Faculty Senate Agenda
Tuesday, October 13, 2020 – Webex


Absent: Bratlie, K.; Cardoso, C.; Munkvold, G.; Williams, C.

Guests: Wickert, J. (SVPP); VanDerZanden, A.M. (Assoc. Prov.); Bratsch-Prince, D. (Assoc. Prov.); Jordan, T. (Asst. Prov.); Budlong, J. (University Relations); Rippke, S. (Parliamentarian); Iennarella-Servantez, C. (GPSS); Fritz, M. (SG); Lyles, A. (EOE); Rajan, H. (CompSci); Tian, J. (CompSci); Brown, R. (Bioeconomy Inst.).

1. Call to Order
1.1. Seating of Substitute Senators
President Faber called the meeting to order at 3:30 p.m. and invited substitute senators to announce themselves through chat.

2. Consent Agenda
   FS Agenda October 13, 2020 – [20/A/2]
   FS Minutes September 15, 2020 – [20/M/1]
   FS Docket Calendar – [20/C/2]

Senator Perkins moved to adopt the consent agenda. Senator Martin seconded. The motion was adopted without dissent.

3. Special Order: Adrienne Lyles, Equal Opportunity Office
Dr. Lyles, ISU’s Deputy Title IX Coordinator, spoke about the August 14 changes to Title IX, which concerns sexual harassment, sexual assault, dating violence, domestic violence, and
stalking. This required ISU to create new Title IX sexual harassment policy and procedures, and revise non-discrimination and anti-harassment policies.

ISU’s commitment to respond, resolve, remedy, and provide support remain the same. OEO will continue to coordinate responses to complaints. The standard for decisions is still preponderance of evidence. Responsible employees continue to be responsible for reporting violations.

The changes to federal law do introduce some changes. The narrower definition of “sexual harassment” requires a change to the definition of prohibited conduct. The scope has also been narrowed: the complainant must be currently or seeking participation in ISU; the conduct must have occurred within an ISU program or activity; and the conduct must have occurred in the U.S. Responsible employees are now also responsible for reporting discrimination and harassment.

Even though these definitions and scope have been narrowed, Dr. Lyles emphasized that conduct that is no longer covered by Title IX may be addressed by other ISU policies or state codes.

These changes will introduce changes to how the university responds to allegations. An informal resolution of Title IX complaints requires a written formal complaint first. The formal complaint can be filed only by an eligible complainant, Title IX coordinator, or parent or guardian. No information resolution may be reached when an employee is alleged to have engaged in conduct against a student. All parties and their advisors have the right to inspect all evidence.

There are also changes to adjudication. Students, faculty, P&S staff, and merit employees have their own processes. There must be a live hearing, in which the complainant and the respondent can see and hear each other. Each party must have their own advisor; the university provides an advisor if the party does not have one. The live hearing is overseen by a hearing officer who makes real time relevancy determinations. The parties and witnesses must attend the hearing and submit to live, audiovisual-led cross-examination. The advisors (not the parties) must be allowed to cross-examine witnesses and the other party. Any statement submitted by an absent party must be excluded.

Senator Vary asked whether a graduate student who is a TA or RA is considered a student or an employee. Dr. Lyles replied that that depends on the case – the allegations and the location. Student employees have both statuses. The student code of conduct probably applies for the adjudication phase.

Senator Oberhauser said that it sounds like advisors play a big role. Who and what are the “advisor” in this proceeding? Dr. Lyles replied that we typically think of an advisor as a support person. But under these new regulations, the advisor has a very important procedural role as the questioner.

Senator Vary asked about graduate students visiting from other institutions, who are appointed as visiting scientists. Does the new Title IX apply to them? Dr. Lyles replied that it depends on the case. Title IX applies when the complainant is a current ISU student engaged in ISU activities. Even if the prohibited conduct does not fall under Title IX, there may be other codes of conduct that apply.
4. Unfinished Business

4.1. FS Bylaw Change [20-1] - Freeman
President Faber invoked a rule so that no member may speak more than twice on the same question and imposed a time limit of two minutes per response.

Senator Freeman introduced the motion, which proposes changes to FS bylaws.

Secretary Butler moved to divide the motion into three parts. Senator Roe seconded. The motion passed 50 in favor, 18 against.

4.1.1. Change to Article II section 4(K)(1)
Senator Freeman said that this change does not prevent officers from attending and participating in caucus meetings. But it does make them nonvoting members of the caucus.

Senator Padgett Walsh spoke in support, noting that members ought to be responsive to the constituency that they represent. Officers are elected by the senate. Senators are elected to represent departments or the college. Senators serve on councils and committees as representatives of their caucus.

Senator Day said that officers are not formal members of their college caucus.

The motion was adopted, with 67 votes in favor and 1 against (with 18 no answers).

4.1.2. Change to Article II section 4(C)(1)
This change states that only senators (not officers) are eligible to run for officer positions. Senator Freeman said that Governance Council thought that the process should be that senators are elected by departments and colleges and then select their officers and council chairs from themselves. If this change were not adopted, an officer could continue to hold an officer position by being elected by the senate but not by a department or college. This circumstance would likely be rare.

Secretary Butler pointed out that FS constitution does not require this change; it is a choice by the Governance Council. The constitution requires that the officer be a member of FS at the time of election, where “member” includes both senators and officers. She added that any officer must be elected by the senate. By the previous bylaw change, the officer is a representative of the faculty senate as a whole. So there is not a problem that the officer fails to represent a faculty constituency. Secretary Butler pointed out that she had run unopposed for her current position from the position of secretary.

President Faber asked Secretary Butler to clarify what department or college she represented when she ran for secretary. Secretary Butler replied that she was secretary when she was most recently elected. When she was first elected to the office of secretary, she had been a department senator.

Senator Padgett Walsh spoke against the bylaw change. By the previous bylaw change, officers represent the senate as a whole. So it is open to the senate to elect to retain them as officers in a
contested or uncontested election. Senator Padgett Walsh posed a hypothetical scenario in which a small department elects a department senator. Suppose that this senator is elected by the senate to serve as an officer. The faculty member serves FS well as officer, but irks their department. This new bylaw change, if enacted, would require the faculty member to return to their department for re-election. Without the bylaw change, FS could retain a good leader.

Senator Freeman pointed out that without the bylaw change, Secretary Butler could continue to run for the office of secretary from the position of secretary.

Secretary Butler replied that this bylaw change creates a logistical headache. When senators vacate their positions for officer positions, they create an opening and need for a new election. If the senator is an at-large senator, a new college-wide election is required to fill the vacancy.

Past President Strum said that Senator Padgett Walsh helped him to understand why this bylaw change was not good. In his own case, Past President Sturm was elected in a contested election to president-elect from his position as past president. If this bylaw change were enacted, that couldn’t have happened. But if officers represent the senate as a whole and the senate wants to retain them after a contested or uncontested election, why should the candidate need to be reapproved by the college or department that they have not or will not represent? Why does the department need to validate them every time they are running for office if the officer position principally represents the senate as a whole?

Senator Freeman replied that senators have the ability to become officers. The senate selects its officers. The faculty elect senators. The senate chooses its officers from among the senators that faculty have elected.

President Faber asked whether anyone from the general faculty is eligible to be elected officer.

Senator Freeman replied that they need to be a member of the senate.

Senator Beresnev spoke in favor of the change. If it were not adopted, hypothetically, someone could become a lifetime officer without support from their original constituency. There is no mechanism for the department to remove this person from the senate if the senate happens to like that person. He thought such a situation would be dangerous.

The motion was adopted, with 42 in favor and 23 against (with 20 no answers).

4.1.3. Change to Article II section 9(A)(1)

This change says that terms are limited to six continuous years of representation as a department senator or at-large senator or combination thereof. Senator Freeman said that Governance Council thought that it is beneficial to get new faculty members involved in FS. Without this change, it is possible for senators to be elected to two terms as department senator and then two terms as at-large senators. This cuts against the concept of term limits.

Secretary Butler pointed out that the first bylaw change distinguishes senators according to the people they represent. So when a senator serves as a department senator, they represent the
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department; but when they serve as at-large senator, they represent the college. So it’s not the same service.

Senator Townsend said that FS has benefited in the past from having people who have served for a very long time. In some colleges, faculty members rotate from one leadership position to the next for a long period of time. If this bylaw change were adopted, a college would not be able to produce a long-term senator to develop representation and knowledge of the senate which would help them to be elected to leadership positions. This would be a hardship especially for those colleges that historically have not been represented in leadership positions for a long time.

Senator Andreasen said that she supports term limits. Organizations that do not have them become stale and stagnant. She supports having new leadership. Those who have served for two terms can then mentor new faculty senators. If there are no term limits to leadership positions, then potential candidates are likely to give up pursuing these positions. That’s regrettable, both for the faculty member and the organization. The organization loses the potential for new ideas and fresh approaches. Overall, it is beneficial to have term limits.

Senator Padgett Walsh said that if the goal of term limits is to ensure that FS has new people in it, then it doesn’t do a very good job. By FS bylaws, the senator needs to take just one year off. Senator Padgett Walsh said that the term limit does ensure that a unit gets a change in who represents them. But allowing a faculty member to serve six years as a department senator and then six years as an at-large senator does not frustrate this goal. The unit gets new representation, as new people come to fill those roles. In college-level elections, faculty members do not run against specific people, but are one of a group that comes in to represent the college. So if the goal is to ensure that new people are brought in, the bylaw change does not achieve it.

Senator Smiley said that she had served six years and then took a break. Her department asked her to run again and she was elected as department senator. Even with a one year gap, someone else gets the opportunity to serve a three-year term. This bylaw change does not prevent someone from being involved with FS long term, but it does introduces some breaks in their service.

Senator Swalwell pointed out that there were a surprisingly large number of non-voters in the other two votes. She suggested that people might not understand what an “aye” or “nay” vote indicates. President Faber pointed out that there are number of guests who are ineligible to vote.

The motion was adopted, with 49 votes in favor, 19 against (with 19 no answers).

5. **New Business**

5.1. **FH 3.3.2.3 Ranks and Lengths of Term Faculty Appointments [20-2] – Freeman**

Senator Freeman said that the current FH does not align with what FS had passed when they adopted changes to term faculty policy. After the changes were adopted by FS, bullet points were introduced to FH in order to improve the readability of the section. However, this created an opportunity for interpreting the policy as holding that lecturers and assistant teaching professors are different ranks. FS had passed that lecturer and assistant teaching professor are the same rank, with the only difference being the length of contract. So this administrative interpretation runs counter to what FS had passed. Teaching professor is the only term faculty track that has the
lecturer position, so this interpretation treats teaching term faculty different from all other term faculty. The current proposal aims to correct this.

Senator Day said that FS had clearly agreed that lecturer and assistant teaching professor are not different ranks, just different titles. Both are people with primarily teaching responsibilities.

Senator Townsend noted that the lecturer position has a shorter contract. Is it possible to appoint someone to multiple lecturer positions? That is, is it possible to keep someone in a permanent subordinate status by reappointing as lecturer?

Senator Day said that it is not possible. The unintended interpretation just slows progress towards advancement, but does not keep term faculty permanently in lecturer positions.

Senator Freeman said that the interpretation delayed how soon term faculty received multiple year contracts.

Past President Sturm said that there is a further problem created by this misinterpretation. Some faculty have already been subjected to new contract terms because of budgets. That is, because of decreased enrollment and COVID, some faculty have started over with new contracts as lecturer again. If all we do is change FH language, this has the potential to disenfranchise faculty who have been affected by the misinterpretation. If we pass this change, we cannot simply start enforcing the proper interpretation beginning in 2020. In addition to changing FH, we need to work with administration to ensure that people are grandfathered into this process. If we don’t do this, we will face a moral crisis of unprecedented proportions.

Senator Freeman encouraged senators to discuss this with their departments and send suggestions for significant changes to him or President Faber in advance, so that EB can consider and perhaps update the changes in advance of the second FS reading.

Senator Vary asked for clarification. Does “term faculty” include adjunct and research faculty?

Senator Freeman said that “term faculty” includes those and clinical faculty and professors of practice.

5.2. MS Artificial Intelligence [20-3] – Bennett-George
Senator Bennett-George introduced the new program offering. No comments.

5.3. Discontinuation of M.S. and Ph.D. in Biorenewable Resources and Technology [20-4] – Bennett-George
Senator Bennett-George introduced proposal to discontinue the graduate programs. No comments.

6. Announcements
6.1. Faculty Senate President
President Faber said that FS calendar will remain unchanged from the posted schedule. This will ensure that elections for president-elect take place in January, as required by FS bylaws.
President Faber noted that COVID has had an impact on many faculty members’ research. Guidance about how annual reviews will factor that into account will be forthcoming.

President Faber added that as difficult things come up, people look to senators as leaders of their departments and colleges. What you say and how you act matters. It is important that FS finds creative solutions to difficult situations. We will continue to do the best we can, and continue our commitment to educating our students.

6.2. Faculty Senate President-Elect

President-Elect Wheeler said that Representative Committee has worked on how best to understand shared concerns, including moral concerns, across colleges. A survey was distributed and caucus chairs collected that feedback. Summary reports are being prepared.

6.3. Senior Vice President and Provost

Random Testing for COVID

Provost Wickert said that ISU has begun a random testing program for asymptomatic students on campus. Previously, only symptomatic individuals were tested. Tests will be administered through the testing system at Hilton Coliseum. The protocol for random selection was designed by faculty in Statistics. Students are not required to participate, and there are no penalties for declining, but there are incentives for participation (including gift cards and scholarships). As before, any symptomatic student can come in for testing. This program change just expands testing beyond symptomatic individuals.

Executive Order on Divisive Concepts

University Counsel shared communication with deans and department chairs, among other leaders. The executive order takes effect on November 21. It covers a wide variety of “divisive concepts,” including “white privilege,” “meritocracy,” among other actions. Provost Wickert stressed that ISU is not instructing instructing anyone to cancel any type of training. ISU is committed to offering and promoting diversity training. It is an important part of university, our culture and our campus community. The executive order does not prohibit general training about the values of diversity, inclusivity, and mutual respect. ISU will be reviewing any planned training that falls under executive order. If necessary, training programs will be adapted to come into compliance. As a federal contractor, ISU is obligated to abide by the federal order.

ISU joined with 55 other higher education organizations (including universities in the AAU and APLU) to send letters to the administration explaining why we believe that executive order should be withdrawn.

Senator Daniels asked whether students who are being randomly tested are being sent to the same location as symptomatic individuals. Is there protocol to keep those individuals safe? Provost Wickert said he did not know the protocol, but expected that the designers of the protocol addressed that concern. Testing was moved to Johnny’s in Hilton because it is a large space with multiple points of entrance and exit.
Senator Wade asked how the new executive order affects classes that cover divisive issues. Provost Wickert said that the executive order does not prohibit presentation or discussion of topics as part of a course of instruction, as long as the topics are presented in an objective manner within the course. The order allows more flexibility in instruction than in workforce training.

Senator Watanabe asked why faculty and staff aren’t included in the random testing. Provost Wickert said that the overwhelming majority of cases are found in the student population. Testing allows us to monitor what is going on in the student population – the impact of student parties and off-campus gatherings. Furthermore, we do have a finite testing capacity. We can’t open up testing to anyone who wants it. As the number of individuals who are symptomatic decreases, that opens up more tests. Faculty in Statistics helped us determine how best to use our finite capacity.

Senator Swalwell asked about the impact of the executive order on projects funded by federal grants where divisive concepts are central to the work. Provost Wickert said that those would be affected by the order. He recommended contacting the director and working with the Office of University Counsel for guidance.

Senator Padgett Walsh asked whether faculty are able to endorse divisive concepts in class when that reflects their professional judgment, so long as the presentation is otherwise objective. Provost Wickert replied that the executive order does not prohibit discussion presented in objective manner and without endorsement.

Senator Watanabe asked whether the costs of random tests are covered by ISU or the State of Iowa. Provost Wickert replied that that is a distinction without a difference. We are the State of Iowa. We are covering the costs at ISU, but we are the State of Iowa.

Senator Smiley asked why we’re expanding random testing. Provost Wickert replied that information is good. Random testing gives us more information about the virus and where it is. This will help us to make more informed choices. When we began with testing symptomatic individuals, we were criticized for not doing enough. Provost Wickert repeated that when we discover positive people, we can isolate or quarantine them. Now that we have extra capacity, we can use the capacity to get the most bang for our buck. Statistic faculty recommended random testing, rather than targeted testing.

Senator Smiley asked whether students understand that the testing is voluntary. Provost Wickert replied “not exactly.” Immediately after the program was announced, there were questions from students and parents. We’ve been saying if you don’t want to do it, don’t do it. We think it’s good from a public health standpoint. We are sending requests or invitations to students in greater numbers than we have capacity for, because we expect that some people will not show up. We will learn as we go along. We will continue to communicate with students, with the support of SG and GPSS. There are no penalties and no discipline for not participating.

President Faber asked about the status of the COVID Impact Statement for performance evaluations.
Associate Provost Bratsch-Prince said that she has been talking with FS, department chairs, and deans about the possibility of having faculty supply an optional statement with their annual evaluations and other reviews. Such a proposal has been circulating in the faculty affairs community. Many institutions are deciding to allow faculty to do this, or are requiring faculty to provide documentation of the impact on their productivity and progress. This is a way to get it documented in writing. Associate Provost Bratsch-Prince said that she has been talking with President Faber and some members of FS about what form this should take. It needs to be concise. Perhaps the Provost’s Office could develop a template or other guidance about things that should be included. There is a growing consensus that this should not focus on what went wrong, but document how faculty adapted, improved, and used their creativity to the best of their ability. It’s important that faculty document this impact now, while it’s still fresh in their memories. And this is especially important for pre-tenure faculty.

6.4. P&S Council
None

6.5. Student Government
SG President Fritz said that SG helped to fund incentives (including an ISU Dining contract) for students to participate in randomized COVID testing.

SG has worked with the Carrie Chapman Catt Center to create voting modules for campus, educating students about where they are eligible to vote.

SG is working with other student governments from Big 12 universities in opposing changes to policies concerning international student visas.

6.6. Graduate and Professional Student Senate
GPSS Engagement Officer Iannarella-Servantez said that executive members of GPSS attended legislative action and advocacy summit. GPSS would like to establish better communication with FS, especially about matters that affect graduate students and faculty alike (through graduate student roles in research labs, classrooms, and clinics). The major issues before GPSS concern changes caused by COVID and impact of policy changes on international students.

7. Good of the Order
None

8. Adjournment
The meeting adjourned at 5:14 p.m.

NEXT MEETING: Tuesday, November 10, 2020 – 3:30 p.m. – Webex

Respectfully submitted, November 3, 2020,

Annemarie Butler
Faculty Senate Secretary