IOWA STATE UNIVERSITY FACULTY SENATE
EXECUTIVE BOARD MEETING MINUTES
MARCH 31, 2015
3:00-5:00 P.M.
107 LAB OF MECHANICS

Present: Bigelow, T. (Academic Affairs); Bratsch-Prince, D. (Associate Provost); Butler, A. (Secretary); Dark, V. (Past President); Freeman, S. (RPA); Holger, D. (Associate Provost); Martin, R. (CALS); Minion, C. (Vet. Med.); Owen, M. (J&A); Paschke, T. (FDAR); Rippke, S. (Parliamentarian); Russell, D. (Human Sciences); Schaefer, V. (Engineering); Selby, M. (Governance); Wallace, R. (President-Elect); Wickert, J. (Senior Vice President and Provost); Zarecor, K. (Design)

Guest: Bystrom, K. (University Counsel); Katz, A. (Integrated Studio Arts); Litchfield, R. (Food Science and Human Nutrition); Simonson, D. (Music)

I. Call to Order
President-Elect Wallace called the meeting to order at 3:00 when the group was “quorate.”

II. Consent Agenda
A. Agenda, Executive Board Meeting March 31, 2015
B. Minutes, Executive Board Meeting March 3, 2015
Senator Butler moved, and Senator Owen seconded. The motion passed without dissension.

III. Special Order: Keith Bystrom, Legal Counsel – Revisions to the ISU Student Disciplinary Regulations
Mr. Bystrom wanted to raise awareness among FS about revisions to the ISU Student Disciplinary Regulations. These changes bring the students regulations into compliance with new federal laws, including Title IX and Violence Against Women Act (VAWA).

Before these changes, ISU would hire outside counsel to conduct investigations. Now conducting the investigations is part of the EO Director’s duties. The EO Director is also the Title IX coordinator for the university, which is critical for Title IX compliance. Section 5.2 describes the investigative role of the EO director. The revisions removed two types of hearings that were rarely used. Another change is to the labels for violations from “major” and “minor” to “level 1” and “level 2,” respectively. University Counsel has advised Judicial Affairs that the “level 1” applies to cases where separation of the student from the university is contemplated. Mr. Bystrom added that some students had ignored charges labeled “minor” and thought that “level 2” might address that. He noted that this system of classification is similar to that for the Athletics Department for their internal athletic disciplinary system.

Other sections were added because of changes in federal law. According to VAWA, certain violations need to be named specifically in the policy (including domestic and dating violence and stalking). These violations used to be handled under assault and sexual harassment policies. Also, “misuse of computers” was renamed to “misuse of
technology” to cover any cases involving electronic devices. The sanction of restitution increased to $1,000 (in addition to reimbursement for damages).

Section 5.4 clarifies that the All University Judiciary (AUJ) provides its recommendation to the Dean of Students. Their decision is only a recommendation. One change is that if the Dean of Students chooses not to follow AUJ’s recommendation, the Dean must consult with AUJ.

With respect to timing of disciplinary hearings, VAWA and Title IX encourage institutions to pursue the matter in a timely fashion, even if it is a criminal case. Institutions should not wait for the criminal justice system to conduct its investigation.

The number of people available for AUJ has been increased. Currently, there are five people drawn from different groups. The number will be increased to ten. Still, the number of people serving on AUJ will remain at five.

The section concerning students studying abroad has been moved elsewhere. The Study Abroad Director has always had the authority to handle cases involving students studying abroad. The punishments increase from oral warning to written warning to dismissal.

Senator Bigelow asked Mr. Bystrom about academic dishonesty. The punishment for multiple cases of cheating never seems to rise to dismissal. Is there a way for multiple level 2 violations to yield a level 1 violation? Senator Bigelow pointed to 5.4.2(H)(7): “Past unrelated behavior of the accused or the complainant shall not be admitted in evidence by the AUJ chair.” Senator Bigelow was concerned that this language would prevent AUJ from taking into consideration past cases of cheating when considering a current case of cheating. Mr. Bystrom replied that 5.4.2(H)(7) concerns “major case” or level 1 cases. The provision is included so that accused students cannot bring up the past sexual behavior of the accuser. He pointed Senator Bigelow to 4.1.4(A)(6), where “the same or similar conduct is repeated” may lead a violation to be “regarded as more serious.”

Senator Bigelow asked whether any students have been suspended for academic dishonesty. Mr. Bystrom said that there had been none since 2012. Senator Selby pointed out (to her surprise) that there had been only 20 cases of second findings of academic dishonesty in the entire university. [See appended handout for the source of Senator Selby’s observation.]

Senator Bigelow asked whether ISU had considered a demerit based system. Mr. Bystrom said that the conduct code was substantially revised in 2007. To the best of his knowledge, there had never been discussion of a demerit based system. In light of her observation, Senator Selby suggested that a demerit system might not make sense if there are so few second findings.

Senator Minion asked about the Honor Board. Mr. Bystrom said that if a student would prefer to be heard through the Honor Board, he or she may do so. The Dean of Students Office is happy to provide assistance. Mr. Bystrom is the liaison.
IV. Announcements and Remarks

A. President
President-Elect Wallace reported that President Schalinske had no remarks. He is still looking for nominees for RPA and J&A Council chairs. Senator Owen volunteered to chair J&A Council. Later in the meeting, Senator Freeman sprang from the room to find the appropriate paperwork.

B. President-Elect
President-Elect Wallace said that he sent e-mail to solicit nominees for committee chairs. Senator Zarecor said that she would not serve as chair of Equity, Diversity, and Inclusion committee. She announced that she is expecting a baby. Senator Owen said that he would be unwilling to chair the Faculty Compensation committee. Senator Freeman said that the members present at the last meeting of the Faculty Compensation committee said that they were unwilling to do the work.

C. Senior Vice President and Provost
Provost Wickert was not yet at the meeting. Associate Provost Holger said that there would be new language forthcoming concerning the section on Outcomes Assessment in FH. These changes arose from writing documentation of the university reaccreditation for HLC. He said that after the current process was written down, it was discovered that it deviates from FH’s process. Academic Affairs Council discussed the matter, but they did not have the specific language. There will be specific language available at the next EB meeting. Past President Dark said that if the changes are small, it would be unnecessary to route the changes through Governance Council first.

D. Council Chair Reports
Academic Affairs Council and Governance Council said that they have matters under New Business.

Senator Paschke said that this year, 23 out of 25 applications for foreign travel grants were funded, for a total of $29,700.

Senator Owen said that J&A Council has received one appeal. In April, J&A Council will meet with the Deans Council to inform them that some appellants (e.g., disputes about annual reviews, concerns about salary, etc.) will be encouraged to use the process involving administrative appeal rather than the ad hoc investigative committee.

Senator Freeman said that RPA is trying to get the Faculty Compensation committee report so that President Schalinske can prepare his remarks for BOR. He added that the Vice President of Human Resources is meeting with RPA to talk about benefits and compensation. President-Elect Wallace asked about the role of RPA in budget meetings with Miles Lackey. Senator Freeman replied that the process is not as smooth as it used to be, because decisions are being made in different places. RPA will be talking about compensation with Mr. Lackey next week and with Provost Wickert after that.

E. Caucus Chair Reports
There were no reports, except that the Human Sciences caucus discussed the PRS report with their dean, and the LAS caucus was meeting with their dean at the time of the EB meeting.
V. Unfinished Business
None

VI. New Business
Professor Litchfield said that this certificate is the collaborate effort of three departments. It is expected that there will be a 20% growth in this area by 2020. Currently, “health coach” appears in a number of job listings. There is no professional organization that specifies the standards or requirements for health coaches. There are other certification programs, mostly expensive and online, but none have the depth and breadth of this proposed certificate program. The certificate program would harness expertise already on campus.

Senator Freeman noted that the tallies from the college votes were missing from the proposal. Professor Litchfield said that she would re-send those numbers to Senator Bigelow. EB voted unanimously to include the item in the FS agenda.

B. Changes to FH sections 3.4.1.1 and 5.4.1.2 – [S14-18] – Selby
Senator Selby said that she had presented this item to Chairs Cabinet. There was not much discussion there; the discussion moved on to length of contracts.

Associate Provost Bratsch-Prince supplied EB with a chart of the distribution of lengths of contracts to NTE faculty in each college and their length of employment at ISU. The data show that there are pockets of the university where lecturers are being hired for many years in a row on one year contracts. These data were presented to the deans. The Provost’s Office gave them the message that one year contracts are appropriate in some circumstances, but the norm should not be hiring people year after year on one year contracts. At the Chairs Cabinet meeting, one chair reported that his dean said that he can hire only on one year contracts. Associate Provost Bratsch-Prince said that this indicated that there has been miscommunication.

Associate Provost Bratsch-Prince said that the Provost’s Office received an application for promotion from someone who had been at IS since 1997, received only one year contracts, and hasn’t been promoted until now. She said that the Provost’s Office is hearing from chairs and deans who think that they cannot offer longer contracts because of budgetary reasons. She said that the Provost’s Office’s position is that whenever possible, there should be multiyear contracts. It should be clear that not everyone will receive multiyear contracts.

Senator Selby said that some chairs reported that they always offer multiyear contracts, whereas other chairs said they didn’t think they could offer multiyear contracts. Departments distinguish between senior lecturers and lecturers, but do not distinguish between new lecturers and lecturers who have been at ISU for more than three years.

Associate Provost Bratsch-Prince said that some departments hire for only one year. And there may be reasons not to rehire lecturers, such as discontinuation of a program or a predictable drop in enrollment. Nevertheless, chairs would appreciate knowing that they can depend on a lecturer for a longer term contract. But other departments will have some
margin of short term lecturers. That said, as an institution, we can do a better job providing multiyear contracts.

Senator Selby asked whether there is a need or an issue to change the policy to specify a minimum length of contract for lecturers who have been at ISU for three or more years (specifically two years). There is already a specified maximum of three years. Associate Provost Bratsch-Prince said that from her experience as a department chair, she would prefer flexibility in handling uncertain cases. Senator Freeman recommended the modification that the rule would be a minimum of two year contracts and petitions for exceptions to the rule would have to be justified to the Provost’s Office. Senator Selby noted that department chairs have flexibility with new lecturers. She added that one chair had reported that 90% of his budget is set. So when he’s asking for flexibility, it’s not in 50% of the budget—it’s just some flexibility. Associate Provost Bratsch-Prince asked for some time for the Provost’s Office to review the situation in light of the data. She wants to see how contracts have improved before adding a new rule to FH.

Returning to the current proposal, Senator Selby said that the intent is to give lecturers on one year contracts real notice of intent not to renew. Senator Freeman replied that reducing the length of time for notice does not change the behavior that is contributing to the problem. Associate Provost Bratsch-Prince said that the proposal is to reduce the 12 month notice to six months and get commitments from chairs and deans to extend more multiyear contracts to lecturers. Notice of 12 months will be given when the contract is longer than one year.

Senator Butler pointed out that six month notice is too short for lecturers (at least in her field) to pursue other employment. She asked whether nine months would be acceptable. Associate Provost Bratsch-Prince noted that intent not to renew is not the same as intent to fire. Senator Selby said that lecturers are not later receiving notice of an intent to rehire. Past President Dark expressed her surprise that LAS Associate Dean Hallam said that at six months genuine notices could be given. She said that departments in LAS may not know what temporary teaching money they’ll have six months before the end of the year. Associate Provost Bratsch-Prince said that LAS deans committed to being able to give more genuine notices. Senator Selby countered that there are a number of long term lecturers who are not on the books. She asked whether some of them could be moved onto the books. Senator Bigelow suggested coupling longer contracts with this proposal to shorten length of notice. Senator Selby replied that that could be done, but she thought that it would make the proposal less likely to pass. Senator Freeman thought that it would make it more likely to pass, although chairs might like it less. Senator Zarecor said that a requirement to issue two year contracts would not be well received in Design.

Associate Provost Bratsch-Prince said that the goal is to reduce the number of people receiving notices of intent not to renew. Associate Provost Holger said that tuition does not change radically on year timescales. Even if enrollment numbers were down next year, there would still be plenty of tuition revenue. Now with the RMM, we can see that the timescale for change is greater than one year.

Past President Dark said that she would support the proposal in order to avoid having this entire conversation again at FS. She said that this proposal needs to be packages as a
logical change to current policy to address problems with contracts of less than one year. Senator Butler said she would speak against this proposal at FS.

Senator Bigelow asked about shortening the length of notice by half. Senator Selby replied that that would be 4.5 months. She said that an alternative would be to make contracts like those for adjuncts where length of notice is one year if the contract is longer than a year. She noted that right now we do not have a minimum length of contract for long term lecturers.

Associate Provost Bratsch-Prince said that it should be acknowledged that there are other problems that need to be addressed. Senator Minion moved to include this item in FS agenda. Senator Zarecor seconded. The motion passed with two dissensions.

Past President Dar said that FDAR raised issues that were discussed in the task force. She said that the group decided to make the changes that FDAR recommended and see whether we can move forward. She asked EB whether they find FDAR’s changes acceptable. If so, then she and Senator Amidon will work on proposals for specific changes to FH and create the markup to FH.

Senator Freeman replied that he would want to see the specific changes to FH before agreeing to the changes. Past President Dar said that the changes would be messy. Senator Bigelow asked whether these suggestions were vetted with Chairs Cabinet or Deans Council. Past President Dar said that both groups have the task force report, but not the report from FDAR. Associate Provost Bratsch-Prince said that they don’t like all of the changes, but they can live with them. Past President Dar said that the goal is to have these changes adopted this semester.

President-Elect Wallace said that this item should be removed from the new business section of FS agenda and incorporated into President Schalinske’s remarks. Senator Freeman recommended instead putting it in the consent agenda.

D. NTER Report – Selby
Senator Selby said that Governance Council came to no clear conclusion. Two paths were identified: eliminate or modify the position. We have not had NTER faculty designations for very long. But the report makes clear that the appointments were not initially used as intended. Even now, some appointments do not use the designation as intended.

Senator Bigelow said that he thinks that some percentage of NTER faculty’s funding should come from the general research fund. If a faculty member is on grants for 100% of his or her funding, then all time has to be used for that research, not pursuing other grants. Past President Dar said that she could not support Senator Bigelow’s proposal. She said that the report indicates that this was a non-necessary, special class of faculty. She supports eliminating the position. Senator Owen recalled that when the NTER faculty position was introduced, it was promised that no funding would come from the general fund because some faculty were concerned that this position would be used by administrators to get rid of tenure track faculty lines. He added that making the changes that Senator Bigelow proposes would require discussion in FS.
Senatore Selby asked Provost Wickert whether the NTER faculty designation creates a problem. Provost Wickert replied that there is an effort reporting problem. If one is on 100% funding from grants, he or she cannot pursue other grants. He said that he is concerned about mission creep. We can’t have 10% this year, 20% the next year, and 30% the following year. Doing so is not setting people up to be successful. He added that having a variety of position is helpful. We have many creative PIs on big grants, we have a number of positions from spousal accommodations, and we have relationships with NIH and Ames Lab. Although NTER positions were not used correctly initially, they do provide useful flexibility. He added that we do need to think more carefully about use of money from the general fund and issues with teaching.

Senator Freeman acknowledged that FS should have done a better job writing the FH language. The matter concerning the general fund was not supposed to be an issue because “persons may not hold simultaneous appointments as P&S and NTER faculty” unless P-37 or above (FH 3.3.3.2, item #4). The expectation was that P&S staff paid through the general fund were P&S staff. FS introduced this title to help faculty write grants and other such things. The intention was for this not to be a permanent position, but a stepping stone towards other appointments. Senator Owen said that it was clear at the time that FS was creating a P&S position with an honorific faculty title. Such faculty were told to pursue specific funding sources elsewhere.

Associate Provost Bratsch-Prince objected to that characterization, because it creates a faculty group who are not members of the general faculty. Associate Provost Holger said that one of the motivations for creating this position was the hope that some rainmaker true NTER faculty would be attracted to ISU instead of more research-intensive universities.

Senator Minion said that these titles do have a noticeable impact on funding agencies. He added that ISU should adopt further distinctions of Assistant, Associate, and Full Research and Teaching Professors. Senator Selby opined that such a system is convoluted. Senator Freeman reminded EB members of the Chronicle of Higher Education’s article on the problems created by such titles. Senator Selby said that the lesson is to read the position title carefully before you apply. She added that it was only the concern about funding that motivated the NTER faculty title.

Senator Bigelow reiterated that he would like to modify the position so that such faculty can be successful. If we do not provide startup packages but we want them to get grants, then they have to come in under someone else’s money. There is no way to establish independence or pursue their own funding. The amount of funding coming back to these faculty does not support one month’s salary to write grants or travel to conferences. Senator Minion said that NTER faculty are different from instructors or clinicians, who are given resources (e.g., classroom, hospital). NTER faculty do not have a lab of their own; they have to use someone else’s lab.

Past President Dark said that this faculty assignment was not what was described to FS when the position was approved. What was described does not exist. The NTER report recommends changing the description to match what we currently have. But, she observed, FS never discussed or approved what we have now. The senators from
Psychology did not support the proposal because they were concerned that such a title implies that the name “faculty” doesn’t mean anything.

President-Elect Wallace called senators’ attention to the time. He said that it was clear that the matter would not be resolved in EB, and that it should not be an agenda item for FS. He asked for suggestions of where to send the report. Senator Bigelow countered that the disagreement indicates that it needs wider discussion in FS. He suggested finding a way to present an overview of the report to FS. Past President Dark replied that the report was included in the consent agenda at an earlier meeting. Senator Selby agreed that it would not be helpful to have a general discussion on the floor of FS. She added that there are not two clear alternate changes. President-Elect Wallace said that we could not enact a policy to pay NTER faculty out of the general fund. Senator Freeman replied that they could be so paid if they were P&S staff. Senator Selby replied that NTER faculty are faculty; they do not have a second appointment as P&S staff. They have just one appointment: NTER faculty. Senator Minion agreed that they should be faculty.

Associate Provost Bratsch-Prince recommended returning the report to Governance Council. President-Elect Wallace so moved, and Senator Owen seconded. The motion passed without dissension.

VII. Approval of the April 7, 2015 Faculty Senate Agenda
Senator Owen moved to accept the FS agenda; Senator Freeman seconded. The motion passed without dissension.

VIII. EXECUTIVE SESSION:
A. University Professor Nominations – April Katz
B. Morrill Professor Nominations – Don Simonson
C. Regent Faculty Excellence Award
Senator Schafer moved to enter Executive Session. Senator Owen seconded. The motion passed without dissension.

Senator Butler moved to come out of Executive Session. Senator Owen seconded. The motion passed without dissension.

IX. Good of the Order
None

X. Adjourn
The meeting adjourned at 5:11 p.m.
Since August 1, 2011 – 740 charges for Academic Misconduct (either pending or responsible adjudications)
39 students had 2 violations
4 students had 3 violations

(693 students charged since 2011)

Sanctions:
505 Disciplinary Reprimands
196 Conduct Probation
20 Deferred Suspension
19 cases pending (as of 3/11/2015)

Violations by college since 2011
Ag & Life Sciences – 70
Business – 141
Design – 48
Engineering – 299
Human Sciences – 56
Interdisciplinary – 1
Liberal Arts & Sciences – 124
Vet Med – 1

# 2nd violations by year
2012 – 5
2013 – 20
2014 – 13
2015 – 1

Ag & Life Sciences – 1
Business – 10
Design – 3
Engineering – 19
Human Sciences – 2
Liberal Arts & Sciences – 4

Violations by college since 2011
Ag & Life Sciences – 1
Business – 1
Human Sciences – 1
Engineering – 1

2nd Violations by college since 2011

Academic Misconduct by year (August 1 – July 31):
2011-2012 – 141
2012-2013 – 263
2013-2014 – 213
2014-present – 123 (includes current pending cases)

Avg. GPA of charged students:
11-12 12-13 13-14 14-15
2.73 2.81 2.85 2.85