



UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate Consultative Committee
383 Ford Hall
Minneapolis, Minnesota 55455
Telephone (612) 373-2295

AGENDA

1. Fix agenda
2. Minutes of November 20 (if out in advance)
3. Report of Chair (oral)
4. Report of Student Chair (oral)
5. Committee Reports
6. Date for forum on open hearings
7. Constitution
8. Meeting with President Magrath: 2:00. Note later time.
(See enclosed letter)
9. Old Business
10. New Business
11. Adjourn

Assembly meeting 3:15

Senate meeting 3:30



UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate Consultative Committee

383 Ford Hall
Minneapolis, Minnesota 55455

Telephone (612)373-3226

MINUTES

SENATE CONSULTATIVE COMMITTEE

Thursday, December 4, 1980
Regents Room, Morrill Hall

APPROVED 1/15/81

The sixth regular meeting of the Senate Consultative Committee was called to order at 12:50 p.m. on December 4 by Marcia Eaton, Chairman. Other members present were Julie Bates, Russell Hobbie, Judy Nord, Sue Pribyl, Douglas Pratt, Paul Quie, Dennis Sargeant, Skip Scriven, Vera Schletzer, Pat Swan, Donald Spring, Bruce Thorpe and Al Ward. Guests were Assistant to the President Carol Pazandak, Professor Connie Sullivan, Maureen Smith of University Relations, and Trish Van Pilsum of the Daily. Professor Eaton announced that Duluth student representative Julie Sellgren had had to resign because of conflicts with her job.

1. Agenda. Professor Eaton requested the addition of one item, that of the amended wording which will be proposed in the Senate for the motion to establish the equal employment opportunity committee. The agenda was fixed with that addition.

2. Minutes. The minutes of November 20 were distributed at the meeting. They will be considered for approval at the January 15 meeting.

3. Report of the Chair. No report.

4. Report of the Student Chair. Sue Pribyl.

A. For the first time since 1968 all Twin Cities campus student positions on committees are filled, a fact of which the students are proud.

B. The new student representatives to the Board of Regents include SCC member Orhan Arkan. (The other members are Bill Burne, Luis Caire, and Christine Brown.)

C. Student fees. The students feel they may have made a mistake and may be prepared to state to the Regents that they would like to change their position.

D. Legislative priorities. (1) Truth in testing; (2) MTC rate hikes; (3) Collective bargaining and its effects on students; (4) Tuition--holding it level. The new student lobbyist is Wally Hilke.

E. Escort system. Students are glad it exists. Student government has offered support and has provided the money for a better radio communication system. Student government would consider taking over the service should that become necessary.

The Chairman introduced Professor Constance Sullivan, Business and Rules Chair.

5. Committee Reports.

A. UCBRBR. Professor Swan. UCBRBR meets on December 11 to examine, for their own education, the current year's budget. Chet Grygar, University Budget Officer, will assist. Professor Swan will meet on Friday, December 5 with Vice President Keller to develop a plan and schedule for consultation between the Budget Executive and UCBRBR over the University budget.

B. Grievance. Professor Schletzer. (1) Ballot for the plaintiff class to elect two members to the equal employment opportunity committee. Professor Schletzer commented upon the letters to Special Master Lindquist questioning the nomination procedures for this ballot. The Special Masters let the procedure stand for the current election. She remarked on the "uninformed electorate" in this instance since the same ballot goes to all non-hires as well as to all women faculty. Professor Eaton described her telephone conversation with Lindquist about the ballot. He told her that the special masters had had to assemble the election in haste and that for future elections the procedures would be made clear in advance.

(2) E-track. Professor Schletzer described as measured and thoughtful the reply of Tenure Committee chairman Charles Wolfram to Betty Robinett, which said Tenure needed far more material if they were to take responsibility for hearings on proposed transfers of jobs to the new category. She noted that Business and Rules had indicated its intention to hold hearings on eligibility of Professional Administrative employees for Senate membership. Professor Sullivan added that Business and Rules feels the need to know the designations of job categories in their final form before considering eligibility, since those categories will hold the key to eligibility. Persons in administrative positions, for example, would presumably not be eligible. But Professor Schletzer pointed out that the Senate assigned to Tenure responsibility for assessing the transfer of categories insofar as questions of tenure were involved, and said some designations may not be resolved in the near future. She hopes Business and Rules can arrive at some generalizations about eligibility in advance of the recategorizing.

C. Senate Reorganization. Professor Spring reminded the SCC that all Senate Committees are to have responded to the joint subcommittee by December 8. The subcommittee will meet December 11. Over the holidays they will revise the constitution, by-laws and rules in light of the recommendations received. The forum on the new governing documents will be January 15.

Professor Swan asked how the subcommittee would deal with the issue of voting membership, given the recent loss of the Duluth faculty from the Senate. Professor Spring replied that the writers cannot presume to anticipate just what is going to happen. They are proceeding as though everyone is a member, and recognizing that changes will have to be made as bargaining agents are chosen on any of the several campuses.

6. Old Business.

A. Hearing on openness for grievance procedures. The SCC approved Professor Eaton's request to schedule for January 22 the previously-discussed

hearing on the openness of grievance proceedings. She will announce the hearing publicly and write to Senate, University and campus committees, as well as the collective bargaining groups and women's groups.

B. Committee on Equal Employment Opportunity for Women. On the floor of the Senate later in this day there will be an amendment offered reintroducing the two passages that the Consultative Committee and the Committee on Committees chose to omit from the establishment motion. Professor Eaton explained as background that Judge Miles Lord had summoned several people to his chambers on Wednesday, November 26, to discuss the University's implementation of the consent decree, especially those points on which the University appeared to some to be stubborn. Regarding the committee establishment motion, Judge Lord essentially said the passages should go back in. John Howe, Chairman of the Committee on Committees, has agreed to accept the amendment as friendly. Other matters relating to the consent decree which were discussed with Judge Lord included coordinate campus representation on the committee and the women's advisers committee's request for space and for secretarial and legal assistance for advising women. Judge Lord ordered the University to move positively on these.

MOTION: Professor Hobbie moved the Consultative Committee accept the reinsertion of the two passages into the motion as a friendly amendment.

VOTE: 4 ayes, 0 noes, 7 abstentions.

7. New Business.

A. Constitution revision. SCC response. Judy Nord asked whether the subcommittee named at the November 20 SCC meeting had yet recommended an open meeting policy. Professor Spring replied that he has written a rough draft and the three other members will write responses.

Professor Spring read the questions Professor Brasted had submitted in writing since he was out of the country on this date. The first regarded the procedure for choosing committee chairpersons. Professor Spring called attention to the provision which says the chairman is to be determined by whoever appoints the committee, with exceptions as noted. The next regarded whether there is need for a special effort to always assure representatives from coordinate campuses on committees when the same document emphasizes that students and faculty are elected to reflect their constituents University-wide. Professor Spring confirmed that the proposed text says there is an effort to always represent a wide range of groups.

It was pointed out that the designation University Senate should be included each time it is relevant.

It was asked whether controversy might ever arise from the single slate of committee memberships proposed to the Senate. Was it assumed the Senate would always ratify the entire set of slates? Professor Spring replied that the joint subcommittee had discussed the single-slate issue extensively. They believe the Committee on Committees will do its work very carefully and that no objections to its slates will arise.

It was asked if the ex-officio designation always implies non-voting. The answer is that it does mean that, except where specified otherwise, as in the case of SCC members.

It was asked whether the joint subcommittee will provide a document to the community and the Senate spelling out exactly where the major changes have occurred. Professor Spring assured the SCC that it would.

Bruce Thorpe asked whether there are any committees which should report to the Student Senate. Professor Spring answered that there are Assembly committees which properly report to the Student Assembly, but that there have been and continue to be none reporting to the Student Senate. Sue Pribyl asked who convenes the Student Senate. Professor Spring pointed out that there are no separate repositories for the Faculty Senate and Student Senate; both are contained within the University Senate constitution, rules and by-laws. Bruce Thorpe raised the problem that the Student Senate has no way of convening a quorum and that students would like to be able to convene separately within the University Senate meeting as the Faculty Senate does. There was widespread agreement that the mechanism for such student convening exists and has only to be used.

Executive committee of the Student Senate: the students will discuss this item further and report to Professor Spring on the most accurate wording to reflect its actual composition.

Professor Ward indicated a discrepancy between two articles regarding membership, and recommended additional wording to allow for the exceptions from the three-year faculty terms since Waseca and Crookston are provided with one-year terms. The writers will make that change.

Professor Swan observed that Professor Morrison had last year submitted suggestions to facilitate continuity on the Finance (presently UCBRBR) which have not yet been incorporated into the new document. Professor Spring and others agreed it was desirable to provide for continuity in student representation, even more important than that there be student representation from particular committees each year; the at-large system of student representation recommended by Morrison would accommodate that. Professor Swan also repeated Morrison's recommendation that there be two representatives from the Consultative Committee, instead of one and an alternate, and that one of the two would be from the "freshman" group in SCC. She asked that the joint subcommittee again consider these suggestions which came from last year's UCBRBR membership; she thinks this year's group would make suggestions not much different.

Sue Pribyl observed that the by-laws do not limit the number of one-year terms to which a student may be elected. She inquired why SCC members cannot have alternates to Senate meetings. Professor Spring explained that it is by the nature of the voting, ex-officio type of SCC members' membership in the Senate.

B. Resolution to reinstate UMD faculty in Senate. Professor Spring stated that he no longer thinks the resolution pertains to the situation. Professor Eaton said that Professor Sullivan will introduce the motion to the Senate; Professor Eaton will then say that the Consultative Committee thought it important to have a resolution in order to focus the discussion, and that there are some SCC members who no longer wish to support it. Professor Sullivan outlined the points she would make in support of the resolution.

The meeting adjourned briefly at 2:00, pending the arrival of President Magrath.

Respectfully submitted,

Meredith B. Popple



UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate Consultative Committee
383 Ford Hall
Minneapolis, Minnesota 55455
Telephone (612)373-3226

SENATE CONSULTATIVE COMMITTEE
CONVERSATION WITH THE PRESIDENT

Thursday, December 4, 1980
2:00-3:00
Regents Room, Morrill Hall

Chairman Marcia Eaton convened the Senate Consultative Committee's meeting with President Magrath at 2:10 p.m. on December 4. Other members present were Julie Bates, Russ Hobbie, Judy Nord, Sue Pribyl, Douglas Pratt, Paul Quie, Dennis Sargeant, Vera Schletzer, Donald Spring, Pat Swan, Bruce Thorpe, and Al Ward. Also present were Vice Presidents Hasselmo and Keller, Assistant Vice President Perlmutter, Assistants to the President Borgestad and Pazandak, Professor Constance Sullivan, Maureen Smith of University Relations and Trish Van Pilsum of the Daily.

1. Consent decree: Hearing procedures. Vice President Hasselmo reported that Attorneys Tierney and Mays, and Charles Wolfram of the Tenure Committee and Ed Rippie of Judicial are meeting together to develop the burden of proof statement to pertain to claims coming under the provisions of the Rajender consent decree. The procedures will be reported to the Consultative Committee and put on the agenda for the February 19 Senate meeting.

Other consent decree issues. Vice President Hasselmo and Professor Eaton agreed that the court seems willing to permit an extension of the January I deadline for the resolution of some questions (such as openness of grievance proceedings) into the winter quarter.

2. Open Meeting policy. President Magrath said that the Regents' policy is that it is desirable that the University be as open as humanly possible. He reaffirmed his position stated in his lengthy open letter of 1975. He expressed his hope the SCC and the Senate can develop a position for the Regents' consideration by the end of winter quarter. Professor Eaton stated the SCC's intent to have a motion to the Senate for its February 19 meeting.

3. Duluth, UMDEA, and the Senate. President Magrath described the administration's forms of communication with the UMD community:

A. University is meeting with the executive committee of UMDEA for the purpose of keeping the academic process going and for arranging for the negotiations.

B. Provost Heller is setting up an ad hoc council of students, faculty, and civil service personnel to communicate their concerns to him.

C. Liaison Committee: A University of Minnesota and UMD administrative committee will hold discussions with UMDEA on issues not otherwise being covered.

Vice President Hasselmo named the three areas of administration interaction with UMD: (a) prepare to meet and negotiate with the representative of the bargaining agent; (b) prepare to meet and confer with that representative; (c) continue, by agreement with UMDEA, working committees which are neither policy-making nor deal with terms and conditions of employment. To Professor Spring's inquiry as to how the administration has provided for the legality of the "meet and confer" part of present interaction, the Vice President replied that the UMDEA executive committee constitutes the representative and so is the only body eligible. Professor Hobbie asked whether the Duluth members of the Senate Grievance and Promotion and Tenure committees remain members of those committees. Vice President Hasselmo said it was his understanding that they do remain members under the present terms and conditions of employment rule. President Magrath said that questions will of course arise out of circumstances which the administration cannot now foresee.

Professor Sullivan expressed her appreciation for President Magrath's open letter to the University community on the Duluth issue. Observing that the Senate is not the employer, she asked if the Senate is bound not to speak with the Duluth faculty because the Senate's president is part of the employer. She asked too if President Magrath is permitted to listen to the corporate Senate if it continues to include Duluth faculty in its discussions.

The President offered what he described as a non-legal, non-binding response. He is, he said, clearly part of the employer. The employer has clearly delegated part of its employer prerogative to the Senate. The Senate thereby has some of the employer function. Now, he asked, can faculty or student members of the Senate listen to whatever anyone wants to say? Clearly, they cannot be prohibited. However, if the Senate defines participation as including voting, that makes a very different position.

Professor Sullivan asked if then there is no legal reason why the Duluth faculty cannot continue to attend Senate committee meetings and participate in the discussions. The President called it a tough question and said he did not know the answer. Vice President Keller emphasized the great difference between listening and having speaking privileges at open meetings, and the formal membership privilege of voting. Professor Eaton reminded the meeting that Attorney Keller had warned the SCC that permitting even non-voting Duluth faculty participation would probably be in violation of "meet and confer" restrictions. Professor Sullivan asked if there is some informal mode available to discuss those management aspects on which the employer is not required to meet and negotiate or meet and confer. The President cautioned that the Senate and the SCC deal with many issues which clearly relate to "meet and negotiate" and "meet and confer" provisions.

Professor Hobbie pointed out that the UMDEA executive committee, being now the exclusive bargaining agent, may not want to give up that exclusive right by reopening participation to a broader group.

Professor Swan warned against allowing a communication crisis. It is going to be hard for the rest of the University, she said, to keep fully informed on what happens at Duluth, although the administration will be going there and negotiating. She also said that the Regents and the administration are going to have to assume certain postures in this bargaining process. Those

postures, she thinks, may carry over into other of their dealings with the University. She wants everyone to recognize those possible difficulties and do all they can to minimize them.

President Magrath said he recognized and appreciated those points. He pointed out that negotiating meetings are open. He said that it is his understanding that nothing prevents him or other senior administrators from talking candidly to the SCC. He said he anticipated a question in the Senate asking why the University could not have communicated to the world in advance what it would do if and when collective bargaining was instituted on a campus. The answer, he said, is that the University could not have done that without running afoul of pieces of the collective bargaining law.

Vice President Hasselmo said that Professor Swan's concerns are ones which have taken on overriding importance to him. He said he came to see that the best way of preserving faculty governance at Minnesota was to separate out a piece of the Senate, rather than try to clean up agendas to screen out forbidden topics. The President said the administration is committed to keeping communication as good as possible.

Professor Spring cautioned that even while the SCC and Business and Rules are assembling agendas for the Senate, the real communication will be taking place by rumor. He fears a loss of faith in the Senate as a governance structure.

Vice President Keller reminded the meeting that major items of business (most notably, the new tenure code) passed years ago by the Senate have not yet been implemented because of impending collective bargaining elections. Hence the conflict is already six or seven years old. Now the University is in the position of presenting to the state a budget request which omits any faculty salary request for Duluth non-medical faculty.

President Magrath added that current fiscal trials also make these not the easiest times for faculties, students and administrators. He believes that part of the answer to the difficulties lies in common sense and consideration: civility, respect, kindness, understanding and some calmness, on everyone's part.

Professor Eaton observed that the new conditions must impose an additional burden on several offices, such as Academic Affairs. The President agreed, and added that the University's chief negotiator will have to be an officer from Morrill Hall. Provost Heller's work is increased as well.

Professor Spring referred to the ambiguity of the phrase, "participate in the deliberations of," contained in the resolution going to the Senate. Professor Hobbie asked how the presiding officer of the Senate should recognize Duluth faculty--in the same way as other non-members who are allowed to speak? President Magrath asked whether that made any substantive difference. People generally listen to all speakers, he observed, and a problem would arise only if there were time constraints.

The conversation concluded at 2:55 p.m.

RESOLUTION FOR THE SENATE MEETING OF DECEMBER 4, 1980

MOTION:

WHEREAS the Board of Regents has suspended some Duluth faculty members from the University Senate and its committees; and

WHEREAS the collective bargaining negotiations may take many months; and

WHEREAS the All-University Senate believes it essential to establish an interim procedure to allow the Senate to continue to act as a body while these negotiations are going on; and

WHEREAS the President has administratively reinstated the faculty on some Senate committees;

THEREFORE BE IT RESOLVED, that the All-University Senate invites and encourages its nonmedical faculty colleagues from the Duluth campus to participate in the deliberations of the Senate and its committees until a collective bargaining agreement has been reached by the University administration and the Duluth faculty.

BE IT FURTHER RESOLVED that the Senate requests the President to restore the Duluth faculty's voting power in the Senate and on all its committees by administrative order until the collective bargaining agreement has been reached.

CONSTANCE SULLIVAN, Chr.
University Committee on Business &
Rules

MARCIA EATON, Chr.
Senate Consultative Committee