

SCC MEETING

AGENDA

Time: 11:00-1:15

Date: November 30, 1978

Place: 616 Campus Club

- 1 Minutes for the meetings November 2 and 21
- 2 Retrenchment and Reallocation
 - a Role of the Vice President of Academic Affairs
 - b Dean Fred Lukermann's letter of November 27, 1978 concerning the Interim Guidelines and Decision-making Criteria for the 1979-70 Annual Budget
 - c Excerpts from some material from Associate Professor Peter Olin, Dept. of Horticulture and Landscape Architecture
- 3 Report of the ad hoc Committee on Grievances---Professor Robinett
- 4 Consideration of the motion to amend the Senate Constitution
 - To amend the Constitution of the University Senate, Article III (Composition), section 4c, to increase student membership.
- 5 Wage and Price Guidelines
- 6 Old Business
- 7 New Business



UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate Consultative Committee
554 Business Administration
271 19th Avenue S.
Minneapolis, Mn. 55455
Telephone (612) 373-3226

MINUTES OF THE SENATE CONSULTATIVE COMMITTEE

Meeting of November 30, 1978

The All University Senate Consultative Committee convened its seventh meeting of the 1978-79 academic year on Thursday, November 30, 1978, in Room 626, Campus Club.

Members present were: Professor George Blake, Mr. Steve Carlson, Professor Wendell Glick, Professor Ken Keller, Mr. Richard Kottke, Professor Fred Morrison, Professor Richard Purple, Mr. Tim Potter, Professor Betty Robinett, Mr. Richard Rydberg, Professor Vera Schletzer, Professor Don Spring, Professor Mahmood Zaidi (Chairperson); two visitors: Professor Don Browne, Chairperson, SCEP, and John Chipman, Chairperson, SCFA.

The meeting was called to order at 11:10 and Professor Zaidi began the discussion on the first point of business, Retrenchment and Reallocation. Professor Zaidi indicated in reference to point two, Responsibility for decisions, in the UCBRR Report on Guidelines and Criteria for the 1979-80 Budget, "that inadvertently the point dealing with the Role of the Vice President of Academic Affairs was not listed in the SCC cover letter, of November 22, 1978, to President Magrath.

1. Professor Purple presented a motion for consideration which, if approved, would be conveyed by the Chairman to President Magrath as an additional point to the items outlined in the SCC letter of November 22, 1978. The motion was presented and seconded: "Administration of the interim retrenchment and reallocation procedures is our final concern. In order to place emphasis on the priority of academic planning, we recommend that the operative administrative decision making on retrenchment and reallocation be coordinated and channeled through the Office of the Vice President for Academic Affairs."

The discussion which followed emphasized the importance of academic priorities to the reallocation process. Professor Browne, SCEP, stated that this motion captures the position held by SCEP. He said that SCEP strongly urges that decisions rest with the Vice President for Academic Affairs because someone should be in a position to assess the effects of reallocation/retrenchment on the entire academic program.

Professor Chipman, SCFA, stated that the membership of SCFA agreed in principle that academic criteria be used in retrenchment decisions. Given this position, however, there was some concern by coordinate campuses and units such as

the Health Sciences that the Vice President for Academic Affairs was not their Vice President.

Professor Morrison expressed concern that there was not presently system-wide academic planning so that the motion speaks to this concern for comprehensive academic overview.

Professor Spring, however, stated that the theoretical Vice President and the functional Vice President differs; therefore, there should be some statement to show the difference in arrangement for Duluth and Morris.

Professor Morrison continued that someone with recognized right and responsibility to make an overall judgment was necessary to the process. The President may or may not take the advice of a single individual such as the Vice President for Academic Affairs, but such an arrangement will provide the opportunity for review of reallocation in relation to the academic program.

After considerable discussion on this matter there was consensus that someone with academic responsibility should review all decision-making and relate how various decisions on reallocation would affect the academic program. Mr. Carlson suggested an amendment to the motion that consultation on decision-making include the Senate Consultative Committee. The amendment died for lack of a second.

Professor Morrison emphasized that the academic program is our responsibility and, therefore, we should support the suggested role of the Academic Vice President as necessary to the process and not view this as a change in the organizational structure. The President should be given direct advice on the academic enterprise.

Professor Glick suggested that the motion be worded in the following manner to meet the concerns of coordinate campuses and special units: that "operative administrative decision-making on" be deleted and that "recommendations on" replace the section. Professor Purple and the motion's second accepted Professor Glick's suggestion; the motion then read: "Administration of the interim retrenchment and reallocation procedures is our final concern. In order to place emphasis on the priority of academic planning, we recommend that the recommendations on retrenchment and reallocation be coordinated and channeled through the office of the Vice President for Academic Affairs."

The motion was called and approved. The Chairman was directed to transmit this point to the President as an addition to the SCC November 22 letter.

2. Professor Zaidi drew the excerpts of Professor Peter Olin's letter to the President on Retrenchment and Reallocation to the attention of the Committee. These excerpts, as well as Dean Lukerman's letter of November 27, 1978, were for Committee information only.

3. Professor Robinett gave a report to the Committee which she and Professors Purple and Blake prepared concerning the Report of the ad hoc Committee on Grievances. Professor Robinett indicated that they had dealt with the Report in a procedural manner only, and she moved that "the SCC requests that the SCFA, the Judicial Committee, the Tenure Committee, and the Appeals Committee on Academic Freedom and Responsibility send to the SCC copies of the comments they are sending to the ad hoc

Committee on Grievances and any suggestions they may have for Senate action. The SCC in its role as Steering Committee for the Senate will review these materials and decide on Senate routing." The motion carried.

4. Mr. Carlson presented the motion to amend the Senate Constitution (article III [composition], section 4c, to increase student membership.). He explained that ten positions were available for ethnic minorities and international students. These positions were filled by appointment last Spring (1978) and are subject to election; passage of this amendment would make holders of these positions full participating members of the Senate.

Professor Glick asked how this affected ethnic minorities on the coordinate campuses. Mr. Kottke explained that the Twin Cities campus did not feel it appropriate to dictate to the coordinate campuses on this matter and, while the situation on coordinate campuses is known to TCSA, this amendment was not pressed for action at the other campuses.

Mr. Rydberg added that discussion at the Duluth Campus indicates that student government believes this change should be done within existing guidelines. The positions already in existence should be reallocated rather than creating new positions. He did not feel creating a new formula appropriate and that coordinate campuses should not be pressured to support this move.

Mr. Carlson disagreed heatedly with Mr. Rydberg's position; in response Professor Spring called a point of order indicating that he disapproved of the language used by Mr. Carlson. The Chairman called for order and indicated to Mr. Carlson that abusive language was not an acceptable tool in debate and that we should address our agenda with courtesy and restraint.

Professor Morris said that he felt the amendment raised questions relating to 1) affirmative action policy; 2) discrimination against coordinate campuses, and 3) balance. In the case of the third point, should the number of student senators be increased ultimately by as much as 20 to 30, as Mr. Carlson suggested was possible, then this would affect student-faculty balance. Professor Morrison moved that "SCC recommends to the Senate that this should go to the business and rules committee for consideration of its substance and consideration of alternatives."

Mr. Carlson disagreed and opposed the motion.

Mr. Rydberg, in support of the motion, reiterated that he believed to make a change by adding positions without changing the formula determining positions would be inappropriate and create inequities.

Mr. Carlson asked Professor Morrison why business and rules should be consulted on this matter. Professor Morrison listed three points: 1) this was a matter that affected all campuses; 2) faculty-student balance was in question; and 3) there should be analysis of some case law on this question. The question was called on Professor Morrison's motion - on the vote division was called. Nine voted for the motion, 3 opposed. The motion carried.

5. The Chairman announced that he had communicated to Vice President Stein that SCC had no further statements to make on Wage-Price Guidelines.

6. Old Business - none

7. New Business - Mr. Potter distributed an Amendment to the University College Constitution as information only.

The meeting was adjourned at 1:00 p.m. The next SCC meeting will be December 12, 1978, in Room 606 Campus Club, 11:45 - 1:50.

Respectfully submitted,

Elizabeth Martin, Administrative Fellow



UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate
Consultative Committee
554 Business Administration
271 19th Avenue S.
Minneapolis, Minnesota 55454
Telephone (612) 373-3226

December 1, 1978

DRAFT

To: ✓ Professor Peter Robinson, Chairman
Senate Judicial Committee

3-5202

~~give~~ no minor
reservations:

Send

✓ Professor John Chipman, Chairman
Senate Committee on Faculty Affairs

34595 (187)

Professor Ronald Akehurst, Chairman
University Committee on Tenure

3-2533

Professor Gerhard Weiss, Chairman
University Appeals Committee on Academic
Freedom and Responsibility

32575 ✓

From: Mahmood A. Zaidi, Chairperson
Senate Consultative Committee

Subject: Report of the Ad hoc Committee on Grievances

At its meeting on November 30, 1978 the SCC discussed President Magrath's memo of November 22, 1978 attached to the Report of the Ad Hoc Committee on Grievances. The Committee requests that each of your committees send to the SCC copies of your committee's comments sent to the Ad Hoc Committee on Grievances. The SCC will gather any suggestions your committees have made for Senate action. The SCC in its role as Steering Committee for the Senate will review these materials and decide on Senate routing.

cc: President C. Peter Magrath
Assistant Vice President Shirley Clark
Members, SCC



UNIVERSITY OF MINNESOTA
TWIN CITIES

Office of the Dean

College of Veterinary Medicine
256 Veterinary Science
1971 Commonwealth Avenue
St. Paul, Minnesota 55108

November 27, 1978

To: Professor Fred Morrison, UCBRRR
Professor Mahmood Zaidi, Senate Consultative Committee

From: S. A. Ewing *S. A. Ewing*

Subject: College of Veterinary Medicine Position on
Retrenchment/Reallocation

On October 6, 1978, I sent a position paper to President C. P. Magrath regarding R/R, but I did not provide a copy to either of you. Several members of my faculty have suggested that I send each of you a copy, and I take this opportunity to do so.

Thank you.

SAE:am

Attachment

Response to the Document
"Reallocation and Consultation Procedures in the Resource
Reallocation Process"
from
College of Veterinary Medicine

The retrenchment-reallocation process presented by the document "Reallocation and Consultation Procedures in the Resource Reallocation Process" has potential for doing great harm to many collegiate and departmental units within the University of Minnesota.

The early part of the document relates the need for retrenchment to enrollment projections that predict a ten percent decline in enrollments, a prediction making no distinction between units that will decrease and those that will not. Subsequently, the relationship of planning and resource allocation for projected decreases is discussed. Finally, retrenchment and reallocation are combined into a single process--a formula retrenchment and a selective reallocation.

We believe that it should be made clear to the faculty that two processes are occurring. One is retrenchment related to declining enrollment, and the other is retrenchment related to reallocation of resources.

Retrenchment related to declining enrollment should not be applied equally to all academic units. University enrollments may decline ten percent; however, enrollments will increase in some units, stay constant in others, and are likely to decrease more than ten percent in yet others. To use extreme cases, the impact of enrollment-related retrenchments is entirely different in units experiencing enrollment increases and in those experiencing enrollment decline. We propose, therefore, that enrollment-related retrenchments be applied in proportion to projected enrollment changes. A more complex formula based upon a less simplistic approach could easily be developed to cushion the negative impact of declining enrollments.

We believe that University-wide retrenchments related to reallocation should be eliminated or reduced. This plan is based on the assumption that every college has inefficient (i.e., not cost-effective) and/or ineffective programs that can be eliminated and replaced by programs adequately justified to the Central Administration. In Health Sciences, including the College of Veterinary Medicine, and, we believe, in many other areas, programs have been developed according to recognized training needs based on many years of experience. It is unrealistic to believe that 24 percent (three percent annually for eight years) or anything near that portion of these programs is unnecessary and should be replaced by as yet unidentified programs.

Recurring retrenchments and reallocations are likely to erode faculty morale further. Consider that each year each college will have to identify one or more low priority programs. Even if resources are reallocated to continue such programs, the faculty have been told that they rank low in collegiate priorities. If such programs are not sustained, the plan projects an ultimate of twenty to thirty percent change in all programs in eight years, a projection we consider unrealistic.

Deans are placed in an untenable position by the administration's proposal. They have been hired to manage collegiate resources to meet collegiate goals most effectively with the resources they have. The proposal implies that deans are failing in this responsibility and are being directed by Central Administration to identify low priority programs, whether they exist or not. This will

create factions among faculty who have been declared low priority, whether they are or not. Valuable faculty time will be spent in developing arguments of self-justification rather than in carrying out their roles in meeting collegiate goals. Deans will be placed in positions antagonistic to their faculties.

Universities are by tradition stable institutions. Programs are commonly developed to meet long-term educational needs. A two to three percent turnover per year yields a projected average 30- to 50-year complete turnover rate for programs. Most programs in a University do and should last much longer than that.

If the Administration must eliminate some programs in order to implement others, it would do better to eliminate a few complete units that are least central to the University's mission than to cripple all units. As someone has stated, to make the University "a shrunken image of itself" would be tragic indeed. In particular, retrenchment should not be applied as though an overall decrease in enrollment is applicable to all units. Those units experiencing and anticipating increases in enrollment should be proposing incremental, not decremental, changes in budgets. Those with built-in, stationary, steady-state enrollments should not have to identify unnecessary decreases.



UNIVERSITY OF MINNESOTA
TWIN CITIES

Office of the Dean

College of Liberal Arts
215 Johnston Hall
101 Pleasant Street S.E.
Minneapolis, Minnesota 55455

November 27, 1978

To: President C. Peter Magrath
Vice President Henry Koffler
✓ Chairman Mahmood Zaidi

From: F. Lukermann

Subject: Interim Guidelines and Decision-making Criteria for the
1979-80 Annual Budget

In response to your call for "reactions" to the Interim Guidelines we have simulated the effect of the proposed guidelines on the College of Liberal Arts and offer the following comments.

We in the College are in full accord with the intent of the review and reallocation process as outlined and see it as the initial first phase of a continuing programmatic budgetary process. The assessment provisions on the other hand, as specifically applied to the present structure and circumstances of the College budget, seems not to have the desired effect of either rationalizing that budget or meeting the criteria for quality of program or breadth of mission of the College.

Specifically the 1.717923% of eligible base assessment is actually 5.4% of the non-tenured and non-tenure track line item base. Further, the suggested protection of curricular programs units of largely (60-80% of unit budgets) filled tenure and tenure-track lines throws the burdens of assessment on teaching assistantships and unassigned instruction, civil service and supplies and expense segments of those same curricular program budgets, or on those services of central support which sustain the entry level pre-major counseling and advising student services. In short, any assessment of the size suggested cuts directly into the sustaining sector of the central programmatic mission of the College and protects or leaves intact those segments that need reassignment to more central mission functions. In essence the suggested assessment process violates virtually all the conditions set down by your criteria for decision-making when applied to the College of Liberal Arts.

Our simulation of item II (Guidelines and Criteria for Decision-Making) suggests neither an assessment against nor a "retrenchment" of the College in 1979-80 but rather a review of programs and an identification of re-allocation priorities in 1979-80, and the assessment of and reallocation to the College in 1980-81. The College can only respond with fiscally dictated decision packages in 1979-80 if we follow the directives of item I (Guidelines for the Budgeting Process) as now outlined rather than decision packages flowing from programmatic needs. Under the guidelines, we would be almost forced to reallocate monies back to units and lines from which the monies were originally retrenched. Our problems...

reflect current curricular differentials which in large measure are "protected" from assessment under the proposed guidelines.

In brief, our simulation suggests a one year period of structural programmatic review before any actual reallocation of monies takes place. We face five preliminary structural reviews before any realistic reallocation of funds make programmatic sense.

- 1.) In the first year we can shift internally some faculty and staff effort to reflect recent curricular work load and missions changes. Under the proposed guidelines these will be protected from assessment.
- 2.) In the first year we can shift internally some faculty and staff effort in the counseling and advising work load for pre-majors and undergraduate B.A. majors. Under the proposed guidelines these are the major "unprotected" lines which would first be "retrenched" and then necessarily reallocated back to protect CLA's entry-level and liberal education mission.
- 3.) In the first year we can continue our "inloading" of extension students in day classes and document more extensively the "burden" in salary shortfall carried by faculty in this shift and the "burden" carried by the departments in supply and expense levels per student.
- 4.) In the first year we can review the programmatic shifts that have resulted in proportional changes in lower division, upper division, professional and graduate enrollments, advising and teaching loads. The current S.C.H. accounting is not reflective of faculty and staff effort in these core work load assignments.
- 5.) In the first year we can set up a process of review that makes planning for future program demands, staff levels and programmatic faculty replacement and renewal a reality rather than responding by immediate and necessarily ad hoc vacancy retrenchments as in the past.

In summary, we strongly urge a two step process of (1) review in the first year and (2) assessment in the second year, keyed to the legislative biennial sequence. The College after several years of sequential retrenchment cannot but endanger its quality and limit its mission if forced into another assessment of 5.4% without consideration of its structural and programmatic needs and objectives.

FL:gt

1) Since a university, by its essence, is made up of many small and diverse educational and research programs, not just the large and most conspicuous programs, and since each program needs a financial baseline in which to operate to produce its qualitative output, it may be advantageous to take the following approach:

- a) Each program or department within the University should produce an inventory of courses to be taught and the minimum number of F.T.E. needed to teach these courses on a 14 to 1 student/faculty ratio (or whatever is reasonable) on a projected limited enrollment. Courses should be listed in four categories: core courses (absolutely essential), elective courses needed (determined necessary to support core courses), service courses, and experimental courses.
- b) With this listing should be the minimum amount of square footage needed for: lecture, laboratory or studio, storage, office space, etc., and the minimum amount of equipment needed to properly teach the courses listed.
- c) A priority listing of research projects, by program or department, and the personnel and facilities needed to adequately carry out those projects.
- d) That minimum amount of staff support for all of the above.

Comparison of the existing and needed "essentials" may make allocation of scarce resources more equitable and more in line with keeping quality

educational and research programs. I am not at all confident that yearly requests by departments and programs is reflective of basic needs for facilities and staff based on a projected limited enrollment and perhaps some sharpened pencils may bring these needs into clearer focus.

- 2) Since the University does provide the state (and the world) with immense benefits, it seems that it would behoove us to step up a visibility program with each department and program (with the help of a visibility/promotion office) developing as a requirement an ongoing publication/information program that would reach the legislature and the people of the state periodically. The University and its offerings and contributions must be sold and we should all be part of that sales program.
- 3) I have noticed over the past few years that the amount of administrative work has increased, not only for me but for all faculty. More forms, more meetings, more paper work and coordination of all types. It appears that administration of the University has increased in cost and time expended all out of proportion to its stated goals of excellence in teaching, research, and service. Even students must spend more time registering, untangling course and grade mixups and graduating. All the above seems unnecessarily complex, overlapping effort in many cases and wasteful.

I would suggest that instead of the effort being expended on determining the quality of the faculty, which for the most part I find quite high (both outside the Landscape Architecture Program as well as within it), that the effort be spent on reorganizing and slimming down administration both in terms of cost and time. For instance, some administrative duties and "form filing" is done by students, redone by departments, redone by colleges, and then again redone by University administration. At least one half of that chain could be eliminated.

If we are to survive as a "University" and not as a collection of a few prominent departments or colleges, the retrenchment that is and will be upon us must be handled with fresh and creative insight, and that insight should come from the creative abilities within the faculty of the University.

2 Concerning item 5 on the agenda--- Inform the Committee that you verbally communicated to Professor Chipman, SCFA, and Vice President Stein that SCC made no changes in the recommendations on wage guidelines.



UNIVERSITY OF MINNESOTA

Office of the Vice President
for Administrative Operations
200 Merrill Hall
100 Church Street S.E.
Minneapolis, Minnesota 55455

October 31, 1978

MEMORANDUM

To: Professor John Chipman, Chairman
Senate Committee on Faculty Affairs

From: Robert A. Stein, Vice President for Administration
and Planning *RA*

Re: President Carter's Wage/Price Guidelines

In light of President Carter's recently proposed wage/price guidelines, I would like your committee to consider and advise the administration how the University should react to the wage guideline of 7% per year. Specifically, should any change be made in the amount or packaging of our 11/11% proposal presently in our biennial request? Could we have your reaction as quickly as possible.

/eah

cc: President C. Peter Magrath
University Vice Presidents
Senate Consultative Committee



UNIVERSITY OF MINNESOTA
TWIN CITIES

Department of Economics
1035 Business Administration
271 19th Avenue South
Minneapolis, Minnesota 55455

9 November 1978

Robert A. Stein, Vice President
for Administration and Planning
200 Morrill Hall
100 Church Street S.E.
Minneapolis Campus - East Bank

Dear Bob:

The Senate Committee on Faculty Affairs met on Thursday, November 3, and discussed the questions you raised in your memorandum of October 31.

It was decided that, in view of uncertainties that now exist concerning the interpretation of the wage-price guidelines and the extent of their applicability to university faculty, and in view of the fact that our recommendations were made long before the issuance of the guidelines and were fully justified in terms of national equity, it would not be appropriate for us at this time to recommend any change in the 11/11% recommendation.

It was further noted that some national labor groups have indicated an unwillingness to cooperate with President Carter's guidelines, and given that University faculty have been demonstrably harder hit by inflation during the past five years than have these groups, we see no reason for taking the initiative at this time to suggest a reduction in the requested increase. On the contrary, such an initiative might be interpreted as an acknowledgment that our original request had been excessive and could not be fully justified.

Let me now elaborate further and respond to your inquiry about "packaging". It was only at the moment our meeting began that we were able to obtain a copy of President Carter's Wage-Price Guidelines, in the form of the "White Paper: The President's Anti-Inflation Program," October 24, 1978, which had been requested as soon as I received your memorandum. We also at the same time obtained copies of a brochure, "The President's Anti-Inflation Program," from a nearby Post Office. Our discussion at the meeting therefore necessarily proceeded without members (including myself) having had an opportunity to study the guidelines.

Robert A. Stein
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9 November 1978

I have since had a chance to study them and discuss them with some of the members of the Committee. Let me draw your attention to the following passage on page 10 of the White Paper, which reinforces the sentiment expressed by committee members at the meeting:

"In the interest of equity or improved productivity, some exemptions from the pay limitations are allowed. First, workers who earn an hourly wage below \$4.00 are excluded from the program. Second, wage increases in excess of the standard are acceptable if they reflect explicit changes in work rules and practices that result in demonstrative improvements in productivity of equal or greater value. Third, wage increases above the standard are justifiable if required in order to maintain a close historical tandem relationship to another employee group whose wage adjustment occurred prior to announcement of the program".

The third of the above exemptions would appear to be relevant to our situation, and possibly also the second.

With respect to the third, I draw your attention to some passages in our memorandum of 27 April 1978, to President Magrath, printed on pages 110-112 of the Senate Minutes of May 25, 1978. We quoted figures to the effect that in the decade 1967-68 to 1976-77, "real average salaries of faculty across the country fell by 8.1% while real wages and salaries of non-agricultural employees rose by 2.0%" (page 110). Further, we displayed figures indicating that at the University of Minnesota, there had been a decline in real income of faculty between Fiscal Year 1973 and Fiscal Year 1978 ranging from 9.0% for full professors to 9.5% for assistant professors. During the same period, average real salaries of civil service employees rose by 6.4%.

Our original proposal was for an 11-1/2% annual increase, based on 7-1/2% to cover anticipated inflation, 2% to cover the anticipated rise of average real national income (or productivity) (which might be called "keep-up"), and 2% for catch-up. We understand from the Narrative Appendix to the Expanded Summary of 5 May 1978, attached to Vice President Brown's letter of 2 June 1978 to the Board of Regents, that the administration's figure of 11% was based on an assumed 8% rate of inflation and 3% catch-up. We suggest that your submission take account also of the "keep-up" portion of our recommendation. I draw your attention to the fact that this principle is recognized on page 9 of the White Paper in the following words: "In evaluating the consistency of new

Robert A. Stein
Page 3
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contracts with the pay standard, provisions for cost-of-living increases will be costed out on the assumption of a 6 percent annual rate of price inflation over the duration of the contract period." This means that the 7% figure in the guidelines is broken down into 6% cost-of-living and 1% assumed productivity increase, or what we have called "keep-up".

With respect to the second of the above exemptions, there is a great difficulty in a University such as ours in knowing what is meant by a wage increase. When an assistant professor is promoted to associate professor, the increased stipend would clearly fall under the heading of increases attributable to "work rules and practices that result in demonstrable improvements in productivity". But the very principle of merit increases shows that such salary increases are not limited to promotions in rank. In some universities using the step method (such as the University of California), this is explicitly recognized in the formal procedures, and it would seem inequitable for the same principle not to be recognized in institutions such as ours which do not have such formal procedures. In view of the retrenchment of recent years, as well as of the future increase in the mandatory retirement age required by state and federal legislation, there is some indication that in the future there may be a net movement of faculty to positions of greater responsibility and experience (in particular, a net increase in the average age). We do not have reliable data at this point to estimate the magnitude of a percentage increase that would reasonably correspond to the second of the exemptions. We are therefore not sure whether we will wish to pursue this point once we receive the relevant data.

In conclusion, therefore, our Committee recommends that there be no change at this time in the biennial request. We remain ready to study this matter further as soon as greater clarification can be obtained concerning the degree to which the guidelines apply to University faculty. This includes clarification of the extent to which the program of "real wage insurance" would apply to the faculty. I hope the above discussion also indicates our preferences concerning how the request could best be "packaged" in the submission to the Board of Regents.

If further clarification of our position is needed from us, please let me know.

Sincerely,



John S. Chipman
Chairman, Senate Committee
on Faculty Affairs

cc: President C. Peter Magrath; Mahmood Zaidi, Senate Consultative
Committee; Members: SCFA

Amendment to University College Constitution

Article 6: Students

Section 6.3:

Change "In absence of a Student Board, the student members of the University College Assembly shall constitute a Student Board. The Student Board shall have a voting member on the University College Assembly."

to "The membership of the Student Board shall be determined by the Constitution of the Student Board."

Article 7: Governance

section 7.2.5:

replace with.

"Two University College students representing the Student Board, one student representative from each permanent program and one student representative from each experimental program that has been granted experimental status by the Assembly, shall be appointed for one year terms by the Student Board. If no appointments are forthcoming, the Assembly shall make the appointments from a slate of nominations provided by the Director after consultation with administrators of the University programs."

Submitted By

Michael Checky
Senator, Twin Cities

(over)

Amendment to the change in the Handbook of Rules and Operational Procedures for the University Senate. U1.4.5.9 University College Assembly

change "4 representatives of the student body"

to "2 representatives of the Student Board; one student representative from each permanent program; one student representative from each experimental program that has been granted experimental status by the Assembly; one student from the University at large"

change "3 University College students (one of whom shall be a representative from the Student Board) shall be appointed for one year terms by the Chair of the Assembly"

to "Students representing the Student Board and the various programs shall be appointed for one year terms by the Student Board. If no appointments are forthcoming, the Assembly shall make the appointments."

Submitted by

Michael Checky
Senator, Twin Cities

to Steve Carlson

PROPOSED AMENDMENT TO THE UNIVERSITY SENATE CONSTITUTION
(to include)
INCREASE STUDENT MEMBERSHIP

MOTION:

To amend the Constitution of the University Senate, Article III (Composition), Section 4c, as follows:

(Addition is enclosed in parentheses) There shall be one student member for each initial 1,000 full-time students or fraction thereof in each student constituency plus one additional Senator for each additional 1,000 full-time students or major fraction thereof in such constituency (, plus ten students from the Twin Cities campus elected as representative of the following ethnic minorities (1) Black Americans, (2) American Indians, (3) Chicanos, (4) Asian-Americans and of international students).

This proposed amendment comes to the University Senate with the full support of the Twin Cities Campus Student Assembly, who on Nov. 9, 1978, passed unanimously the following resolution: "Resolved that the TCSA support and propose to the University Senate an amendment to the Senate Constitution to increase the student membership on the Senate by ten students, namely the ten Twin Cities representatives of ethnic minorities and international students. These students would have full rights of membership in the University Senate and all of its sub-divisions."

Steve Carlson

and the Twin Cities Campus Student Assembly



UNIVERSITY OF MINNESOTA
TWIN CITIES

Department of German
219 Folwell Hall
Minneapolis, Minnesota 55455

614

fall, 1972

Dr. Shirley Clark
Assistant Vice President, Academic Affairs
217 Morrill Hall

Dear Dr. Clark:

The University Appeals Committee has completed its review of the ad hoc Committee Report, and I should like to transmit to you the reaction of the committee members. Basically, the Committee welcomes the attempt to streamline and simplify the grievance procedures. We are especially pleased that a clear distinction is drawn between matters truly involving academic freedom and responsibility and those that do not. It will be a major improvement, for example, to have grade disputes removed from the AF&R process. We also welcome the stress on informality in the departmental grievance procedures.

There remains, of course, still an air of litigiousness on the collegiate and university levels. It is an improvement to have model procedures, but to carry these out may still need the help of legal experts. This, as we all are aware, remains one of the problems of the entire grievance system: we are asking amateurs (usually with no training and background in law) to serve on these committees. Also, by creating the grievance structure, we have given the implicit impression that remedies can be found and that committee recommendations can be enforced. In the AF&R process, this is only rarely possible and depends largely on the good will of both parties to accept the results.

You will find out detailed comments and suggestions for improvements on the pages which I attach. The Committee had one additional basic suggestion: there should be a statement somewhere indicating that deans and chairmen should be informed of cases before committees which are under their jurisdiction. If, for example, a case is before the CLA Grievance Committee, the dean of the College of Liberal Arts should know that, and should be aware of the nature of the complaint. Perhaps the GRO can be charged with notifying the administrative officers.

I hope the attached comments are self-explanatory; if you have any questions, please do not hesitate to call me.

Very sincerely yours,

- p. 11, line 17. Minor stylistic change.
- p. 12, #1, minor stylistic change (summaries of proceedings, not of procedures, are transmitted.
- #2, We feel some clarification is needed: what happens if the GRO is personally involved in a case, or there exists a conflict of interest. This matter should be addressed somewhere, and provisions should be made for such eventuality. Also note some minor stylistic changes.
- #3 We believe that the relationship of the All-University GRO to other GROs should be spelled out. Do they report to the All-Univ. GRO? Can All Univ. GRO overrule?
- p. 13, #4, minor stylistic change.
- p. 15 Figure 1 should have a title
- #6 Coordinate Campus GRO rather than Campus GRO (also, should boxes match number of campuses in U of M system?)
- #7 The significance of the boxes should be clarified. Also, the Committee questions the need for a Campus GRO for the Twin Cities, when the University GRO will be located here. Does this not create an unnecessary bureaucratic structure?
- p.16, #8 We suggest a chart illustrating jurisdiction, similar to Figure 1 (which presently does not have a figure 2, etc.).
- p. 17, #9 The ad hoc Committee should make recommendations for a revision of the Senate policy.
- #10 insert "or division" since many campuses do not have departmental structure.
- p. 18 #11 Should here be a statement about salary grievances?
- #12 We are not sure that we see the "reduction of superstructure", and the reduction of the number of potential appeals. On the contrary: as is customary now, a departmental grievance may go to the collegiate unit in appeal, and that is usually the end of the appeal process. The recommendation here would force the appeal all the way to the All University Appeals Committee, since the requirement is "one evidentiary hearing and one appeal". The first evidentiary hearing is the collegiate one, the second the University Appeals Committee. It will increase the number of cases to come before the University Committee and will place it into a different position.
- p. 19#13 We feel that this section needs further clarification, especially in light of the procedures outlined later.
- #14 The functions of the University Appeals Committee should be spelled out. They do not appear in this document.

p. 20 #15 The term "department" needs clarification. Perhaps the term could be initially defined as "lowest unit within a college".

#16 We wonder whether salary disputes should not also be mentioned here.

#17 Should there be a more detailed definition of what is meant by "employment status"? Dismissal, etc. are obvious. What, however, about removal from advising, from the teaching of specific courses, from office space, etc? All these could be construed as affecting the employment status.

p. 21 #19 a flow chart of grievance procedures would be helpful.

p. 23 #20 insert "or period"

p. 24# 21 stylistic change

#22 What happens if the departmental committee "sits" on the case for 30 days? The informal departmental grievance procedure would not involve the GRO; thus, the complaint may be filed with him/her only at the end of the period, or even after the period. Might there not be a provision for a 10 day appeal period after the departmental process has been completed?

p. 27 #23 minor stylistic change.

p. 30 #24 minor stylistic change. The Committees serve in advisory capacity. They do not decide. This leads to another question which needs to be addressed: when can you appeal? When the committee has reached its verdict, or when the administrative official has acted on the committee's recommendation?

dealing with "frivolous" grievances. The experiences and observations of these collegiate GROs formed the basis for the development of a statement of roles and functions of Grievance Review Officers.

Proposal One: Functions of Grievance Review Officers

From the discussions with GROs and other knowledgeable persons and from study of relevant documents, the subcommittee drafted a statement of the functions of GROs which was reviewed and agreed upon by the full committee. The purpose of the statement is to further define and develop the role of the GRO which is included in the Academic Freedom and Responsibility Senate policy of April 18, 1974, but which is treated rather briefly therein. It was the consensus of the committee that the GRO should play an advisory role, not an advocacy role. He or she needs to be well informed regarding procedures and routes for complaints; the recommendations relative to provision of information and training should facilitate the GROs effectiveness. It was also the view of the committee that senior faculty members rather than junior faculty members should be asked to serve as GROs because a junior faculty member could find himself or herself in an intimidating^{ed} position from time to time. Since it does take time to become familiar with procedures and resources, it is suggested that GROs serve three year terms. From the representation made to the committee by two first year GROs, it was evident that they were most grateful for the assistance extended by the former GROs of their units in learning this important role.

The committee proposes that the all-University Grievance Review Officer be a faculty member appointed by the President after appropriate consultation. This is in keeping with the intent and expressions of the University Appeals Committee on Academic Freedom and Responsibility and the Senate, as we understand it. If demands on that position require it, some secretarial

support and released time from teaching duties may need to be committed to the office.

The proposed statement of functions of GROs follows.

Functions of Grievance Review Officers

1.0 Function

The function of the Grievance Review Officer (GRO) is defined in the Senate Statement on Academic Freedom and Responsibility adopted April 18, 1974. The explicit responsibilities of the GRO include: a) monitoring grievance procedures to protect the rights of grievant and respondent; b) transmitting appeals to the appropriate authority; c) transmitting proceedings summaries of grievance procedures to the University Grievance Officer. The sense of the Senate is quite clear that a GRO should be a faculty member rather than an administrator.* This point was clarified by the Senate on March 2, 1978. A revision of the 1974 Statement permits "officers of the Graduate School, Continuing Education and Extension and Central Administration" to serve as Grievance Officers since their units consist entirely of whose assignment is primarily of an administrative nature. personnel with primary administrative assignments.

#1

#2

2.0 The All-University Grievance Officer

The following points about the all-University Grievance Review Officer have emerged from discussions of the ad hoc committee on grievances.

2.1 The all-University Grievance Officer should be a faculty member (position of all-University Grievance Officer illustrated in Figure 1).

2.2 The all-University Grievance Officer should be appointed by the President after consultation with the University Appeals Committee on Academic Freedom and Responsibility and ratified by the University Senate.

2.3 The all-University Grievance Officer should develop and update annually a directory of all GROs and grievance committees by college.

2.4 Relationship to other GROs should be spelled out.

#3

3.0 The Implied Functions of the Unit GRO

3.1 The Senate Statement reads as follows:

"It is hoped that, whenever possible, grievances will be resolved through informal negotiation between the persons involved, possibly with the assistance of other persons within the unit."

3.2 The duties of the unit GRO are so defined as to permit flexibility in order that the job fits the needs of the unit that is served. Consequently, GROs in some units assume active roles as informal mediators. In other units, the GRO serves mainly to direct grieving persons and grievance documents to those persons who assist with the formal procedures. Either modus operandi is consistent with the Senate Statement.

3.3 GROs acting as an informal mediator should of course, do so in good faith, and with the consent of both parties. In any case, the GRO is obliged to provide accurate procedural advice to both parties in a grievance.

3.4 Policies & Procedures of the College. GROs and grievance committee chairpersons should review all matters pertaining to grievance policies and procedures set forth in the constitution or other documents provided by the College.

3.5 The GRO must be able to distinguish appropriate from inappropriate grievances and redirect those deemed inappropriate. By "inappropriate" is meant those grievances which lie outside the jurisdiction of academic freedom and responsibility procedures as defined in the Senate Statement. Where necessary, the GRO should consult with the unit grievance committee on questions of jurisdiction. When a grievance appears to lack substance the GRO may so advise the grievant, but the decision to accept or reject rests with the committee having jurisdiction over the grievance.
concerned committee.

#4

4.0 The Length of Appointment and Training of the GRO

4.1 A term of three years is recommended for all GROs. A three year term provides for continuity. Further, it would be desirable to have a newly-selected GRO serve an apprenticeship during the final months of the predecessor's term.

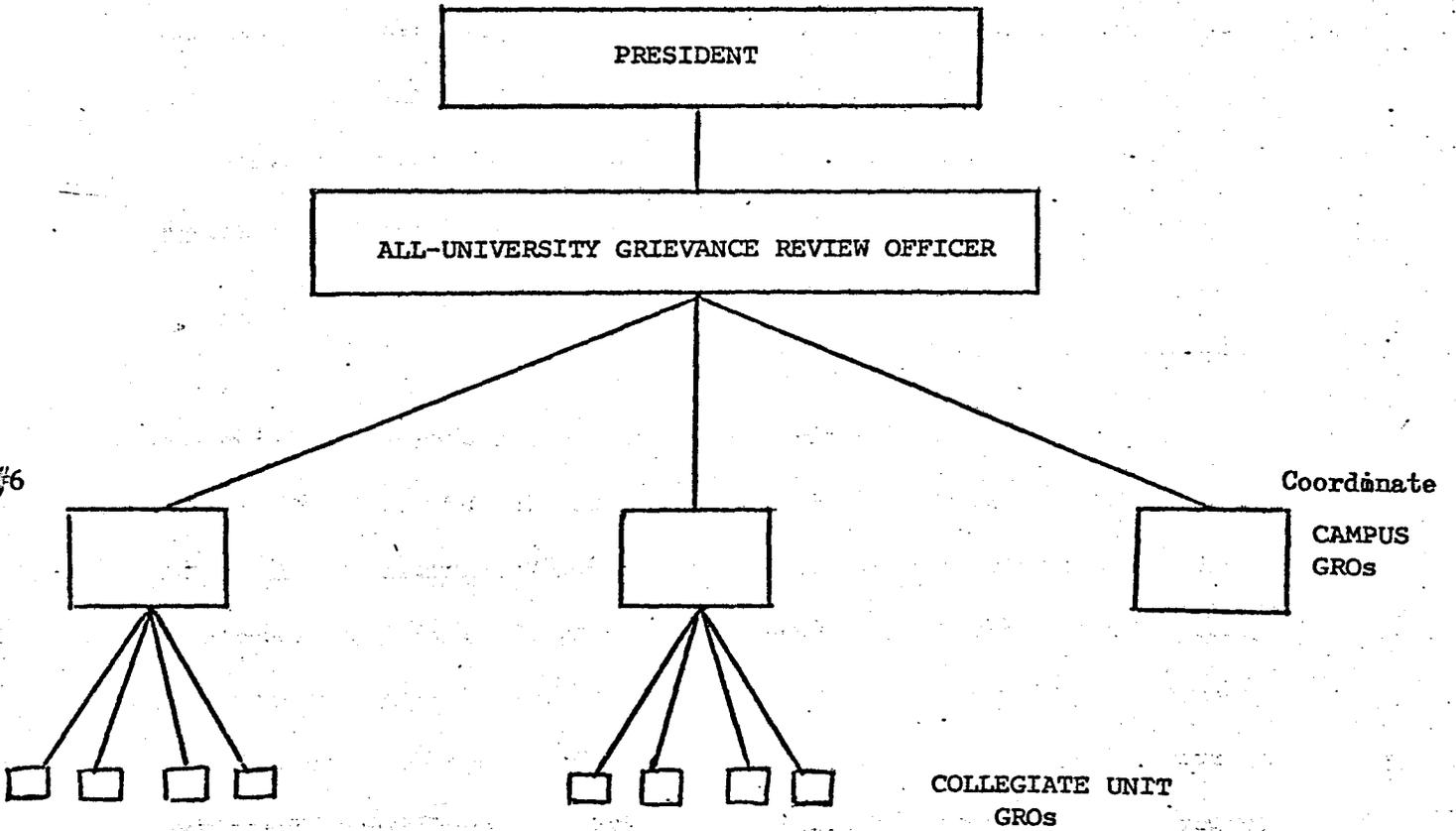
4.2 It may be useful to have an annual workshop for GROs and grievance committee chairpersons planned and conducted by the all-University GRO in consultation with the Office of Academic Affairs.

NOTE: This statement should be viewed as an initial step in clarifying the GRO's selection, functions, terms of appointment and training and support services. The document should be reviewed periodically with appropriate changes made as needs arise.

#5

Title?

FIGURE 1



- #7
- 1) Significance of boxes should be clarified.
 2. Question: Do we need the Campus GRO for the Twin Cities when we have the University GRO in house?

#8

Proposal Two: Function and Jurisdiction of Academic Freedom and Responsibility Committees (have a chart illustrating jurisdiction similar to chart 1

Probably the major impetus to the establishment of the ad hoc committee was the growing concern expressed by faculty members over the proper jurisdictions of Academic Freedom and Responsibility committees which have faculty, student and civil service members. The University Committee on Tenure and other committees had expressed the need to clarify the jurisdictional issue during 1976-77 relative to proceedings against faculty members which could potentially affect their employment or tenure status. Concern was also voiced that unit Academic Freedom and Responsibility committees did not feel free to decide which grievances to hear, due to the rather sweeping jurisdictional statement in the April 18, 1974 policy, and they were having to proceed without sufficient guidance.

As a consequence of our deliberations over the year, it did not seem to us that the April 18, 1974 policy was intended by its drafters or by the Senate to compromise faculty rights under the Regulations Concerning Faculty Tenure in any way. However, while it is easy to express this principle, in fact, some claims of denial of academic freedom or failure to fulfill academic responsibilities do impinge on faculty performance, competence, tenure code rights and the terms and conditions of employment. Therefore, in order to achieve a constraint on Academic Freedom and Responsibility proceedings, we have proposed that if the relief requested by the grievant affects a respondent's employment status, tenure status or student status, the grievance committee may not proceed, and/or if a grievance committee recognizes in the course of a proceeding that evidence suggestive of probable action affecting employment or tenure status has been presented to them, the hearing should be shut down and the record closed.

In the view of our committee, Academic Freedom and Responsibility committees should deal only with academic freedom and responsibility grievances. We concluded that the catch-all aspect of the jurisdiction established in the April 18, 1974 policy under II.E.4. is far too broad and it invites the impression that everything is grievable for it provides for

"other grievances not falling within any other existing grievance system. In view of the broad definition of academic freedom and responsibility discussed earlier, it is appropriate to include within the jurisdiction of these committees any grievances not covered by any other grievance system."

If the ad hoc committee proposal is accepted, section II.E. of the April 18, 1974 Senate policy will need to be revised accordingly. Sections III. and IV. of the Senate policy which deal with grievance committees, implementation procedures, principles of resolution and appeals will also require revision if these proposals are accepted. In fact, the entire policy statement would profit from revisions to incorporate current grievance procedures in the University (Section II) since information concerning some of these is now out-of-date.

The proposals for function and jurisdiction attempt to provide for a reduction in structure at the same time they suggest a narrowing and clarification of grievable matters under the Academic Freedom and Responsibility policy. Committee members felt strongly that grade disputes should not be resolved via the structure which the April 18, 1974 policy provides unless academic freedom and responsibility issues are clearly involved. Some colleges have other structures, student scholastic committees for example, which consider grade complaints whereas others do not. We felt that resolution of grade matters should be managed at the department/^{or division} level and

#9

#10

11

as informally as possible.

In general, the committee felt that departmental attention to grievances should be informal and that the trappings of an evidentiary hearing should be avoided at that level. Accepting this principle would lead to a reduction of "superstructure," formalism, and legalism which are a heavy and perhaps unnecessary burden on departments. Reduction in formal evidentiary committee levels may also help to control the number of potential appeals. We believe that the rule should be one evidentiary hearing and one appeal, not two or more appeals which can become wasteful of precious faculty, student and staff resources.

#12

Our proposals relative to Academic Freedom and Responsibility committee functions, levels and jurisdictions follow.

The Function and Jurisdiction of Academic Freedom and Responsibility
Grievance Committees

1.0 Functions of the Two Committee Levels

Academic Freedom and Responsibility Grievance Committees exist in order to provide a dispute resolution mechanism for aggrieved faculty, students, and staff who believe that their academic freedom has been violated or that a faculty member, student or staff member has breached his or her academic responsibilities. There are two types of committees, each of which functions differently.

1.1 Committees at levels lower than the collegiate level perform an investigative and mediation function. These committees may proceed in any manner they deem appropriate to the particular grievance. It is hoped that this informal approach will result in an acceptable resolution of the grievance. Procedural due process need not be accorded at this level. If the grievance is not satisfactorily adjusted at this lower level, full

procedural due process should be assured at the collegiate level.

#13 1.2 Collegiate level committees perform an evidentiary hearing function. These committees accomplish their function by considering material evidence bearing upon the allegations contained in the grievant's written complaint and the respondent's written answer^{*} and by making certain determinations based upon the evidence considered. In any collegiate level proceeding the committee may be required to make up to three determinations. It must first determine the truth or falsity of the evidence considered. In making this determination it is guided by the applicable burden of proof. Secondly, if the committee finds some or all of the factual allegations contained in the grievant's complaint to be true, it must render its conclusion concerning whether or not the factual allegations which it found to be true constitute a violation of the grievant's academic freedom or a breach of the respondent's academic responsibilities. Lastly, if the committee determines such a violation or breach occurred, it must make a recommendation to the appropriate office, group or person concerning a remedy to be accorded.

#14 1.3 University Appeals Committee - function.

2.0 Jurisdiction

The jurisdiction of Academic Freedom and Responsibility Grievance Committees in the University of Minnesota specifically covers the following: academic freedom and responsibility grievances brought by students, faculty members or staff members against other students, faculty members, staff members, or academic administrators which allege violations of academic freedom or breaches of academic responsibilities under the various statements concerning academic freedom and responsibility approved by the University of Minnesota Senate and the Board of Regents.

* See Rules 2., 3. and 4. of the Model Rules of Procedure which follow.

2.1 Grade disputes, unless they clearly involve a violation of academic freedom and responsibility, must be resolved on the departmental level. In order to be the basis of a complaint for review by a collegiate level Academic Freedom and Responsibility Committee, the student should demonstrate that a violation of his or her academic freedom rights had occurred or that the faculty member had not discharged his or her academic responsibility in the situation.

#16 2.2 (?) Salary disputes (?)

2.2 In considering whether to accept a complaint for review, grievance committees at the collegiate level may expect the grievant to have cooperated with attempts made by the Grievance Review Officer and/or others to resolve the grievance and to have made reasonable efforts to use informal approaches to achieve acceptable resolution of the grievance.

2.3 The grounds for review by collegiate level committees shall include appropriateness of the complaint, the significance of the complaint, the nature of the relief requested and timeliness. The appropriateness of the complaint refers to the specific action alleged to constitute a violation or breach of a part of the Academic Freedom and Responsibility policy statements. The significance of the complaint refers to the requirement that the complaint be a serious one, that is, the grievant must show that the action of which he or she is complaining is causing substantial and significant prejudice or injury to him or her. Timeliness refers to the requirement that a complaint must be filed within a specified period, or the grievant shall be deemed to have waived any rights he or she otherwise may have under these procedures.

2.4 The nature of the relief requested must be such that the committee can deal with it within its purview. If the relief requested for example, affects a respondent's employment status or student status by way of

suspension, removal or other significant action affecting status, the Academic Freedom and Responsibility Grievance Committee should not proceed with the complaint on that basis. Failure of the grievant to state a claim^{in writing} for which relief may be granted is grounds for not hearing a complaint. Academic Freedom and Responsibility Committees are not bound by the relief requested by the grievant in making their recommendations. Such bodies may determine that some other form(s) of relief, if any, may be more appropriate to resolution of the problem than that proposed by the grievant. Committees should take note that if a hearing panel of an Academic Freedom and Responsibility Committee comes to recognize in the course of a proceeding that evidence suggestive of probable suspension or removal for cause or other significant action affecting the status of the respondent has been presented to them, the hearing should then be terminated, the record closed, and the grievant advised that the complaint may be taken to the appropriate administrator.

#18

#19

Add flow chart of grievance procedures

Proposal Three: Model Procedures for Collegiate Level Academic Freedom and Responsibility Grievance Committees

In the earliest discussions with GROs and other interested persons, it was suggested that units would find it helpful to have provided to them model Academic Freedom and Responsibility grievance committee procedures which fulfilled the Senate policy principles of fairness, simplicity and accessibility. To this end, a subcommittee informed by Mr. Lalla's expertise developed model rules of procedure which we believe to be legally sound, complete and amenable to implementation by committee members who are w benefit of training in the law. These model rules might be adopted by colleges which are not satisfied with their attempts to develop procedural guidelines or these rules might be held as a standard to which collegiate procedures may be compared. At any rate, it is hoped that these model rules will fill the need expressed by many individuals for assistance in development of good procedures.

Model Rules of Procedure for Collegiate Level Academic Freedom and Responsibility Grievance Committee

Rule 1. Scope and Purpose. These procedures govern all cases heard by the Committee except as they may be modified in accordance with Rule 7. The purpose of these procedures is to provide for the just, fair and expeditious handling of grievances that are within the jurisdiction of the Committee. The term "Committee" means the duly elected, appointed or designated Academic Freedom and Responsibility Grievance Committee of the College of _____ as established in accordance with the Academic Freedom and Responsibility Policy (hereinafter "policy"), which policy consists of:

- (a) Resolution on academic freedom approved by the Board of Regents on January 28, 1938;

(b) Statement on freedom and the University issued by the Board of Regents on December 14, 1963;

(c) Statement on academic freedom and responsibility adopted by the University Senate on December 17, 1970, and approved by the Board of Regents on January 8, 1971;

(d) Statement on academic freedom and responsibility adopted by the University Senate on April 18, 1974; and

(e) any future amendments of the foregoing.

Rule 2. Commencement of a Grievance. A grievance proceeding is commenced under these procedures by the grievant filing two copies of his or her written complaint with the Grievance Review Officer of the College of _____ . The written complaint must contain, as a minimum, the following information:

(a) The name, address, and telephone number of the grievant and respondent. The term "respondent" means the person who (i) is alleged to have committed an infraction of one's academic freedom (hereinafter "violation") or a breach of responsibility (hereinafter "breach") as established in the policy, or (ii) appears, from a reading of the complaint, to have a substantial interest in the outcome of the grievance and whose actions appear to be challenged as a violation or breach;

(b) A statement in plain and simple language of the specific action, including the date/^{or period}when such action occurred, alleged to constitute a violation or breach;

(c) A verbatim quotation of that part of the policy alleged to be violated or breached by the alleged action;

- #2.1 (d) The steps previously taken to informally resolve the matter; and
(e) A statement of the relief requested.

#2.2 The Committee may not hear the grievance unless the complaint is filed with the Grievance Review Officer within 30 calendar days after the occurrence of the action alleged to constitute a violation or breach.

The Committee may not hear the grievance unless the matter has been previously and finally dealt with by the appropriate departmental level grievance body or unless the Grievance Review Officer of the unit refers the case directly to the Committee.

Rule 3. Mediation. Once the complaint is filed the Grievance Review Officer must send a copy of the complaint to the respondent within three school days after the date of filing. Then the Grievance Review Officer should attempt to informally resolve the grievance by conferring with the grievant, respondent, and such other persons considered relevant to the grievance by the parties and/or the Grievance Review Officer in an attempt to have the grievant and respondent voluntarily settle their differences. If the grievant and respondent do informally settle the grievance (or any part of it) in this way they shall sign an agreement which describes that the grievance (or any part of it) is resolved and the terms or conditions of the resolution.

This agreement shall be a part of the record.

If the grievance is not fully settled informally through mediation within 30 school days* after the date the complaint is filed, the Grievance Review Officer shall so notify the grievant and respondent in writing.

Rule 4. Respondent's Answer. Within 10 school days after receipt of the Grievance Review Officer's letter notifying the respondent that

* A school day is a day of instruction during the regular academic year.

- (i) findings of fact,
- (ii) conclusions concerning whether the facts as found constitute a violation or breach, and
- (iii) recommendation for remedial action.

(2) The Committee shall rule, by majority vote, upon appeals made by timely motion of the chairperson's ruling on matters concerning evidence and procedure.

(3) The Committee may question witnesses, may require parties to recall witness previously called, and may require parties to call witnesses or submit evidence not previously called or submitted.

(d) Rights of Parties. All parties shall have the right to

- (1) be represented by an advisor or attorney;
- (2) be afforded a reasonable opportunity to present their case by oral testimony and other evidence;
- (3) present witnesses on their own behalf, call other parties as witnesses, and be witnesses themselves;
- (4) confront and question witnesses called by other parties and otherwise to rebut the evidence produced by other parties;
- (5) present argument.

(e) Written Statements in Lieu of Testimony

Written statements of witnesses who are not present to testify shall be admitted only by written agreement of the grievant and respondent or if there are compelling reasons why the witness is necessary and cannot be available to (personally testify), testify in person.

(f) Rules of Evidence.

(1) Evidence to be Considered. In order to be considered by the Committee all evidence, except that which it admits through notice, must be offered and accepted at the hearing and must be made a part of the record. No other factual information or evidence shall be considered by the Committee.

(2) Notice. The Committee may take notice of facts and University policy which are not offered and accepted as evidence at the hearing if such facts or policy are matters of common knowledge to the University community.

(3) Admissibility. The rules of evidence applicable in courts do not apply to the Committee hearings. The Committee may admit all evidence which possesses probative value, including hearsay, if it is the type of evidence upon which prudent persons are accustomed to rely in the conduct of their serious affairs. Evidence which is irrelevant, immaterial, or repetitious shall be excluded. The term "irrelevant evidence" means evidence which does not tend to prove or disprove the issue to be determined by the Committee. The term "immaterial evidence" means evidence which, while relevant, is nevertheless of no substantial consequence in aiding the Committee to arrive at its determination of the issue. The chairperson shall, upon objection by a party or upon his or her motion, rule upon all questions of admissibility or exclusion of evidence, which ruling is appealable to the Committee in accordance with Rule 6(c) (2).

(4) Burden of Proof. The party offering the evidence in support of his or her position concerning the grievance must prove the claims contained therein by a preponderance of the evidence. The term "preponderance of the evidence" means that all of the evidence by whomever produced which

bears on a particular issue must lead the Committee to believe it is more likely that the claims are true than not true;

(g) Order of Hearing, Presentation of Evidence and Argument. The hearing shall be conducted in substantially the following order:

- (1) Call to order by the chairperson;
- (2) Argument and determination of motions, if any, on jurisdiction or failure to state a violation or breach; In making said determination, the Committee must assume the facts alleged in the complaint are true;
- (3) Opening statement by grievant and respondent;
- (4) Presentation of grievant's case; with respect to each witness, the grievant shall question first, the respondent second, and the Committee last;
- (5) Presentation of respondent's case; with respect to each witness, the respondent shall question first, the grievant second, and the Committee last;
- (6) Closing statements by grievant and respondent;
- (7) Close hearing and go into executive session.

(h) The Record. The chairperson shall maintain a record of the grievance proceeding, which record shall include:

- (1) The complaint and answer;
- (2) Agreement of successful mediation and notification of unsuccessful mediation;
- (3) Prehearing conference summary;
- (4) All exhibits, offered at the hearing;
- (5) A tape recording of the hearing;

- (6) All pre-hearing and post-hearing briefs submitted;
- (7) Written motions made subsequent to hearing or decision;
- (8) The decision of the Committee.

#24 (i) Appeal. Grievant or respondent have the right to appeal outcome of a collegiate grievance process the decision of the Committee to the University Appeals Committee on Academic Freedom and Responsibility. The Appeals Committee will not rehear evidence, nor will it decide the merits of a case. It will review the procedures and investigate if the rights of the appellant have been substantially prejudiced because the disposition was a) made without a reasonable basis in the record taken as a whole; b) was made upon procedures which denied a party's right to due process; or c) was in excess of the authority of those making the disposition.

Rule 7. Modification of Rules of Procedure. The procedures set forth herein may be modified when necessity arises and good cause is shown.



UNIVERSITY OF MINNESOTA
TWIN CITIES

Sid
All University Senate Consultative Committee

554 Business Administration
271 19th Avenue S.
Minneapolis, Mn. 55455
Telephone (612) 373-3226

November 3, 1978

President C. Peter Magrath
202 Morrill Hall
East Bank Campus

Dear President Magrath:

The SCC did not have an opportunity to discuss and act upon the enclosed letter of Dr. Ronald Jacobson concerning noise and vision barriers between the U of M Freeway and Rosemount and University owned staff housing. This is now being circulated among members, and I plan to put it on the agenda at the next meeting of the SCC.

Cordially yours,

Mahmood A. Zaidi, Chairperson
Senate Consultative Committee

Enclosure

cc: Dr. Ronald Jacobson
Vice President Koffler
Vice President Brown
Mr. Clinton Hewitt
Mr. Laszlo Fulop
Members, SCC

3370 Upper 143rd Street West
Rosemount, Minnesota 55068
October 31, 1978

Professor Mahmood A. Zaidi, Chairperson
All University Senate
Consultative Committee
554 Business Administration
271 19th Ave So.
Minneapolis, Minnesota 55455

Dear Chairperson Zaidi:

I request your consideration of a social improvement (capital improvement) cost item to be included in the University of Minnesota budget to be presented to the Minnesota Legislature.

Noise and vision barriers are needed between the U of M Freeway at Rosemount (Dakota County Highway 42 and U of M property in Rosemount) and University owned staff housing. Vice President Clinton N. Hewitt is familiar with the history of this problem. Mr. Laszlo Fulop of Physical Planning has explored possible solutions.

In all fairness the University should decide to proceed with this project.

Sincerely,

Ronald L. Jacobson

Ronald L. Jacobson, Ph.D.

cc: Mr. Hewitt
Mr. Fulop