



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee
411 Borlaug Hall
1991 Buford Circle
St. Paul, Minnesota 55108
Telephone: (612)376-2479

FACULTY CONSULTATIVE COMMITTEE MEETING
AND
DISCUSSION WITH THE PRESIDENT

November 14, 1985
300 Morrill Hall
10:15 - 11:50

AGENDA

Approximate
time

- 10:15 1. Minutes of October 31 (enclosed).
2. Consent Decree petitions: Proposed agreement on internal tribunals petition: formulate FCC reply.
(See October 21 memorandum to selected committee chairs from Vice President Dunham which was distributed October 31 and sent to absentees. FCC members telephone SCC office if you do not have a copy.)
- 10:35 3. Formalizing the FCC relationship to committees of the Regents: draft some language.
- 10:45 4. Senate FCC's relationship to college FCC's.
- 10:50 5. Report of the Chair.

FCC DISCUSSION WITH THE PRESIDENT.

11:00- (The president's items.)
11:50



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MINUTES
FACULTY CONSULTATIVE COMMITTEE

November 14, 1985
10:15 - 11:00

Members present: Ellen Berscheid, Richard Goldstein, David Hamilton, Joseph Latterell, Cleon Melsa, Jack Merwin, Paul Murphy, Irwin Rubenstein, Frank Sorauf, Deon Stuthman (Chair).

1. Academic Vice President & Provost Search Committee.

FCC members voted unanimously to close this portion of the meeting because individual names were being discussed. The discussion addressed search committee membership.

2. Settlement Agreement and General Release, Draft of 10/21/85.

FCC members had for consideration this proposed agreement on the petition on internal tribunals, which Vice President Dunham had sent them in October with the request for comments to be reported by November 22.

Professor Stuthman recommended substituting the word 'careful' for 'serious' on page 3 of the draft ("The University administration agrees to send a letter to the Judicial Committee recommending that the Judicial Committee give serious consideration to the changes in Judicial Committee operating procedures recommended by the Report of the Ad Hoc Committee on Internal Tribunals.") Although Mr. Dunham has explained that the idea of selecting Judicial Committee panels by lot (firmly opposed by last year's FCC) is not in the section Judicial Committee is being asked to consider seriously, the proposals for discovery and salary committees within Judicial do fall in the operational procedures section. Professor Stuthman inquired whether the meaning is clear enough that no party would hold the wrong expectations. Professor Merwin recommended that to ensure clarity, whoever writes the cover letter to the Judicial Committee, whether Vice President Dunham or President Keller, should spell out precisely in that letter what sections of the ad hoc committee report it is being asked to consider seriously.

Professor Merwin recommended, and the full FCC agreed, that FCC would want to recommend that a half-time appointment for the proposed Academic Employment Grievance Officer would be at least sufficient.

Professors Berscheid and Merwin strongly recommended that it be part of this officer's responsibilities to keep track of the number and kinds of calls received so there would be a basis for the evaluation which is to occur after one year.

In discussing how this officer might be helpful, Professor Berscheid cited the value of one customary activity of the Judicial Committee chair, which is to advise prospective claimants whose cases do not seem strong, and suggest whether or not the outcome is likely to be worth the time and effort which would be required of the faculty member to pursue it. She advocated that the person hired into this new position already have a sound background in grievance procedures so she or he can give very good advice and serve the inquirers well. FCC agreed.

The chair will report these recommendations in a memorandum to Vice President Dunham.

3. Formalizing the FCC relationships to the Committees of the Regents.

Members were asked to call Professor Stuthman or Ms. Poppele with suggestions for the language of a policy statement and a set of procedures. The chair will then send all members a draft proposal on both.

4. University FCC relationships with college FCC's.

Professor Stuthman suggested that FCC add to its mailing list the chairs of the college committees, indicating in a cover memorandum to them why FCC is doing so and inviting their suggestions for agenda items. There was a consensus in FCC to make these communications.

The meeting concluded at 11:00 a.m.

Respectfully submitted,

Meredith Poppele, Executive Assistant



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December 12, 1985

To: Chairs of the collegiate faculty consultative committees and
deans' advisory committees

From: Deon D. Stuthman, Chair, Faculty and Senate Consultative Committees 

Subjects: (1) Communications between us
(2) Enclosure regarding Commitment to Focus

(1) The Senate and Faculty Consultative Committees are always on the look-out for ways to increase communications with their constituent groups. Maureen Smith highlights some of our items in Brief; occasionally the Daily prints a story about a piece of governance business. Once to twice a year we report on Senate committee activity in a newsletter to all faculty. We want to do more.

Since you are closer to your respective college constituencies, we will send you copies of the minutes of our meetings, both those of the full Senate Consultative Committee and those of the Faculty Consultative Committee. Through this medium you will know what issues these committees are raising and addressing, and what positions they are taking.

In return, we invite you to recommend to us specific or broad questions the University-wide Consultative Committees might address. Please feel free to use this link for any subjects or questions you want to bring to our attention.

Telephones: 373-0860 Deon Stuthman, Chair

376-2479 Meredith Poppele, Executive Assistant

(2) Enclosed is a copy of the set of comments the Faculty Consultative Committee has recently submitted to the Coordinating Committee on Commitment to Focus regarding the proposals for General College. We have also sent this statement to the members of the Board of Regents and to the chairs of a dozen Senate committees.

The statement can be summarized as indicating complete concurrence with the C_F recommendations dealing with General College degrees. In addition, the statement expresses FCC's firm support for other changes which should go far toward ensuring the vitality of the General College faculty, and hence of the program available to the students.

:mbp

Enc.



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November 22, 1985

To: Stephen S. Dunham, Vice President and General Counsel
From: Deon D. Stuthman, Chair, Faculty Consultative Committee *DS*
Re: "Settlement Agreement and General Release" draft of 10/21/85

I am responding on behalf of the Faculty Consultative Committee to your memorandum of October 21, 1985, with which you submitted to us and other committees the proposed internal grievance petition settlement agreement. The Faculty Consultative Committee generally finds the proposal quite acceptable. We comment only on points 1 and 5.

1) We believe that a half-time appointment for an Academic Employee Grievance Officer is entirely adequate. The individual chosen should keep a log regarding both the origin and the nature of the contacts and should indicate the proportion of contacts which result in extended involvement. These data will be important to the review of the position. We believe it very important that the Officer chosen be already well acquainted with the University's grievance system, a faculty member who knows the machinery of the procedures and is aware of the kinds of cases heard over the years in collegiate and University proceedings and of their general disposition. We regard this background as essential for the Officer to serve the inquirers well by offering sound advice. By copy of this memorandum we will communicate these convictions to the Senate Committee on Faculty Affairs.

5) We strongly suggest that the letter sent to the Judicial Committee specify which parts of the Report of the Ad Hoc Committee on Internal Tribunals are referred to. Our committee is firmly opposed to the recommendation in the Report of the Ad Hoc Committee that Judicial Committee members be chosen from a pool of only those faculty who express an interest in serving in such a capacity. We also are not enthusiastic about their being chosen by lot.

We sincerely hope that the parties find the agreement satisfactory and that the concerns which prompted this petition will be laid to rest.

:mp

- c: Committee chairs of the
 - Tenure Committee
 - Judicial Committee
 - Faculty Affairs Committee
 - Equal Employment Opportunity for Women Committee
 - Academic Staff Advisory Committee

- President Kenneth H. Keller
- University Vice Presidents
- Associate Vice President Betty Robinett
- Director Patricia Mullen

UNIVERSITY OF MINNESOTA
TWIN CITIES

Office of the University Attorney
330 Morrill Hall
100 Church Street S.E.
Minneapolis, Minnesota 55455
(612) 373-3446

October 21, 1985

TO: Committee Chairs (Faculty Consultative Committee,
Tenure Committee, Judicial Committee, Faculty Affairs
Committee, Equal Employment Opportunity for Women
Committee, Academic Staff Advisory Committee)

FROM: Stephen S. Dunham SSD

RE: Internal Tribunal Rajender Petition

One of the petitions filed under the Rajender Consent Decree seeks changes in the University's internal grievance procedures. The FCC and the EEOWC appointed a task force to study the issues. I enclose a copy of the Report of the Task Force. Based on that Report and on consultations with various committees, we have negotiated a proposed settlement agreement. I attach a copy for your review.

I am writing now to seek final comments from your committees before we proceed to sign and implement the agreement. Since this matter has been pending for some time, and since we have already tried to take into account comments from some of your committees, I ask that you restrict any suggested changes or objections to those about which you feel strongly.

Please try to send me comments by November 22, 1985 if at all possible.

SSD:amf

cc: President Keller
Vice Presidents
Assoc. Vice President Robinett
Director Patricia Mullen
Carol O'Toole, Attorney for Petitioners

SETTLEMENT AGREEMENT AND GENERAL RELEASE

The individuals who have signed Exhibit A ("petitioners") and the Regents of the University of Minnesota ("University") agree to settle the cases listed in Exhibit A as follows:

1. The University agrees to fund a one-half time academic position called the Academic Employee Grievance Officer. The Director will begin work as soon as an appropriate Director can be selected as provided in this paragraph. If the Director is currently an academic employee of the University, he or she shall be given one half released time from other University duties to carry out the responsibilities of the Office. The University agrees to provide the Academic Employee Grievance Officer with reasonable secretarial staff and other support. The University agrees that the Office shall be a free standing office, independent of University administration and shall report to and work under the direction of the Senate Committee on Faculty Affairs.

The initial Director, who shall serve a one-year term, shall be selected by a committee comprised of two members chosen by the Senate Committee on Faculty Affairs and two members chosen by the petitioners. The committee's selection shall be subject to approval by the Vice President for Academic Affairs. If the University decides to continue this position beyond the

initial one-year term, the method of selection shall be set at that time.

The Academic Employee Grievance Officer shall provide information and assistance to (but not represent or provide advocacy for) all academic employees regarding internal University grievance procedures (whether or not arising out of a Rajender claim). The University and petitioners agree to review this position and its possible continuation on or before one year after the Director begins work.

2. Individuals who have filed Rajender claims which the University has referred to an internal tribunal and the University may choose whether a decision of an internal tribunal will be binding or advisory. The decision will be binding only if both parties select that option. When an internal tribunal committee has reached a decision that is advisory, the President of the University or his or her representative will make a decision in writing to accept or reject such a decision within thirty calendar days of receipt of the decision or provide written reasons why further time is necessary.

3. The University may refer claims to the Judicial Committee as provided by existing procedures under the Consent Decree. The University and an individual claimant may also agree on any other form of internal tribunal or other dispute resolution process, including arbitration, ad hoc committees

whose members are selected by the parties or by lot, review by a designated individual or mediation.

4. The University will set up procedures for non-binding mediation of any and all disputes involving Rajender claims. The mediation procedure may include any or all of the following steps:

- (i) meeting and discussion with the appropriate department head;
- (ii) meeting and discussion with the appropriate dean or director;
- (iii) meeting and discussion with members of central administration or their representatives;
- (iv) meeting and discussion conducted by an independent academic employee selected by the parties from a list of mediators maintained by the Academic Employee Grievance Officer. It is contemplated that in most instances the mediation process will be completed within 30 days.

5. The University administration agrees to send a letter to the Judicial Committee recommending that the Judicial Committee give serious consideration to the changes in Judicial Committee operating procedures recommended by the Report of the Ad Hoc Committee on Internal Tribunals. The letter will also recommend that the Judicial Committee meet and confer with the petitioners, if the petitioners so request, on or before January 1, 1986 to establish a schedule for final decisions on each of the recommended items contained in the Report. If the petitioners so request in writing, a representative of the

University Attorneys Office will meet with petitioners on or before September 15, 1986 to discuss the status of the Judicial Committee's review of the Report of the Ad Hoc Committee on Internal Tribunals.

6. The parties agree to enter a Stipulation of Dismissal without Prejudice to be filed with the United States District Court for the District of Minnesota. The petitioners agree not to file a petition based on substantially similar allegations for one year after the date of this Agreement.

7. The University will pay to petitioners and their attorney, Carol A. O'Toole, _____ for legal fees and costs.

8. There are no covenants, promises, undertakings or understandings outside of this Settlement Agreement and General Release nor other than as specifically set forth herein.

9. The undersigned, by execution hereof, state that this Settlement Agreement and General Release has been read by them and by legal counsel, and that the undersigned understand and fully agree to each, all and every provision hereof and acknowledge receipt of a copy hereof.

Dated: _____

Betty Wallace Robinett
Associate Vice President for
Academic Affairs

Dated: _____
Carol Campbell
Treasurer and Controller

Approved as to form:

Dated: _____
Stephen S. Dunham
General Counsel of the
University of Minnesota

Dated: _____
Carol A. O'Toole
Attorney for Petitioners

CLAIM/PETITION FORM

SPECIAL MASTER
United States District Court

COURT USE ONLY:

Claim Number

Date Filed

- CLAIM FOR INDIVIDUAL RELIEF
UNDER PART II OF CONSENT DECREE
- PETITION FOR DECLARATORY RELIEF
UNDER PART III OF CONSENT DECREE
- (CHECK ONE. IF YOU WISH TO PURSUE
BOTH, YOU MUST FILE TWO FORMS.)

CLAIM AND PETITION FORM UNDER CONSENT DECREE: Any women seeking to file a Claim Form or Petition asserting that she has been discriminated against because of her sex by the University of Minnesota or any of its constituent units shall do so by filing this form by mail to: Special Master, P.O. Box 2070, Loop Station, Minneapolis, Minnesota 55402.

TIME LIMITATIONS: A claim or petition asserting that a then existing, continuing, or newly initiated employment practice, policy or procedure of the University or any of its constituent units is discriminatory may be made at any time under the Decree. A claim relating to acts occurring on or after September 1, 1980 must be postmarked no later than sixty (60) days after you learn or have notice of the action which is the subject of your claim. A claim relating to acts occurring on or after March 24, 1972 and before September 1, 1980, must be postmarked no later than June 1, 1981.

1. Your name, address, zip code and phone number:

2. Name the academic unit(s) or otherwise describe the person(s) who discriminated against you.

University units responsible for the adoption and operation of the Internal Tribunal process.

3. In what area did the discrimination occur? (Please check one or more)

- | | |
|----------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Hiring - tenure or tenure track | <input type="checkbox"/> Benefits |
| <input type="checkbox"/> Hiring - other | <input checked="" type="checkbox"/> Policy, practice or procedure |
| <input type="checkbox"/> Promotion | <input type="checkbox"/> Other (describe) |
| <input type="checkbox"/> Salary | |

4. Set forth a brief statement of fact and describe the act, decision, employment policy, practice or procedure which is the subject of the claim. (You may submit a detailed separate statement setting forth all the particulars.)

Internal Tribunal

(See attachment.)

5. Please identify by name or as a class or as a subclass, other persons who are similarly affected by the act, policy, practice or procedure which is the subject of the claim. (You need not respond to this if your claim seeks individual relief to you only.)

All female academic non-student employees who are claimants or prospective claimants under the Consent Decree.

6. What relief is requested from the Court? (Please check one or more.)

- | | |
|----------------------------------------------------------|---------------------------------------------------------------------------------|
| <input type="checkbox"/> Hiring - tenure or tenure track | <input type="checkbox"/> Benefits adjustment(s) |
| <input type="checkbox"/> Hiring - other | <input checked="" type="checkbox"/> Policy, practice or procedure adjustment(s) |
| <input type="checkbox"/> Promotion | <input type="checkbox"/> Backpay, costs and/or fees |
| <input type="checkbox"/> Salary adjustment(s) | <input type="checkbox"/> Other (describe) |

7. Have you previously received any determination from any University tribunal of any complaint based on the facts of this claim? (If so, identify the tribunal and date.)

8. Attach any written documentation now available and in support of your claim which may set out the facts and which may describe the act, decision, employment policy, practice or procedure complained of in this claim. (Please do not submit all potential evidence of your claim at this time.)

Date: _____

Claimant's Signature

(If more than one claimant asserts that they have been injured by the same act, decision, policy, practice or procedure, you may elect to file a single claim and all others should sign on a separate attachment to the Claim Form.)

4. Internal Tribunal.

I am a full-time female non-student academic employee of the University. I would have standing to bring an action for a declaratory judgment under 28 U.S.C. § 2201, and I believe that the following employment practice, policy and procedure of the University and its constituent units violates the provisions of Title VII and the Consent Decree.

Pursuant to Section III-B of the Consent Decree:

- (1) Employment policy, practice or procedure, claimed to be unlawful.

The University has followed a practice of providing an Internal Tribunal procedure which is incapable of rendering fair and unbiased judgments. Through both subtle and blatant intimidation, the current Internal Tribunal process deliberately discourages women from pursuing valid claims as provided in the Consent Decree.

- (2) Persons affected by such policy, practice or procedure.

(See 5. of petition.)

- (3) Facts known to the Petitioner upon which the Petition is based.

(See attached letter to the Special Masters from the Faculty Advisory Committee for Women.)

- (4) Supporting documentation will be provided later.

- (5) I believe that the University's failure to provide a fair and efficient Internal Tribunal has seriously undermined the effectiveness of the Consent Decree in achieving its purpose to redress sex discriminatory practices against individual claimants. Further, I believe that the University has intentionally used the Internal Tribunal process to frustrate the purposes of the Consent Decree.

university
of
minnesota
memo

Date November 8, 1985
To Faculty Consultative Committee
From Deon *[Signature]*
Subject CTF Support

I'd like to send the attached letter of March 6, 1985, to the Regents as a follow-up to our discussions yesterday and particularly to Regent Goldfine's plea to hear from the faculty regarding CTF.

Unless I hear from you otherwise before November 14 or at our meeting that day, I will send this on to the Regents on the 15th with a note indicating that it reflects our continuing support for CTF.

This will not be all that we can do to be responsive, and we will do more. But we can do this at once.

CWC FCC 1/16



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University Senate Consultative Committee
411 Borlaug Hall
1991 Buford Circle
St. Paul, Minnesota 55108
Telephone (612)376-2479

November 19, 1985

- To: The Honorable Wendell R. Anderson
- The Honorable Charles H. Casey
- The Honorable Willis K. Drake
- The Honorable Erwin L. Goldfine
- The Honorable Wally Hilke
- The Honorable David M. Lebedoff, Vice Chair
- The Honorable Verne Long
- The Honorable Charles F. McGuiggan, Chair
- The Honorable Wenda W. Moore
- The Honorable David K. Roe
- The Honorable Stanley D. Sahlstrom
- The Honorable Mary T. Schertler

Dear Ladies and Gentlemen:

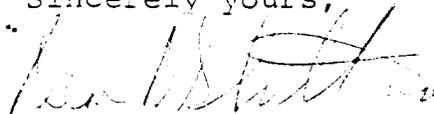
As an initial response to the request from Regent Goldfine at our dinner meeting for the faculty reaction to Commitment to Focus, I enclose a copy of the letter our committee sent to President Keller last March. Unfortunately I did not realize that this communication had not also been sent to you earlier. Several days ago the Faculty Consultative Committee reaffirmed its enthusiastic and continued support of Commitment to Focus. As I said at our meeting with you, the faculty is pleased that we have adopted the goal of being one of the top five public institutions in the U.S. The FCC believes that the recommendations contained in Commitment to Focus make that goal attainable and thus should be implemented.

We look forward to continued dialogue with you on this and other issues important to the future of the University of Minnesota. The tasks ahead are not easy,

Board of Regents
November 19, 1985
Page two

but with concerted efforts of the Regents, administration, faculty, staff, and students, we can make this University an institution more useful to the state and one in which its citizens can take even greater pride.

Sincerely yours,



Deon D. Stuthman, Chair,
Faculty Consultative Committee

DDS:mbp

Enc.

c: President Kenneth H. Keller
University Vice Presidents
University Chancellors
Student Representatives to the Board of Regents
Ms. Barbara J. Muesing, Secretary to the Board
of Regents
Dr. Richard B. Heydinger, Chair, Coordinating
Committee on Commitment to Focus



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee

210G Burton Hall
178 Pillsbury Drive S.E.
Minneapolis, Minnesota 55455
Telephone (612)373-3226

March 6, 1985

Interim President Kenneth H. Keller
202 Morrill Hall

Dear Ken:

As you know from our meeting together on February 28, the Senate Consultative Committee endorses your recommendations for the University set forth in "A Commitment to Focus." We do so enthusiastically and with the understanding that central administration will consult with us and other components of the governance system regarding both general and specific implementation of the proposals.

In our endorsement we emphasize heavily your own caveats: that the changes can only be effected if the legislature modifies the current State approach to funding of the University to remove the counter-incentives that currently exist for this approach, and if Minnesota's other systems of higher education -- the state universities, the community colleges, and the AVTI's, undertake cooperative and compatible changes.

It was a stimulating and satisfying interchange we enjoyed with you on the 28th as you responded in convincing terms to the questions, reservations, and worrisome hypotheses we posed both on our own behalf and on behalf of our faculty and student constituencies. We are persuaded the proposed changes can guide this University to providing higher quality experiences for both its undergraduate and graduate students, and to research and service of even greater distinction, while not restricting Minnesotans' access to the baccalaureate degree.

We strongly hope the essential complementary changes will be forthcoming so that the University can start moving on this promising path.

Cordially,

Jack Merwin, Chair,
Senate Consultative Committee

JCM:mbp

cc: Jerry Kline (SCEP)
Mark Brenner (Planning)