

Minutes*

**Faculty Consultative Committee
Thursday, March 3, 2011
12:00 – 2:15
Coffman Boardroom**

Present: Kate VandenBosch (chair), Peter Bitterman, Thomas Brothen, Colin Campbell, Nancy Carpenter, Carol Chomsky, Chris Cramer, Shawn Curley, Janet Fitzakerley, Marti Hope Gonzales, Michael Hancher, Jeff Kahn, Russell Luepker, Michael Oakes

Absent: Melissa Anderson, Elizabeth Boyle, Nancy Ehlke, Caroline Hayes, Jan McCulloch, George Sheets

Guests: none

Other: none

[In these minutes: (1) provostal search committee; (2) policy on adding, changing, or discontinuing academic plans, curriculum, and requirements; (3) proposed policy on appointments as directors of graduate study; (4) senate officers; (5) report from the Academic Health Center Faculty Consultative Committee; (6) policies on nationally-recognized exams and departmental exams for credit and proficiency; (7) legislative presentations; (8) "policy" versus "regulation" in the tenure code; (9) statement on policy monitoring and compliance]

1. Provostal Search Committee

Professor VandenBosch convened the meeting at 12:10 and reported that Board of Regents' Executive Director Ann Cieslak relayed a request from President-designate Kaler that the Committee nominate faculty members to serve on a provostal search committee. The Committee identified a list of individuals to suggest to Dr. Kaler.

2. Policy on Adding, Changing, or Discontinuing Academic Plans, Curriculum, and Requirements

Professor VandenBosch next noted a proposed policy that represents a combination of previous policies. The Committee asked that the Committee on Educational Policy review the proposal and bring it back with any comments or recommendations in order that it can be forwarded to the Faculty Senate for action. Professor Chomsky suggested that the Committee on Educational Policy indicate the source of the language in the proposal (that is, if it comes from already existing policies) and any changes from current policy.

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

3. Proposed Policy on Appointments as Directors of Graduate Study

Professor VandenBosch reported that the proposed policy on Directors of Graduate Study is apparently to be incorporated in a memo from the Provost rather than adopted as policy. Her view, she said, is that it should be in a policy document rather than conveyed solely in a memo.

Professor Curley asked why the proposal would not be presented to the Graduate Education Council for review. This question launched a discussion of the role of the Graduate Education Council, how it is appointed, and its relationship to the Senate and to the Committee on Educational Policy. One suggestion was that the Committee on Educational Policy have responsibility for undergraduate policy and the Graduate Education Council have responsibility for graduate policy, and that they meet as needed to deal with issues common to both. In either case, policy proposals would come to this Committee and then go to the Faculty Senate for action. It was noted that such an arrangement would leave out the professional schools. In terms of appointment, the current proposal is that the Graduate Education Council be appointed by the Committee on Committees; it was suggested that the Council has a different role than Senate committees (e.g., it takes over the function of the former Policy and Review Councils of the Graduate School) and that it needed a broader set of views. It is also not Senate-committee-like in that it approves program changes.

Professor VandenBosch summarized by saying there were three issues at hand.

- Should the appointment of Directors of Graduate Study be a policy matter?
- This Committee should help think about the appropriate role of the Graduate Education Council in review of proposed educational policies affecting graduate education.
- What is to be the relationship between the Graduate Education Council, other committees, and the governance system?

Professor Kahn noted that he and Professor Curley are both members of the provisional Graduate Education Council and that there is to be a process of election of a permanent body this spring. He suggested that because of the uncertainty about the situation, and the advisability of consulting with President-designate Kaler before making any final decisions, that there be consideration of the provisional Council remaining in place until the situation is clarified. Professor Curley agreed. Professor Cramer suggested that he and Professor VandenBosch could also solicit the views of Provost Sullivan.

On the matter of the appointment of Directors of Graduate Study, the Committee agreed that this is a policy matter. It was agreed that Professor VandenBosch would write to Provost Sullivan and Professor Krevans (who is chairing an ad hoc committee to develop graduate-education policies) indicating the Committee's view and also suggesting that the draft policies be reviewed by the Graduate Education Council. It was agreed that the message would also express the Committee's skepticism about allowing exceptions so that someone who is not a tenured/tenure-track faculty member could be eligible to serve as a Director of Graduate Studies and asking for an explanation of why a program would need such an exception.

4. Senate Officers

In the interest of continuity during a presidential transition, the Committee voted to ask Professor Chomsky if she would agree to be renominated as Faculty Senate Vice Chair for 2011-12 and to ask the

President to nominate Professors Goldstein and Hickman to serve for 2011-12 as Clerk and Parliamentarian, respectively. In all three cases, the Faculty Senate must confirm the appointments; the individuals appointed also serve the same role for the University Senate.

5. Report from the Academic Health Center Faculty Consultative Committee

Professor Campbell next reported for the Academic Health Center (AHC) Faculty Consultative Committee. The discussion touched on a number of issues:

- the organization and leadership of the AHC, including faculty concern about the combination of the positions of the Dean of the Medical School and Vice President for the AHC;
- the financial situation of the AHC;
- the Clinical Faculty Task Force report, including the process for reviewing personnel plans when the number of non-tenured/tenure-track faculty exceeds 25% of the total and the vulnerability of clinical faculty when they have only one-year renewable appointments;
- the added burden on the Provost's office of reviewing dossiers from all the AHC colleges;
- the relationship of the work of the AHC Executive Steering Committee and the AHC Faculty Consultative Committee;
- the relationship of the AHC to the Provost's office;
- the conflict-of-interest policy dealing with those engaged in clinical care;
- the Duluth arm of the Medical School; and
- the report of the blue-ribbon committees (which did not exist in some AHC colleges).

It was agreed that Professors VandenBosch and Cramer would ask that the AHC Executive Steering Committee consult with the AHC Faculty Consultative Committee on its report.

6. Policies on Nationally-Recognized Exams and Departmental Examinations

Professor Brothen briefly reviewed the contents of two revised policies dealing with nationally-recognized exams for undergraduates (AP, IB, etc.) and departmentally-administered exams for credit and proficiency. The Committee agreed to review the policies and vote on them by email.

7. Legislative Presentation

Professor VandenBosch asked Professor Luepker to comment on his experience testifying before the legislature.

Professor Luepker said it had been an interesting experience. The session was 90 minutes and there were presentations by both the University and MnSCU, including students from both systems. He and others from the University made the case about the University's unique role in advancing education and the economy of the state. The legislators asked very few questions.

Professor Hancher suggested that those who represent the University at the legislature should know which legislators are University alumni.

It was agreed that the Committee wished to hear from Associate Vice President Donna Peterson, the University's lobbyist in St. Paul.

8. "Policy" versus "Regulations" in the Tenure Code

To complete the conversation about the tenure code changes that were adopted by the Faculty Senate on February 24, Professor Chomsky reported that there was a set of proposed stylistic and clerical amendments to the tenure code that were adopted without having first been reviewed by this Committee or the AF&T Committee because of their non-substantive nature. Some came from Vice Provost Carney's discussion with the Board of Regents' policy committee and others from suggestions from the Office of the General Counsel. She and the members of the group that drafted the amendments (Professors Clayton, Elliott, and Miksch) thought they were acceptable and did not warrant further committee consideration. There were two suggested changes that were not considered acceptable, however, and which were not brought to the Senate. To preserve the legislative history of the enactment, it seemed important to share information about that non-enactment with this Committee.

The first change suggested was to remove from Section 1.1 the quotations of language from the Regents' Academic Freedom and Responsibility (AF&R) policy and replace them with a cross-reference to the AF&R policy; that would remove the need to amend the tenure code any time the AF&R policy was changed. Based on comments from Professor Sheets, the drafting group concluded that it is important to retain the actual language of the AF&R policy in the tenure code so that changes to faculty rights to academic freedom only be made through the amendment process specified in the Tenure Policy. So the quote from the AF&T policy remains in the tenure code.

The other suggested change was to substitute the word "policy" for "regulations" wherever the latter is used in the current text of the document entitled "Faculty Tenure," ostensibly to create consistency with other Board of Regents policies. Professor Chomsky said that the current document in most places refers to itself as a set of "regulations," which is consistent both with historical use in the tenure code and with references in, e.g., the Board of Regents consideration of amendments to the document, but recently, the University administration has begun referring to the tenure regulations as a Board of Regents "policy." The drafting group came to the conclusion that there are reasons both historical and semantic not to alter the existing language. It was noted that the University has argued in court that policies, or at least some policies, do not have the fully binding quality that the "tenure regulations" have. Although the Provost and Vice Provost have suggested that the particular words used—policy versus regulations—is unimportant, and that they mean the same thing (and are binding as specified in the code itself), the drafting group felt that any such change of language should be more fully vetted with AF&T and this Committee and was not necessary in order to do the "clean-up" intended with the current changes. Therefore the proposal to substitute "policy" everywhere for "regulations" was not included in the motion brought to the Senate.

Professor Chomsky noted that faculty often refer to Board of Regents Policy: Faculty Tenure as the "tenure code," though the policy itself does not use that language. Vice Provost Carney has urged referring to the document as the "tenure policy" rather than the "tenure code," though "code" seems consistent with the use of the word "regulations" in the document itself. References to the "tenure code" appear elsewhere as well. For example, the Board minutes from 1985, when much of the current version of the tenure document was adopted, refer to "Amendments to the Tenure Code." It was also noted that the Provost's website uses the words "tenure code" in its reference to the document, saying "The Regents Policy on Faculty Tenure is the comprehensive institutional code that articulates the formal relationship between the University and its faculty. The tenure code was adopted by the Board of Regents in

1945. . . ." Under the circumstances, it seems reasonable to continue to use "tenure code" to refer to what is now officially titled "Board of Regents Policy: Faculty Tenure."

9. Statement on Policy Monitoring and Compliance

Professor Chomsky briefly reviewed a redrafted statement that the Committee has discussed twice previously that addresses issues related to policy monitoring and enforcement. There were two questions raised in the FCC discussions and in the draft statement, she said.

First, do all policies need monitoring (whatever that means)? Does "monitor" mean review occasionally to see if the policy is being followed, or does it mean policing everyone to ensure enforcement? The draft of the statement reflects comments made in the earlier FCC discussions, that some policies do not need active monitoring while others do (e.g., in the case of the latter, the conflict-of-interest policies). So the question is whether the University should have policies that are not monitored, or should all policy owners be required to monitor adherence to every policy, and what University policy (e.g., Establishing Administrative Policies) should say about that?

Second, do faculty, staff, and students need to know all the policies that apply to them? Initially, the Committee discussion was about whether there should be such a requirement; in working on this statement, Professor Chomsky said, she discovered that there already seems to be such a requirement. The policy on Establishing Administrative Policies includes this language: "Employees and students are responsible for knowing, understanding, and complying with administrative policies that relate to their position or employment or enrollment at the University." The question is whether this Committee wishes to make any comment about this requirement.

Because the Committee had to adjourn for the Senate meeting, Professor VandenBosch asked Committee members to review the proposed statement and said it would be on an upcoming agenda. She adjourned the meeting at 2:15.

-- Gary Engstrand

University of Minnesota