (with a maximum pay reduction of 25%) contradicted the original motion.

The next amendment was offered by Pleasants and seconded by Ravenscroft. In essence this one called for faculty involvement during considerations of the possibility of declaring a state of financial exigency, and in addition create an avenue for an appeal of a termination due to exigency. Selby noted that it was unclear WHO decides when exigency exists; Pleasants agreed to the deletion of a sentence that would help clarify this. Hoffman pointed out that the Regents have responsibility for making the determination for an exigency, and that the Senate had no prerogative to insinuate itself into the Regents’ decision-making process, so the amendment as construed could be unenforceable. Suggested that the Governance Council might do well to take this amendment back for discussion of its implications. Pleasants noted that 2 ideals were of importance here—that faculty have some involvement in determinations of exigency, and that faculty have some involvement during discussions of possible program eliminations.

Prieto then asked whether EB has yet considered this amendment. Van der Valk countered that the EB does not vet all amendment fully prior to Senate discussions due to lack of time; sometimes it is appropriate to explore implications of amendments during floor discussions. Prieto countered that this amendment is too important to be dealt with in this manner; he supports it in principle but believes that the amendment needs to be hashed out by the Governance Council and the EB prior to further consideration by the full Senate. Carlson pointed out that the section of this amendment that deals with appeals is incomplete, and

needs much more thought and specificity with respect to appeals process, for example. Van der Lugt asked whether this amendment could be brought back after being reconsidered by EB or Governance Council, if we vote it down today in its present form; van der Valk said yes indeed.

Sturm noted that the amendment needs timetable information in the section dealing with exigency determinations. Butler asked whether she could call for tabling consideration of the amendment. Prieto made a motion to refer the amendment to the Governance Council for review. Butler seconded; motion carried.

Butler then moved to table the motion concerning Section 3.4, to the 5/4/2010 Senate meeting. Townsend seconded. Kushkowski asked that faculty be allowed to see the full amended text; noted that the present document is a mishmash of revisions, and that faculty need time to reflect on the changes and the implications thereof. Question called on Butler's motion to "postpone"—but the ever-vigilant Recording Secretary adroitly pointed out that Butler had asked for tabling rather than postponement; Butler thereupon amended her motion to postpone further discussion/voting on Section 3.4 to the 5/4/2010 Senate meeting. On a show of hands Butler's motion carried 45Y-16N.

#### **B Proposed Revision of Section 10.8 of the Faculty Handbook – [S09-21 4.14.2010] (Hendrich)**

Van der Valk noted that in the interest of time, this discussion would be postponed.

#### **VII New Business**

##### **A Bachelor of Industrial Design [S09-25] – (Hendrich)**

Selby noted that it is unclear what Design's relationship would be with Engineering concerning this area of study. Also, it was unclear what Rover's letter meant in referring to Engineering's faculty support for the new degree. Hendrich noted that the degree is not really strongly related to anything Engineering does.

#### **VIII Good of the Order**

Van der Valk asked that people participate in the spring conference.

#### **IX Adjournment**

Beell moved to adjourn. Wallace seconded; motion carried.

Minutes assiduously recorded, painstakingly typed and respectfully submitted by Michael David Martin, duly elected Recording Secretary of the Iowa State University Faculty Senate, upon this third day of May in the year MMX *Anno Domini*.

<p><b>NEXT MEETING</b> <b>TUESDAY, MAY 4, 2010 -- 3:30-5:00 P.M.</b> <b>GREAT HALL, MU</b></p>
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