



UNIVERSITY OF MINNESOTA

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

FACULTY CONSULTATIVE COMMITTEE

October 17, 1985
1:00 - 4:00
625 Campus Club

AGENDA

- 1:00 1. Tenure procedures for academic units. Guest: Fred Morrison, co-chair, Senate Tenure Committee. (Watch for separate mailing of text proposed for November 14 submission to the Faculty Senate.)
- 1:45 2. FCC dinner meeting with the Regents, November 7: proposing an agenda.
- 2:15 3. Naming a faculty legislative liaison: report from the nominating committee.
- 2:30 4. Revised University grievance procedures: setting a timetable for action in 1985-86.
- 2:45 5. Reports:
A. Senate Finance Committee chair.
B. FCC Chair. (Members see enclosed memorandum.)
6. Minutes of October 3 (enclosed).
- 3:30 7. Items from you.



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MINUTES

Approved 10/31/85

FACULTY CONSULTATIVE COMMITTEE

October 17, 1985
1:00 - 4:00 p.m.
625 Campus Club

Members present: Richard Goldstein, Joseph Latterell, Cleon Melsa, Jack Merwin, Irwin Rubenstein, Frank Sorauf, Deon Stuthman (Chair).

Guests: Professor Harry Hogenkamp, Professor Fred Morrison, Joyce Johnston (Daily), Maureen Smith.

1. "Procedures for Reviewing the Performance of Probationary Faculty" (Guidelines for departments and candidates). Guest: Professor Fred Morrison, co-chair, Senate Committee on Tenure.

Background. Section 7.4 of the Regulations Concerning Faculty Tenure approved last winter by the Faculty Senate provides for the Tenure Committee and the Vice President for Academic Affairs to write such guidelines. Professor Morrison explained that the document would replace the Koffler and Koffler-Ibele memoranda and provide step-by-step guidelines. A manual-type document is useful because the chairmanship of many departments turns over rather often.

FCC members had in hand the third draft. Following distribution last spring of the initial draft, the Tenure Committee received 35 or 40 letters containing suggestions, many of which were incorporated into a second draft which the Tenure Committee then further revised to produce the current draft. Professor Morrison told FCC that it is presently serving as an interim document while remaining open for consideration and further refining.

There will be a public hearing on October 18, following which the Tenure Committee will take its final action; that Committee hopes to enter the document into the November 14 docket for the Faculty Senate's information. The Procedures take effect following acceptance by the Vice President for Academic Affairs and notification of the Board of Regents and the Faculty Senate.

FCC discussion with Professor Morrison turned initially on sections 20, 21, and 22 which concern the review committees and regulate the seeking of additional information. Professor Morrison told FCC that the Tenure Committee wants to discourage out-of-channels communications to review committees. They should normally receive only the written report of the departmental recommendation. But the Tenure Committee wants to leave open the possibility of an oral presentation from the department and of opposing viewpoints if there is a contest. The Tenure Committee is quite willing to allow flexibility

as long as fairness and even access are provided.

Standards for promotion must still be worked on. Presently the only written standards for promotion exist in one of the Koffler memoranda but with so many cross-references that they cannot simply be transposed. Although some new writing is required, the Tenure Committee does not intend to change these standards in any way.

Professor Morrison invited FCC comments for the Tenure Committee's consideration.

Professor Sorauf said he saw a serious danger inherent in allowing oral presentations to the review committee: that it would be difficult to guard entirely against the introduction of new information which the department had not heard.

Professor Sorauf then called attention to the last paragraph of section 23, "Dean's recommendation," which reads, "The dean must add to the file any communication which has been received with respect to the candidacy, and a memorandum summarizing any conversation which he or she has had with respect to it, which has been taken into consideration in any way." He foresaw that that would seem to compromise staff work. When assured that the anonymity of speakers could be preserved in such communications he withdrew his objection. Professor Morrison indicated that a significant concern is an individual's saying something to a dean after the record has been closed and the extent to which a dean may be influenced by such remarks. Some FCC members cautioned that if the burden of reporting conversations became sizable, the deans might start writing merely perfunctory memoranda.

Letters of assessment. Professor Goldstein contended that Minnesota's law on open access to one's personnel file affects the nature of the letters that get written. He urged not going beyond the requirements if that would thwart getting honest evaluations. Professor Morrison pointed out that obliging the candidate to review the tenure file annually is done for good reason: it affords the candidate the opportunity to discover whether there is a significant omission from the file which, if included, would work in the candidate's favor.

Several comments were made about the value of letters of assessment-- that it would be more accurate to call them letters of recommendation; that their inclusion should be abolished; that their quality and value vary markedly with disciplinary subcultures; that the openness of the system actually prompts more subterfuge. People do not write the same kinds of letter when they know the candidate has access to the letter, it was argued. Some people decline to write a letter if it cannot be favorable; some people who would not write favorably inform a candidate what they would write, and the candidate then withdraws that request for a letter. The consequences of these various approaches is that only supportive letters get written. Professor Morrison pointed out that while the candidate may read the letters, they are not included in the part of the file the candidate is obliged to read annually.

Professor Sorauf posed a hypothetical case based on section 2: What if a department followed the procedures to the letter, and denied tenure to a candidate, but that department also had a special voting rule which it had not reported to the Tenure Committee or the Office of Academic Affairs: could the denied faculty member successfully prosecute a grievance (if the vote had been between the standard 50% affirmative and the department's 60%)?

Professor Morrison said that if the practice were of long standing and well-established, the candidate probably could not. The Tenure Committee is attempting to remove the possibility of tenure being granted just because of a procedural error. At best in the case of a procedural error there can be reconsideration. It is clear that some errors do not compromise one's candidacy.

Professor Rubenstein suggested that all the "musts" in this set of procedures be abstracted out into a checklist for departments.

Professor Morrison noted that, quite apart from the hearings, there would be three informational meetings for department heads, led by Associate Vice President Robinett. One will be held on the Minneapolis Campus, one on the St. Paul Campus, and one at Duluth. These are an effort to train department heads on promotion and tenure procedural issues and other administrative matters. Professor Donald Spring has been conducting sessions at Morris similar to those Professor Morrison has organized in the Twin Cities.

Professor Morrison left the meeting at 2:00. Professor Stuthman then announced a change in the agenda order. The report from the nominating committee on naming a faculty legislative liaison would be moved to the end of the meeting at which time, the chair said, he would entertain a motion to close the meeting because it is a personnel item.

2. Agenda for the November 7 FCC-Regents dinner meeting.

FCC might want to use the occasion to address some policy question jointly with the Regents and/or to shape a discussion to what faculty and Regents can do to work together to a common goal. Two topical possibilities already suggested were (1) merit vs. across-the-board as principles to govern faculty salary increases, and (2) faculty leaves -- offering the faculty viewpoint of leaves as contribution to the academic atmosphere of the University.

FCC members suggested other possible subjects: (3) faculty malaise -- the dissatisfaction we perceive among some colleagues over academic life (a point of reference is the just-published Princeton Report); (4) the demographics of the faculty and consequent opportunity to benefit the University through the next decade's hiring opportunities--if well planned for. (It was noted that the opportunities and limitations vary considerably from discipline to discipline; for example, many disciplines ceased several years ago to attract the best of the college graduates, while in other fields excellent people are attaining the Ph.D. but choosing industry over academia for their careers).

(5) A combination of the question of recruiting good faculty and of recruiting good graduate students; (6) faculty enrichment both in terms of leaves and of bringing in visiting faculty for half-years (see the Report of the Task Force on Enhancing the Scholarly Activities of the Faculty, and the President's response).

Professor Sorauf recommended a well-focused topic for better discussion. Professor Merwin added that unless FCC had data to present, the information would not be new to the Regents.

Professor Rubenstein remarked that one approach to the demographics issue

is proposing a specific item in the next biennial request which relates to planning for or anticipating the recruitment opportunity. Professor Sorauf inquired whether the FCC should be raising with the Regents any new policy topic, which this would seem to be.

Professor Goldstein remarked that the topics of recruitment and of salaries generally can be connected. If this university aims to be in the top five public universities, its salaries have to be there too.

Professor Stuthman indicated he would tell the Secretary to the Board of Regents that the general subject area will be faculty concerns; after further FCC discussion on October 31 he would forward two or three specific items under that heading.

3. Revised University Grievance Procedures: planning for action in 1985-86.

Professor Stuthman noted that the FCC members have raised their questions and concerns with respect to the most recent draft of the procedures (distributed last spring), as has President Keller. He proposed that FCC summarize those concerns and ask special committee co-chairs Carol Pazandak and Phyllis Freier if either or both of them could further revise the draft in light of these. Following such revision, the Senate Committee on Academic Freedom and Responsibility could be asked to review the document. During Winter Quarter the community could be given broader opportunity to learn about the document; the Procedures could then be on the agenda for a Spring Quarter Senate meeting. One FCC member has tentatively agreed to serve as floor leader for the Senate consideration.

The item will be on the FCC's agenda again on October 31.

4. Reports.

A. Senate Finance Committee. Professor Merwin.

The Finance Committee met October 3 with Acting Vice President Murthy. New members, having studied the committee's charge, and anticipating the next biennial request, expressed a keen interest in working with central administration to develop criteria for that request and for later judging the budget plan in accordance with the adopted criteria. Professor Merwin has written President Keller, chair of the Management Committee, requesting information as to the existing criteria and expressing SFC's desire to help develop them if they don't now exist. No response has come as yet.

Graduate tuition fellowships, funded for 1986-87, were found to cover clearly only TA's and not RA's because of insufficient funds; however, the vice president did tell the committee the case was not closed and that the administration was negotiating with various agencies. Professor Hogenkamp at this point reported to FCC that Graduate School Dean Holt had just informed him the problem has been resolved so that both RA's and TA's will be covered, although funding is still somewhat short.

Professor Goldstein inquired as to whether the Finance Committee had discussed possible "disallowing" of some appropriated funds in the face of a possible state revenue shortfall. Professor Merwin replied that the administration was waiting for the October budget projections.

B. Senate Consultative and Faculty Consultative Committees. Professor Stuthman.

- Professor Stuthman will ask SCC members who serve on Commitment to Focus task forces to report to FCC and SCC each time their group has met.

- Civil Service representation on Senate and Assembly Committees (FCC members had received his draft letter of charge to a special committee). The committee as envisioned would include Barry Bridges (Civil Service Committee), Caroline Czarnecki (chair of the Business and Rules Committee) and C. Arthur Williams (Committee on Committees) who has agreed to chair it. The Student SCC has been asked to place one of its members on the committee.

Professor Stuthman asked FCC members to relay to Meredith Poppele any comments or suggestions they have about membership or charge.

- Distribution of recovered indirect costs. The chair has asked the Finance Committee chair to continue to track this question. Professor Merwin noted to FCC that within the SFC meeting two concerns had been raised about the policy recommended by the Senate Committee on Research that would distribute one-half the funds available (after paying fixed costs) to the colleges in proportion to their generation of funds and, of that, prescribing that one-third be retained by the dean, one-third go to the departments proportionally to their generation, and one-third go to the principal investigators. The president and academic vice president think more flexibility should be allowed because colleges differ so much in size and circumstance. And some faculty fear grantors will deduct any such returned monies from future awards.

Professor Merwin has talked with Research Committee chair Professor Gassman, who is a strong proponent of the policy recommended by that committee. Professor Gassman called attention to the policy approved by the Senate in 1975 after lengthy study which was to return a considerably more generous portion to the colleges and departments. However, central administration never took that to the Regents, and the policy just died.

Professor Stuthman said there is no common understanding and agreement about how much money is involved, both in terms of what the University gets in indirect costs or overhead, and in what the legislature presently lets the University keep without offsetting it against appropriations.

Professor Goldstein said that many schools are now giving back a portion of these funds to the principal investigators, which is having a significant effect on morale. He agreed the policy might have to be worded carefully.

Professor Sorauf said that in view of the fact that this issue has been alive across the University for 15 years with some feeling, and that the Senate acted on it 10 years ago without effect, and that several committees have an interest in it, the FCC might properly have a long and serious session on the topic with the president and acting vice president. There was full committee support for this suggestion and it was agreed the chairs of the Senate Committee on Research and the Senate Committee on Educational Policy (Gassman and Hanson) should be invited too.

If the president is available, FCC would like to have this discussion on October 31; otherwise, it will be on December 5.

FCC members stressed the need to have tabulated data showing how much the University gets, how much it can keep, and how much is going to the various

units.

- A space audit has been conducted. Professor Stuthman hopes the administration will share consideration with the Senate Committee on Physical Plant and Sapce Allocation, which should be receiving a report copy.

- Effects of revised Graduate School tuition schedule. FCC took an active part in the 1983-84 discussions surrounding the tuition change. The Graduate School expressed the hope that students would make sounder educational choices under the new plan. It is time now to monitor the results and see if the hoped-for effects are visible in educationally better registration choices. Professor Merwin told FCC that Dean Holt had informed him David Berg's office is analyzing the data and will report the findings.

- Instructional cost data. SCC recently received a copy of the latest report. Professor Stuthman has forwarded it to the Finance Committee for the attention of those members.

- English language competency of foreign TA's. There is a question of who should pay for any required intensive English classes when a department requires that all students work as TA's. After a short discussion, the FCC reached a consensus to set aside the question because several other University groups are paying attention to it.

5. Other business.

- FCC meets next on October 31, the date the agenda gets set for the November 14 Senate and Assembly meetings.

- The FCC is still trying to accommodate the president's desire to play a more active role in Senate meetings. Parliamentarian Altholz draws a fairly strict interpretation of Roberts Rules of Order. Professor Sorauf pointed out that the Senate is free to modify Roberts Rules. Professor Stuthman noted that the Senate format could regularly include reports from the president, from the FCC and SCC, and from the Finance Committee. Members discussed very briefly the possibility of the president's always being in attendance but vice chair Hamilton presiding in which case there would be no constraints on the president's participation. The subject will be on FCC's October 31 agenda.

- Professor Rubenstein inquired what the Senate's role is regarding Commitment to Focus. Is the Senate slated to vote on the recommendations when they have been thoroughly explored? Or are they just to be adopted because the relevant special committee agrees to them?

CLOSED MEETING SUMMARY

6. Faculty legislative liaison: proposed names to submit to President Keller.

Professor Stuthman said he would entertain a motion to close the meeting to discuss the names proposed.

MOTION: Professor Rubenstein moved the meeting be closed for that purpose. Professor Sorauf seconded the motion.

VOTE: FCC voted unanimously to close the meeting, and the remainder of the meeting was closed.

Professor Rubenstein reported the four names proposed by the subcommittee. (The subcommittee consists of FCC members Goldstein, Merwin, Rubenstein (chr.) and Sorauf.)

There was some discussion of the desired situation for this person -- that the faculty legislative liaison be part of the president's team, have a good working relationship with Vice President Kegler, be perceived both at the University and at the capitol as being both representative and effective, and have the confidence of the full University community. All four were seen as very constructive individuals who would serve the University well in the liaison role.

MOTION: Professor Rubenstein moved that the names of the four individuals be forwarded to President Keller with the request that he approach one of them with the invitation to serve as the faculty's legislative liaison.

VOTE: The motion was approved unanimously.

The meeting adjourned at 4:00 p.m.

Respectfully submitted,

Meredith Poppele, Secretary



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October 8, 1985

To: Faculty Consultative Committee
From: Deon Stuthman
Re: Preliminary report for our October 17 meeting.

You'll see we've changed our meeting time to 1:00-4:00 p.m. I think we can complete this agenda in three hours, and the slightly later schedule seemed to present no new conflicts.

The room will be open at noon and I encourage you all to lunch there ahead of the meeting.

During my report to you on the 17th, I'll propose a course of referral or action on several items of business, and ask for your reactions. These matters will include:

- Special subcommittee on Civil Service representation on Senate and Assembly committees -- membership and charge;
- Policy on distribution of recovered indirect costs;
- Implications of University's space audit;
- Graduate School's new tuition policy: measurable effects to date;
- English language competency in foreign TA's: who should pay for any required courses in intensive English?

November 7 dinner meeting with the Regents. As we consider how best to use that opportunity, we might choose for a topic some policy issue on which FCC would like to give faculty views to the Regents. Two examples are

- Principles to govern salary increases: merit vs. across-the-board;
- Faculty leaves: how faculty view leaves as contributing to the academic atmosphere of the University.

For a future agenda when time and circumstances permit: The three-year experiment permitting FCC to close certain meetings ends in the spring. FCC must decide what action it wishes to recommend to the Senate.



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October 25, 1985

President Kenneth H. Keller
202 Morrill Hall

Dear Ken:

The Faculty Consultative Committee is pleased to recommend to you the names of four colleagues we regard as particularly well suited to serve the University as the faculty's legislative liaison. They are

John Howe (Department of History)

Walter Johnson (Department of Physics)

Robert Kudrle (Hubert H. Humphrey Institute of
Public Affairs)

Charles Speakes (Communication Disorders).

We regard this as a happy situation indeed in that we anticipate that, whichever of these four you choose to approach and persuade to accept the job, he will be a constructive and highly able University representative in St. Paul.

Cordially,

Deon D. Stuthman, Chair,
Faculty Consultative Committee

DDS:mbp

pc: Irwin Rubenstein



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MEMORANDUM

TO: Meredith Poppele, Faculty Consultative Committee
FROM: Fred Morrison *fm*
DATE: October 9, 1985
SUBJECT: Draft Procedures

Enclosed are 12 copies of the Draft Procedures for Reviewing the Performance of Probationary Faculty and 12 copies of an explanatory memorandum. Deon Stuthman asked that I appear at the FCC on October 17 to discuss our progress on these. There will be a public hearing on October 18, but FCC members may wish to discuss them in advance.

Under the new Tenure Regulations, these can become effective when they have been approved by the Tenure Committee and the Vice President. They must be reported to the Senate and Board of Regents for information, but no action by those bodies is required.

FLM:hlc



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MEMORANDUM

TO: Persons Reviewing the September 10 Draft of the
Tenure Procedures

Please note that the Tenure Committee is in the process of considering several amendments to these Regulations. In particular, we are actively considering the following:

1. Making the use of "must," "should," and "may" consistent throughout the document. The word "must" will probably appear much more frequently, to express a requirement that something be done.
2. Adding an appendix setting forth the University-wide criteria for promotion decisions, to parallel the criteria established in § 7.11 for tenure decisions.
3. Reconsidering the final paragraph of part 20 on page 10.

/hc

PROCEDURES FOR REVIEWING THE PERFORMANCE
OF PROBATIONARY FACULTY

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The following procedures are being developed by the Tenure Committee and by the Academic Affairs Office, as required by the new Tenure Code. They have not yet been officially adopted. The process of considering candidates for tenure or for reappointment must nevertheless commence in the near future. The Tenure Committee and the Academic Affairs Office recommend that departments and colleges follow these procedures until a final version of procedures can be adopted and reviewed by the Senate and the Board of Regents.

The Senate Tenure Committee is actively considering possible changes in this draft. Persons wishing to suggest changes are urged to submit them to the Committee.

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These procedures are adopted in accordance with section 7.4 of the Regulations Concerning Faculty Tenure. They cover additional elements of the tenure-granting and review process.

Purposes and Application

This document is intended to provide a convenient guide for department heads, tenured faculty members, and candidates, to assist in understanding and organizing the tenure-granting process. The document restates some of the rules which are found in the Tenure Regulations, and adds additional procedures. For additional detail or interpretation, see the relevant sections of the Tenure Regulations.

The procedural rules established by this document are intended to guide the orderly and fair administration of the tenure process. Departments, review committees, department heads, and other administrators should carefully follow them. They do not, however, give candidates or others a right to set aside a decision based merely upon minor or technical variations from the rules. The Judicial Committee will review a claim that a decision was procedurally incorrect only if it was based in significant degree upon a substantial and prejudicial deviation from the procedures prescribed. (Tenure Regulations §7.7(c).)

The mandatory rules (those using "must") established in this document are minimum standards. Departments and colleges are free to supplement them to provide further protection for candidates. Other standards are simply recommendations (those using "should" or "may").

These procedural rules apply to decisions which are made in the 1985-6 and following academic years. These procedures should

be followed, even if the original appointment was made under the old tenure regulations. Of course, in such cases, section 3 could not be applied. Since the procedures do not deviate in substance from those previously in effect, there should be little difficulty in complying with them.

Definitions

Note these definitions:

"Department" means the academic unit in which tenure is held. In some cases, that is a division or college. The Notice of Appointment indicates the unit in which the appointment is held. (The Tenure Regulations use the term "academic unit" to describe this unit; the more common term "department" is used here. No difference is intended.)

"Head of the department" means the chief administrative officer, whether called a head, director, chair, or dean, or some other title. The head of the department may delegate functions to some other senior faculty member who holds tenure. These functions may not be delegated to civil servants or to professional/administrative staff members, although they may provide appropriate supporting roles.

"Tenured faculty" of a department means the regular faculty members of that department who hold indefinite tenure in that department, without regard to their rank. It does not include persons who hold non-regular or adjunct appointments in that department, even if they have tenure in another department. It does not include persons with academic professional or administrative staff appointments, even if they have continuous appointments in those professional appointments.

"College" means the collegiate unit to which the department belongs. It is usually a college, but it may be a school, institute, campus, or other unit.

"Dean" means the chief administrative officer of the "college," whether called a dean, director, chancellor, or other officer. The dean may delegate functions to an associate who is a senior faculty member with tenure. The dean may not delegate functions to civil servants or to professional/administrative staff members, even if they hold administrative titles, but they may provide appropriate supporting roles.

TENURE PROCEDURES

Actions to be taken generally, without respect to individual candidates.

1. Departmental statement of criteria. The Tenure Regulations require every department to have a document "that articulates with reasonable specificity the indices and standards which will be used to evaluate" candidates. (See §7.12.)

Departments and colleges should adopt such documents as soon as the Regulations take effect. The standards should be carefully drawn. These standards will apply to all candidates for tenure in the department, unless there is a special contract to the contrary. (§3.6.)

2. Alternative voting rules. A department or college may require an exceptional majority (such as a 2/3 majority or an absolute majority of the members of the department) as a prerequisite for a recommendation for tenure. (See §7.4(4).) If it wishes to do so, it must adopt that rule well in advance of the meeting in which the tenure decision will take place, normally no later than the previous school year. Any rule requiring an absolute majority should also have a provision for excusing members who are unable to participate. All rules requiring special majorities should be reported to the Academic Affairs office and the Tenure Committee. The rule may be contained in the college or department constitution or in the rules adopted under §7.12. (Current departmental or collegiate rules of this kind remain in effect and need not be readopted.) If both the college and the unit have rules to this effect, the more rigorous requirement prevails.

At the beginning of a probationary appointment

3. Explaining the process to the candidate. Early in the probationary appointment, the department head must review the terms of the appointment with the probationary candidate. This includes:

--Making certain that credit for prior service has been granted and appropriately recorded, and that there is a common understanding about the maximum length of the probationary period. See §5.4.

--Supplying the candidate with copies of the Tenure Regulations, these Procedures, and the Departmental Statement about tenure expectations. See §7.12. If the candidate is unsure about the application of the criteria, the discussion should seek to make that as clear as possible.

--Informing the candidate about the procedures used in the department to review teaching, research, and service. The candidate should be informed about the annual review process and made familiar with the annual report on Appraisals of Probationary Faculty (President's Form 12) which will be completed. The candidate should also be informed about his or her right to inspect the file and right of access to information.

The department head should make a written summary of this meeting, including the time and date it took place, and include it in the candidate's personnel record.

Annually during the probationary period

4. Elements of the review process. The process of reviewing a candidate's progress is a continuous one. It is intended to have an encouraging and nurturing function, although it is by necessity judgmental. Especially in the early years of the probationary period, the annual tenure review is intended to point out to the candidate strengths and weaknesses, so that the strengths can be built upon and the weaknesses remedied. Three elements are essential to this process: information gathering, deliberation, and consultation with the candidate.

The procedures set forth in these paragraphs (4-7) are minimum standards. Some departments may prefer to conduct a more formal review, equivalent to that which must take place when a formal recommendation will be made regarding the candidate's appointment.

5. Collecting information on the candidate's performance. Beginning with the first year of the probationary period, the department has the responsibility for gathering data about the candidate's performance on all relevant criteria. This function may be performed by the department head or by a designated faculty member or committee. Responsibility for this function may not be delegated to staff or students, although they may play appropriate supporting roles. The department head has the responsibility to see that the function is performed, and may request the candidate to assist in the preparation of the file.

The file should include (a) a summary statement of the candidate's activities during the year (an updated resume will do), (b) reports on the quality of teaching, by whatever method has been established for the particular unit, (c) copies of scholarly works (and, where appropriate, reviews of their merit and contribution to scholarship), and (d) any other data which may be relevant to the decision. The Appraisals of Probationary Faculty report for previous years should be included. Other comments upon the candidate's merits should be included, e.g., any qualitative statements made for salary increment or other purposes.

Note that this file is only part of the candidate's personnel file in the department. This tenure file contains only those matters which are relevant to an eventual tenure decision. It is accessible to the candidate and to all of the tenured faculty in the department, while other portions of the candidate's personnel file are accessible only to the candidate and to those who have reason to deal with particular information contained in it.

The candidate has the obligation to review the file annually, and may make written comments or add material to it.

6. Annual review by tenured faculty. The file should be made available to the tenured faculty of the unit. A meeting of the tenured faculty should be convened at which the progress of each probationary candidate will be reviewed. This meeting may

be separate from the meeting at which formal recommendations on tenure and termination are made. The annual review does not require a formal ballot or recommendation of the faculty, but departments may choose to proceed by taking a ballot, if they wish. (Note that under the new Tenure Regulations, an appointment will automatically be renewed annually until the maximum probationary period is reached, unless there is a recommendation for formal action, granting tenure or terminating the appointment, at some earlier time. Contracts are no longer "renewed" for two year periods.)

7. Annual conference with the candidate. The department head reports the sense of the meeting, and any recommendations made by it, to the candidate. The department head should also discuss with the candidate the candidate's progress toward achieving tenure. It is important that this conversation be candid, and that the candidate be clearly told if there are areas in which performance needs to be improved. The candidate should be given a copy of the Annual Faculty Tenure Record, which should summarize the major elements of this conversation, as well as a written summary of any additional matters discussed. If there are questions about the application of the criteria or about what the candidate is expected to do, the department head should amplify upon the criteria.

The head of the department places the Appraisals of Probationary Faculty report and a written summary of any additional matters discussed in the candidate's permanent file. The summary should indicate the date and time of the meeting.

Formal consideration of the candidate for tenure or for termination of the appointment.

8. Tenure decision may be made at any time. A decision on tenure may be made in any year of the probationary period. It is not necessary to wait until the end of the probationary period, either to recommend tenure or to recommend termination of an appointment.

A candidate must be considered in a formal tenure review in the last year of the probationary period, i.e., the sixth year of an ordinary probationary period or the designated time in a shorter probationary period. A formal review must also take place at the times required by special contract. A formal review may be initiated at any earlier time by the department head or by vote of the tenured faculty of the department. The candidate may request an early tenure review; the department will decide whether to conduct it. Because the process of conducting a formal review involves a number of steps, including the solicitation of external evaluations, and because there is a fixed time schedule for review of departmental recommendations, a decision to conduct a formal tenure review must be made well in advance of the date at which a vote will be taken. Frequently it will be necessary to initiate the process during the summer

preceding the academic year in which the vote will be taken.

9. Decision to terminate appointment may be made at any time. At any time, a department may recommend termination of a candidate's appointment. It may do so without seeking outside review, if the candidate's performance is so clearly short of the required standards that this course of action is appropriate. A department does not need to seek outside review if the candidate's performance on any of the primary criteria is so deficient that positive evaluation of the other criteria would not warrant appointment.

10. Schedule for departmental action. The Academic Affairs office (and the deans' offices) annually establish schedules for formal action by departments and the subsequent review of those recommendations by the colleges and by central administration. It is important that the departments and colleges comply with these schedules, so that appropriate and unhurried review of decisions may take place, and so that any required notice may be given in a timely manner.

11. Preparation of the file for tenure decisions. The head of the department (or a designated committee) has the responsibility for seeing that a file is prepared for each candidate, containing relevant information on teaching, research, and service, and on other factors relevant to the decision, including outside evaluations of the candidate's contributions to scholarship. The department should seek appraisals both from persons suggested by the candidate and from other recognized scholars in the field. Referees should be informed that their evaluations will not be held confidential, since state law may permit the candidate to inspect them.

Relevant information may not be excluded from the file, but the weight to be given to the views of any particular referee is a matter to be considered by the decision-making bodies. Anonymous statements will not be included in the file and cannot be considered. Unsolicited signed comments will be included in the file, if they are relevant and material to the decision. Candidates are discouraged from independently soliciting comments or evaluations, but are encouraged to suggest names of evaluators to the department.

The basic file consists of:

- i. The candidate's resume, together with any additional statement which the candidate wishes to make.
- ii. Evaluations of the candidate's teaching, by whatever method has been established in the department.
- iii. Evaluations of the candidate's research or other scholarly contribution (as defined in the Tenure Regulations) by persons inside and outside of the University.
- iv. Evaluations of the candidate's discipline-related service activities, if those are an integral part of the mission of the unit.
- v. Copies of the Appraisals of Probationary Faculty

reports for the previous years.

vi. Evaluation of supplementary criteria, such as the individual's participation in the governance of the institution and other services to the University and the academic unit.

vii. Material supplied by the candidate in elaboration of his or her performance, which shall be identified as such.

The candidate has a right to inspect the file. The candidate may make a supplementary statement, and has the obligation to do so if any relevant material is missing from the file or if there is an error in any information contained in it. The candidate may file supplementary documents (which will be identified as supplied by the candidate).

12. Attendance at tenure meetings. Attendance and participation at tenure review meetings are important parts of the duty of a member of the tenured faculty. The head of the department should schedule the time and place for the formal meeting of the tenured faculty well in advance, and should notify all tenured faculty of that time. In ordinary circumstances, at least one month's notice of the meeting should be given to assure that all tenured faculty members can attend the meeting

13. Who is eligible to vote. Except as expressly authorized by the Vice President, only members of the tenured faculty of the department may attend or participate in the meeting. All members of the tenured faculty may participate, regardless of rank. If the department head is a member of the tenured faculty, he or she may participate and vote, but has no additional tie-breaking vote.

14. Disqualifications. Persons who are or were closely related to a candidate by blood, marriage, or who have or have had an intimate personal relationship with a candidate which would prejudice their judgment, may not attend or participate in the meeting with respect to that candidate. If the candidate (or another member of the tenured faculty) wishes to challenge the participation of any member of the tenured faculty, that challenge must be made in writing to the challenged faculty member and to the head of the department at least two weeks before the scheduled tenure meeting, stating the reasons for the challenge and setting forth the relevant evidence. The fact that a member of the tenured faculty has formed a view of the candidate's teaching, research, or scholarship during the course of the candidate's career is not a basis for disqualification. The challenged faculty member will decide whether to participate in the decision. The record of the challenge and its resolution will be included in the file which is forwarded for review.

The same principles of disqualification apply to members of review committees and to department heads, deans, the Vice President, and other academic administrators who may be called upon to review the matter.

15. Voting procedures. The decision is by written,

unsigned secret ballot.

An effort must be made to provide a copy of the file to every tenured faculty member who will be absent from the meeting, but who wishes to participate in the vote. Such faculty members must be given an opportunity to vote by written absentee ballot, which should be sent in a sealed envelope. Proxy vote or telephone votes are not permitted.

16. Questions to be voted upon. If it is desired to take a vote at any time before the final probationary year, either (or both) of the following questions may be put:

--Shall [the candidate] be recommended for tenure?

--Shall [the candidate] be given notice of termination of appointment?

If no vote is taken or if there is no majority for either motion, the appointment will be continued.

In the last year of the probationary period, the question should be "Shall [the candidate] be recommended for tenure?" If there is no majority for that motion, the recommendation is automatically for termination of the appointment.

17. Required majority. Except as indicated below, the action of the department is based on the majority of those voting on the question. If there is a tie vote, the recommendation is in the negative. In the final year of the probationary period, a tie vote on the question of tenure creates an automatic recommendation for termination of the appointment.

In a department which has a rule requiring an alternative majority (see section 2 above), if a recommendation to grant tenure receives an ordinary majority, but not the required exceptional majority, the department must prepare and send forward the file, but without a recommendation for tenure, unless the candidate requests in writing that no further review take place. A full record of the vote, including affirmative, negative, abstentions, and absences should be forwarded with the faculty's recommendation.

In all cases, the actual vote is to be reported. The report should indicate the number who are qualified to vote, the number of affirmative and negative votes, the number of persons present at the meeting who abstained, the number who were absent and not voting. It should also indicate how many absentee ballots were cast. If there is a "reconsideration" after an initial vote, both the original and the reconsidered vote should be fully reported. Although the department's recommendation is based upon the required majority by the rules applicable to the particular department, reviewing committees and administrators may legitimately take into consideration the strength of the majority in conducting their own review of the candidate.

18. Report of action. If the department (a) recommends tenure, or (b) recommends termination of the

appointment, or (c) recommends continuation of the appointment because a simple majority, but not a required exceptional majority, favored tenure, the department must make a report and forward the report and the candidate's file to the dean for review. The dean may require the department to do so in other cases.

The department head (or the designated tenured faculty member or committee) prepares a draft report which states the faculty's recommendation, reports all votes taken, summarizes the candidate's file, and summarizes the reasons for the action expressed at the meeting of the tenured faculty (including any minority views expressed at the meeting which had substantial support). The department head also prepares an additional statement of personal agreement or disagreement with the department's recommendation, including the reasons for any disagreement.

The draft report is made available to the tenured faculty, who may comment and suggest changes. Faculty members may file separate reports, if they believe that their views are not adequately reflected in the departmental report. Copies of such separate reports must be given to the department head and to the candidate. The submission of such reports is the only appropriate way for faculty members to present their separate views to the dean or to the collegiate or University review bodies.

The department head informs the candidate of the department's recommendation and of the department head's own recommendation. The department head also gives the candidate a copy of the final report if the candidate requests it.

The candidate has the right to submit a supplementary statement to the dean and college review committee. Copies of the statement must be given to the head of the department and distributed to the tenured faculty.

The department forwards the following material to the Dean for review: the file, the departmental recommendation, the department head's recommendation, the departmental report, any separate statements by members of the tenured faculty, and any supplementary statement of the candidate.

Review by college

19. Review by dean of college. The recommendation is forwarded to the college office, where it is reviewed by the dean who may be advised by a collegiate review committee.

In collegiate units where the college is not subdivided into departments, the recommendation is forwarded directly to the Vice President. (See paragraph 24, below.)

20. College review committee. The collegiate review -

committee is composed of members of the tenured faculty of the college. A college may designate two or more review committees for different fields of emphasis. The membership list of the committee is public. The committee is advisory to the dean. A member of the review committee may not attend or otherwise participate in the actions of the committee on a candidate from that faculty member's own department. A member cannot participate in a review in circumstances in which that committee member would have been disqualified by paragraph 14 from participating in an initial decision on the candidate.

The review committee must review the matter on the basis of the file and other documents which are forwarded to the dean. It may not seek additional information, either from members of the department or from others. If it finds that the file contains insufficient information for it to make an informed judgment, or if there are matters on which the committee would like clarification from the department or the candidate, the committee may return the file to the dean with a request that the department and candidate be asked to provide the additional information.

A review committee may adopt a uniform policy of permitting the joint presentation of a candidate's file by the candidate and a representative of the department.

21. Applicable standards. The review committee and the dean must use the standards for tenure applicable to the department and position involved. These are the standards set forth in sections 7.11 and 7.12 of the Tenure Regulations, in the departmental statement required under section 7.12, and in any special contract under §3.6. Subject only to that limitation, the review committee should examine the merits of the decision, not merely its procedural regularity.

The review committee makes a written recommendation to the dean. If it differs from the recommendation of the department, it must state the reasons for such difference. A copy of the recommendation must be supplied to the candidate. The recommendation becomes part of the candidate's file.

22. Requests for reconsideration; requests for more information. The dean may ask the department to reconsider the matter on the basis of specified concerns which are expressed in writing. In such case, the tenured faculty must reassemble and again discuss the question in light of the dean's comments or questions. The procedures are analogous to those stated above at paragraph 12 through 15. The vote is again by secret ballot. A supplemental report is prepared and transmitted in the same manner as the original recommendation. (See paragraph 18.)

The dean also may ask the department or the candidate to provide additional information before making the decision, either on the dean's own motion or at the request of the review committee. The provision of such additional information does not require full

departmental consideration, but the candidate should be informed of the request and given an opportunity to participate in the reply to it.

23. Dean's recommendation. The dean makes the recommendation for the college. (A dean or other reviewing officer may not participate in circumstances in which the officer would be disqualified from participating in the initial decision. See section 14.) Copies of the recommendation must be sent to the department and to the candidate.

The matter must be forwarded to the Vice President for review and appropriate action, if the recommendation involves (a) granting tenure, (b) terminating the appointment, (c) renewal of the appointment when the final recommendation of the department was for some other action, or (d) renewal of the appointment when a simple majority of the department (but not a required exceptional majority) favored the granting of tenure.

The dean must forward for review (a) the departmental recommendation, together with the departmental report and letters of recommendation upon which it relies, (b) the department head's report, (c) the review committee's report, (d) the dean's own report, and (e) any other information in the file requested by Central Administration. Other portions of the file, e.g., original publications or teaching evaluations, should be retained by the College until completion of the review process and forwarded if requested.

The dean must add to the file any communication which has been received with respect to the candidacy, and a memorandum summarizing any conversation which he or she has had with respect to it, which has been taken into consideration in any way.

Central review and action.

24. Central review. After receiving the recommendation of the dean, the Vice President makes a final decision. The Vice President may also consult with other persons before making a decision, but each such consultation or review shall be recorded in the candidate's file.

If the Vice President uses a review committee to review one or more candidates, it is subject to restrictions and procedures parallel to those imposed upon the collegiate review committees. If the Vice President consults with individuals about a particular candidate's qualifications, the consultation and basis for judgment must be recorded.

25. Standards for review and action. The central reviews and action must be based upon the standards for tenure applicable to the department and position involved. See paragraph 21.

26. Action by Vice President; explanations to dean and department. The Vice President takes action on the

recommendation. If the Vice President's action differs from the recommendation of the Department, the Vice President must send to the tenured faculty of the department a written statement of the substantive reasons for differing from their judgment. That statement must be an evaluation of the candidate's substantive qualifications on the merits and include an explanation of the reasons on which the Vice President believes it appropriate to substitute his or her judgment for that of the department with regard to those qualifications. It may not be a mere recitation of the reviews which have taken place. If the Vice President's action differs from the recommendation of the Dean, a similar statement must be sent to the Dean.

PROCEDURES FOR PROMOTIONS

27. Promotions. The procedures for considering candidates for promotion parallel those for consideration of candidates for tenure, except as follows:

--The consideration for promotion does not involve an annual review of the candidate. Consideration for promotion will take place (a) whenever the department recommends a candidate for tenure, and (b) whenever it is initiated by the department head or by the faculty senior in rank to the candidate. The candidate may request that a review take place at any time, but the faculty senior in rank will decide whether to conduct it.

--The body which makes the recommendation consists of all members of the regular faculty of the department senior in rank to the candidate. (Both tenured and probationary faculty senior in rank may vote.) Adjunct and nonregular faculty senior in rank may be consulted, but have no vote, unless an exception has been provided by analogy to that provided in paragraph 13. Otherwise, the procedures of paragraphs 12, 13, 14, 15, and 17 apply.

APPENDIX

CRITERIA FOR TENURE

CRITERIA FOR TENURE

Tenure Regulations 7.11 and 7.12

7.11 General Criteria. The basis for awarding indefinite tenure is the determination that the achievements of an individual have demonstrated the individual's potential to continue to contribute significantly to the mission of the University and to its programs of teaching, research, and service over the course of the faculty member's academic career.⁴ The primary⁵ criteria for demonstrating this potential are effectiveness in teaching⁶ and professional distinction in research⁷; outstanding discipline-related service contributions⁸ will also be taken into account where they are an integral part of the mission of the academic unit. The relative importance of the criteria may vary in different academic units, but each of the criteria must be considered in every decision.⁹

The individual's participation in the governance of the institution and other services to the University and service to the academic unit may be taken into consideration, but are not in themselves bases for awarding tenure.

Indefinite tenure may be granted at any time when the candidate has satisfied the requirements. A probationary appointment must be terminated when the appointee fails to satisfy the criteria in the last year of probationary service and may be terminated earlier if it appears that the appointee is not making satisfactory progress toward meeting the criteria within that period.

7.12 Departmental Statement. Each academic unit must have a document that articulates with reasonable specificity the indices and standards which will be used to evaluate whether candidates meet the criteria of Section 7.11. The document must comply with those standards, but should make their application more specific. Each such document is subject to review by the dean or other appropriate academic administrator and by the Vice President. Each academic unit must provide each probationary faculty member with a copy of the document at the beginning of the probationary service.

⁴For interpretation and possible applications, see the interpretative comment that will be provided in accordance with the provisions of Section 16.2.

⁵Criteria other than those expressly listed in this sentence must be explicitly stated and justified in terms of the mission of the University. Such additional criteria may not impinge upon the academic freedom of the probationary faculty member.

⁶"Teaching" is not limited to credit-producing classroom instruction. It encompasses other forms of communication of knowledge (both to students registered in the University and to other persons in the community) as well as the supervision or advising of individual graduate or undergraduate students.

⁷"Research" is not limited to the publication of scholarly works. It includes activities which lead to the public availability of products or practices which have a significance to society, such as artistic production or the development of new technology or scientific procedures.

⁸"Service" means performance within the faculty member's academic expertise and the mission of the academic unit. It does not include performance of quasi-administrative functions such as membership on faculty or Senate committees or other similar activities; those activities are relevant only to the limited extent set forth in the following paragraph.

Where service is not an integral part of the mission of the academic unit, a faculty member's service may be considered, but is not a prerequisite to the awarding of tenure.

⁹Because of the special mission of the Crookston and Waseca campuses, disciplined inquiry in their fields of endeavor may be substituted for research in appraising faculty members there.

Other exceptions may be made only in exceptional circumstances by means of special contract, as provided in Section 3.6.



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October 28, 1985

Meredith Poppele
Senate Consultative Committee
411 Borlaug Hall
St. Paul Campus

Dear Meredith:

I have reviewed the minutes of October 17 and see no reason to change anything in them.

You might inform the Faculty Consultative Committee that we received a number of comments at the October 18 meeting. As a result, we decided to re-draft several sections of the proposed Procedures. That will mean that we will not have a document to report to the Senate at its November meeting. Instead, the September 10 draft will remain in place for this full year of decision-making.

Sincerely yours,

A handwritten signature in cursive script that reads "Fred".

Fred L. Morrison
Professor of Law
Chair, Senate Tenure Committee

FLM:hlc