



UNIVERSITY OF MINNESOTA

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

FACULTY CONSULTATIVE COMMITTEE MEETING
AND
DISCUSSION WITH THE PRESIDENT
May 30, 1985
300 Morrill Hall
10:15 - 12:30

AGENDA

- 10:15 1. Report of the Chair.
2. Implementing the new tenure code: Consider the May 13 document on procedures which Fred Morrison sent to all senators. Does FCC wish to forward any comments to the Tenure Committee? Deadline is June 3.
- 10:30 3. Professor Shively's retrospective and prospective look at the legislative sessions.
4. Governance: What initiatives does FCC want to support? Recall, for example, Don Spring's proposal of last fall and the alternative models posed May 16 by the SCC's faculty subcommittee on governance.
5. Monitoring June 13-14 Regents' meetings.
- 11:00 DISCUSSION WITH THE PRESIDENT AND HIS ASSOCIATES
6. Revised University Grievance Procedures (copies sent separately. Is FCC prepared to present them to the Senate next fall?
7. Addressing the remaining petitions filed under the Rajender Consent Decree: continuation of discussion with Attorney Dunham. How should the University address the remaining petitions more speedily and with wider, more comprehensive involvement of the concerned parties. (Enclosure: Faculty Senate resolution of June 7, 1984 regarding P/A employment.)
8. Cycle IV Planning. Discuss with Assistant Vice President Heydinger the push in Cycle IV so the process is completed for the 1987-89 biennial budget request drafting.
9. Commitment to Focus: Does FCC want to recommend any further official communication to audiences not yet addressed, such as the faculty as a whole or the Faculty Senate?



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MINUTES

FACULTY CONSULTATIVE COMMITTEE MEETING
AND
DISCUSSION WITH PRESIDENT KELLER AND OTHERS

May 30, 1985
300 Morrill Hall
10:20 - 12:55

Members present: Shirley Clark, Phyllis Freier, Joseph Latterell, Cleon Melsa, Jack Merwin (Chr.), Irwin Rubenstein, Frank Sorauf, Deon Stuthman, Burt Sundquist.

Members elect present: Ellen Berscheid, Richard Goldstein, David Hamilton.

Guests: John Aune, Karl Gardarsson, Maureen Smith. At 11:00: Stephen Dunham, Richard Heydinger, Kenneth Keller, Patricia Mullen, V. Rama Murthy, Carol Pazandak, Marsha Riebe, Charlotte Striebel, Neal Vanselow.

1. Report of the Chair. Professor Merwin.

A. Advising central administration on salary increase distribution principles and this year's formula. The special extended SCFA subcommittee named by FCC and SCFA has submitted its report to the President, together with the minority position paper of one member and the subcommittee, together with about five members of SCFA, has met with the President. SCFA has not surrendered its prerogative of also advising central administration on this matter. The subcommittee will meet again June 6.

Professor Goldstein told FCC that President Keller has asked the subcommittee to go somewhat beyond its charge from its parent committees. The prevailing but not unanimous opinion of the subcommittee is that increases should be awarded on an all-merit basis and that any exceptions to a defined upper and lower percent limit should be justified.

B. The Judicial Committee has compiled a book of abstracts of cases completed over the past decade. The SCC office has a copy and copies will be made available to grievance officers.

C. The Speakes Committee report on the biological and life sciences. Professor Merwin asked whether University governance might have a role to play with respect to the report since the matter cuts across collegiate lines. After a brief discussion the FCC agreed to ask the Educational Policy and Research Committees to review the final form of the report (due out in June) and provide recommendations.

2. Tenure Committee work. A pre-draft of proposed procedures relating to Section 7.4 of the new tenure regulations has been distributed to faculty senators. FCC might wish to forward comments to the Tenure Committee's June 3 meeting. In October the Tenure Committee will consider its draft proper.

One of the Tenure Committee's concerns regards letters of outside referees because they are not objective assessments and the sample who actually write is biased.

Professor Clark inquired whether the eventual new procedures are intended to replace both the Koffler memorandum and the Koffler-Ibele memorandum; the latter was intended as a set of guidelines to units on how to carry out well the promotion and tenure process. She cautioned that if the new procedures are to have the force of law, concerned people must study the text very carefully and consider the potential serious conflict which would arise should departments think they have a better process than that in the procedures.

Other points:

- Anticipate legal implications of use of "may;"
- Permit flexibility;
- Should previous appraisal records be encouraged?
- On what basis may a challenge be honored against a department member's participating in a promotion and tenure vote?
- Clarify whether probationary appointments are for one year or two.

FCC proposed to invite Professor Morrison to an early fall meeting.

3. Governance: 1985-86 SCC meeting schedule.

Two models of schedules were distributed, the second showing one monthly meeting of the full SCC and more separate FCC meetings. Professor Merwin voiced his support for trying the second model, noting that he had often felt he had cut off FCC discussion in the need to get through the full agenda, especially when FCC had guests. Professor Stuthman spoke for continuing the pattern of holding the monthly Finance Committee meetings immediately after an SCC meeting on the Thursday preceding each Regents' meeting date.

DISCUSSION WITH PRESIDENT KELLER AND OTHERS.

At this point in the meeting the FCC was joined by General Counsel Dunham, Assistant Vice President Heydinger, President Keller, OEO director Mullen, Vice President Murthy, Dr. Pazandak, Ms. Riebe, EEOWC Chairwoman Striebel, and Vice President Vanselow.

4. Addressing the Rajender petitions.

Mr. Dunham articulated his concern that the issues raised by the petitions are important to the University academically as well as legally. FCC and

the faculty generally, he said, have tended to think they couldn't get in on these questions because they were legal matters and hence for the lawyers. But he does not see how they can be dealt with without substantial faculty input.

He proposed that in the coming year the General Counsel, the OEO Director, and the Chairwoman of the Committee on Equal Employment Opportunity for Women meet more often with FCC to demystify the decree, talk about it and the issues under it, and consider how to address the issues and what matters need specifically legal attention.

Sample discussion. As an example of the kind of discussion he would like that group to address, he presented to the meeting one of the pending petitions, that which alleges that the University's promotion and tenure criteria are discriminatory in their application because of a lack of specificity of standards. This petition has been tied up for a long time, in considerable part because the tenure code has undergone revision. The new code requires each unit to submit more specific, sex-neutral criteria. These statements have now been called into the Office of Academic Affairs for review.

Mr. Dunham then posed the general questions of "How does the University community review these criteria?" and "Is there an appropriate role for FCC or some other all-University governance committee?"

Professor Striebel apologized for EEOWC's being slow in suggesting ways to address each of the petitions. She remarked that her committee had felt frustrated regarding its recommendation on specificity of standards. The committee is concerned about vagueness. It developed a recommendation a year ago, but the Faculty Affairs and Tenure Committees have since turned it down.

EEOWC's recommendation is for creation of an ad hoc committee, whose membership would include representatives from EEOWC, to evaluate the criteria. EEOWC believes junior faculty should participate in the review process. The affected people should have some say regarding specificity. EEOWC also wants the views of people recently on promotion and tenure committees as to how helpful their unit's criteria have been. EEOWC assumes most units will just refile their own procedures.

She added that the continuing problems include poor dissemination of information. Many probationary faculty don't even know the criteria exist.

Mr. Dunham asked FCC's views on whether there should be further attention to the statements beyond the Academic Affairs review. Professor Stuthman inquired whether the assumption is that junior faculty are only interested in their respective units' criteria or that they have a general viewpoint to recognize the degree of specificity in the criteria of any unit. Professor Striebel said EEOWC recognizes the need to have neither too little specificity nor too much, and wants both faculty, including junior faculty, and the Office of Academic Affairs to take part in determining that.

Ms. Mullen told FCC the University wants to be able to report to the court that we have attended carefully to the specificity of standards issue.

Asked if the OEO has a role in evaluating the criteria for specificity, Vice President Murthy said no system now exists for review of the guidelines

beyond Academic Affairs. Mr. Dunham said some of the unit criteria are no more specific than the Koffler-Ibele memorandum.

Professor Rubenstein commented that if he were a junior faculty member he would appreciate the chance to see his department's criteria so he could understand them.

Professor Sorauf asked whether the problem is that the criteria are vague or that decisions are discriminatory. Professor Striebel said that the petition's point is that vagueness and permitting subjectivity permit discrimination. An antidote is greater specificity. Professor Sorauf remarked that people will discriminate if they want to, regardless of the criteria, and he asked whether the answer, then, isn't to use the judicial provisions. Professor Striebel said the EEOWC would like to avoid cases having to go the pretty radical course of the Senate Judicial Committee.

Mr. Dunham told FCC that there are court statements that vague and subjective criteria are discriminatory. On the other hand, the University argues that some qualities cannot be quantified. The balance, he said, is what we have to achieve. In response to a question, Mr. Dunham said that the University argues to the court, successfully, he thinks, that the term "exercising professional judgment" is objective and informed, and not subjective. The problem is rather in unstated criteria (this department requires a book) and subjective criteria (the quality of a given journal).

Professor Sorauf contended that the new tenure code and what it requires of units is quite specific, and far more specific than at many universities. Mr. Dunham responded that while that may be, there are people who differ. The University needs a process to decide for the University whether they are adequate.

Professor Sundquist recommended adding a process requirement for each department that all levels of faculty have the opportunity to review and comment on the department criteria. He noted that would simplify the task of central monitoring. Mr. Dunham indicated support for this suggestion but noted that it does not meet EEOWC's sense of the need for a central faculty committee for overview.

Professor Freier suggested that following the review in Academic Affairs, the guidelines be returned to their respective departments for a required review which would include junior faculty and at least one woman.

Following brief further discussion Mr. Dunham indicated that, as a starting point, central administration could proceed with its review of the guidelines/criteria submitted by the units.

5. University Grievance Procedures.

President Keller had received a copy of the procedures very recently and is having them duplicated for the deans' attention. He indicated his satisfaction with much of the proposal, but raised some objections. He said he was concerned with redundancy in proceedings as could occur, for instance, after a proven case of fraud in research. He stated his objection to holding two hearings on any dismissal for cause where there could be one. A faculty

member's rights under the tenure code allow access to the Judicial Committee. But de novo hearings should be avoided where another body has already heard the case. He suggested clarifying the procedures to say that cases tried under these procedures would not affect a defendant's tenure rights.

Professor Freier noted that sexual harassment and fraud in research are the two areas which could result in de novo hearings. It indeed becomes a new case if dismissal for cause is the outcome. It is quite proper, she argued, to hear a case de novo in these rare instances, and much better than the present arrangement which sends a wide array of cases to the Judicial Committee.

Dr. Pazandak noted that there is an analogy with a promotion and tenure case which has already had extensive review at multiple levels before the Judicial Committee hears it.

The President noted that, in addition to the redundancy problem, it could happen in a sexual harassment case that an administrator would ultimately be faced by opposing recommendations from the Sexual Harassment Board and the Judicial Committee.

Professor Sorauf told FCC that when and if the Consultative Committee takes proposed grievance procedures to the Senate, some person or group must be prepared to shepherd it through as the Tenure Committee did with the Tenure Code. He called attention to the fact that the present structure of the proposed procedures would require that part get Faculty Senate approval and part University Senate approval.

He commented further that this University community is resolving judicially some problems that are really governance problems, most specifically, the problem of the autocratic department head. He called for attacking that problem even more directly than Section C does.

6. President's item: administrative structure.

(Note: Following consultation earlier this spring, the President reported to the Regents in May his plans for some reorganization of central administration.)

The President referred FCC to the area of the "intermediate level organizational process." He inquired as to how far the administrative prerogative extends and whether it extends to the collegiate organization which will affect the faculty in a significant way. He mentioned the topics of discipline organization and similarity in promotion and tenure procedures and standards.

Professor Rubenstein commented that if modifying the intermediate level is an issue, we should identify a group to work on it. He added that one would have to have very good reasons to believe reorganizing the colleges would be worthwhile, and a clear idea of the goals to be achieved.

Professor Sorauf said management considerations are greatly exaggerated, there is much room for flexibility and adaptability within a given organization, and colleges are better looked at as curricular and disciplinary structures, not as management structures. The question, he said, is what

structures best promote the teaching and scholarship we want to promote.

President Keller indicated that he agreed this is the way the problem ought to be approached. But, he continued, the nature of how governance works within a structure varies greatly with size. The question is whether one's organizational plan enhances the academic mission. Professor Sorauf said that however one might redraw the University, there would be cooperating units on different sides of barriers. Historically, he observed, we drew the unit lines primarily for curricular reasons.

President Keller told FCC he was not suggesting we necessarily move people who don't want to be moved, and that usually one doesn't enter unless there is a problem. Professor Stuthman said he would be inclined to work on eliminating duplication.

President Keller concluded by clarifying to FCC that he wants to raise the issue of how to approach any such organizational changes.

7. Cycle IV planning.

President Keller said Drs. Murthy and Heydinger are working on ways to handle over the next few years the 23 proposals in the Commitment to Focus. He said he would not favor a single Senate forum in the fall because so many of the proposals are unit-specific. He prefers proceeding along the various time lines and with the various constituencies as appropriate. Vice President Murthy added that Academic Affairs would seek comments from SCC and FCC and others regarding the all-University proposals.

President Keller noted that some proposals are already being taken care of, e.g., IT capping its enrollments and the School of Nursing, on its own, shifting its focus.

Professor Merwin inquired whether, given the caveats that accompanied publication of the Commitment to Focus, the President is confident the University has the means to move ahead. President Keller said there is less than he would like, but there is some support. The legislature has shown its recognition that the University cannot be funded on student numbers alone, but did not respond in this session to tuition issues. Student numbers, he said, are not going to decline so significantly in the next few years as themselves to present funding problems.

Dr. Heydinger said the State University system is developing projections of implications for their system if the University carried out its commitment to focus. President Keller reported that the heads of the state systems are working on ways to mesh the systems, to facilitate credit transfers, etc. Private colleges are happy about the University's efforts to raise admission standards here and hence affect high school offerings, but concerned about the University's efforts to attract high ability students.

Professor Merwin noted it was his understanding the colleges are expected to use the Commitment to Focus proposals in their planning. Vice President Heydinger reported that the Senate Planning Committee and the administrators engaged in planning favor lots of cross-fertilization, especially regarding the all-University items, and are requesting mid-year unit reports on their

plans.

Some of the proposals, Dr. Heydinger said, are virtually single-unit issues and the units concerned ought to deal with them first. Senate committees and Regents might address these, using certain criteria, and then the all-University issues. There needs to be a schedule for dealing with each item.

If we are going to relate Commitment to Focus to the 1987-89 biennial budget request, Dr. Heydinger told the FCC, we need some advice from you. He noted that the bulk of that preparation needs to be done by the summer of 1986 and that the absolute deadline is December, 1986. Communicating with the Faculty Senate on Commitment to Focus..

Professor Rubenstein asked if there could be one or several reports to the Faculty Senate on what is underway regarding the Commitment to Focus proposals, with senators having the opportunity to respond. President Keller suggested that central administration send out, in advance of the Fall Quarter Senate meeting, a progress report. The Questions to the President portion of the Senate meeting would then be devoted to this subject particularly. There was FCC approval of this suggestion, and Professor Rubenstein noted that a forum preceding the Senate meeting could allow even more time for the subject.

Continuity in planning and intentions. Professor Sundquist alleged that the University is rapidly losing its corporate memory. Some things, he noted, were done in retrenchment which were meant to be for the long term, and some which were meant to be for the short term and were done only because funds could be saved there at that time. But people are forgetting which was which. He advocated building the Commitment to Focus items into the planning process and weaving them into the biennial budget request. That is the way they are most likely to be funded and to materialize. We cannot afford to drop the planning mode for any period of time, he cautioned, if we are serious about keeping planning alive here.

Dr. Heydinger noted that central administration is doing its analysis of Cycle III in terms of Cycle I.

8. Distributing faculty salary increases.

President Keller asked what further counsel to expect regarding the distribution of faculty salary increases. Given the report of the extended subcommittee and the ambiguity from the Faculty Affairs Committee, he inquired what advice FCC would advise him to take.

Professor Sorauf summed up the subcommittee's position and recommendations. The subcommittee is scheduled to meet again on June 6 to see data it did not have earlier, and reconsider its recommendation that each college get from central administration the same percentage of its base.

9. Appropriations picture.

President Keller encouraged FCC members to attend the June 6 Finance Committee meeting when the administration will be able to report a close estimate of what the legislative appropriation will be.

The meeting adjourned at 12:55 p.m.



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May 23, 1985

President Kenneth H. Keller
202 Morrill Hall

Dear Ken:

We anticipate a full agenda for the Faculty Consultative Committee's final meeting with you in the current academic year (May 30). After we collectively address the new items you wish to bring before us, we would appreciate considering the following topics with you and your associates. The sequence, of course, can be rearranged to best suit the guests' schedules.

1. The Revised University Grievance Procedures.
Phyllis Freier and Carol Pazandak have, over the last two and a half years, developed and revised their draft in consultation with a number of audiences. The FCC has reviewed it at several stages and offered suggestions. It is our understanding that you will be discussing the document with a council of deans. I hope it is not premature for you and the FCC to discuss whether the document appears to be ready for submission to the Senate in the fall, and to determine what other steps, if any, are required to establish it as the governing document for grievances not explicitly covered by other systems (e.g., the Senate Judicial Committee, the Sexual Harassment Review Panel, and the Campus Committee on Student Behavior).

2. Petitions filed under the Rajender Consent Decree.
We look forward to continuing the conversation begun with Steve Dunham on May 2. We hope we can contribute to devising constructive approaches so the petitions can be addressed and resolved expeditiously and in a cooperative manner among all the interested parties.

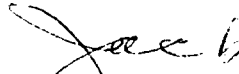
3. Cycle IV Planning. If Rick Heydinger is able to join the meeting, we would appreciate an update on the scheduling for the Fourth Cycle of Planning and an assessment of what can be done to engage units early so that the process is completed in time for drafting the 1987-89 biennial budget request.

President Kenneth H. Keller
May 23, 1985
page two

4. Commitment to Focus. As you suggested when we met on May 2, FCC may want to recommend some further official communications to assure that all the bases are covered. Because there have not yet been comprehensive sessions with the faculty, some FCC members suggest there be a faculty forum or a Faculty Senate forum devoted to the Commitment to Focus. Early fall would look at this point like the best time to schedule such an event, should we decide to do so.

I can see we will have to think fast and talk fast to do justice to this agenda between 11:00 and 12:30!

Cordially,



Jack C. Merwin, Chair,
Faculty Consultative Committee

JCM:mbp

pc: Vice President V. Rama Murthy
Vice President Neal Vanselow
Stephen Dunham
Richard Heydinger
Faculty Consultative Committee

university
of
minnesota
memo

Date May 30, 1985

To FCC

From DDS/mbp

Subject Schedule of meetings for 1985-86

Re: Item 4 on the FCC Agenda: Governance

Attached are two models of possible FCC and SCC meeting schedules for '85-'86. Model I (white) follows the pattern typical of the past many years. Model II (orange) illustrates a new kind of schedule (a larger proportion of FCC meetings). Whatever kind of schedule FCC and SCC settle on, certain meeting dates will depend upon President Keller's availability, which we don't yet know.

university
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memo

Date June 7, 1985
To Marsha Riebe
From Meredith Poppele
Subject SCC and FCC meeting schedule with the President, '85-'86

I am enclosing a second type of possible SCC/FCC meeting schedule for 85-86. FCC members support trying more FCC meetings and a smaller number of full SCC meetings. Deon Stuthman will be talking to Tim Pratt, student chair of the SCC, about this proposal.

To meet many people's needs I want to firm up the SCC and FCC schedules as soon as possible. But that relates in part to settling the question above, and also to President Keller's preference: WOULD HE LIKE TO CONTINUE MEETING MONTHLY WITH THE FULL COMMITTEE, OR WOULD HE BE AGREEABLE TO TRYING SOMETHING LIKE QUARTERLY MEETINGS WITH THE FULL SCC, AND MONTHLY MEETINGS WITH THE FCC? (The Constitution specifies the president shall meet at least quarterly with the SCC.)

I'll be on vacation June 11 through 21. I'll plan to check in with you about June 24 to learn what you know about Pres. Keller's date availability and his preferences regarding frequency of sessions with FCC and with whole SCC.

Bus Adm Form 536A-Rev 2/84
S92049 (P-855B)

pc: Deon Stuthman

AN SCC CALENDAR OF SORTS FOR 1985-86

September, 1985

12-13: Regents
19 FCC
26 (Thurs.):first day classes

October, 1985

3 SCC
10-11: Regents
17 SCC & FCC
31 SCC

November, 1985

7-8: Regents
14 SCC, Senate, Assembly & FCC
28-29 Thanksgiving recess

December, 1985

5 SCC & FCC
12-13: Regents
9-14 Exam Week

January, 1986

6 First day classes
9-10: Regents
16 SCC & FCC
30 SCC

February, 1986

6 SCC & FCC
13-14: Regents
20 SCC, Senate, Assembly

March, 1986

6 SCC & FCC
13-14: Regents
17-22 Exams
31 First day classes

April, 1986

3 SCC & FCC
10-11: Regents
17 SCC, Senate, Assembly

May, 1986

1 SCC & FCC
8-9: Regents
15 SCC, Senate
29 SCC & FCC

June, 1986

(5 SCC and/or FCC, if needed)
9-14 Exams
12-13: Regents

First draft of Model II, 5/21/85

POSSIBLE SCC CALENDAR FOR 1985-86

September, 1985

12-13: Regents
19 FCC
26 (Thurs.): first class day

October, 1985

3 SCC & FCC
10-11: Regents
17 FCC
31 FCC

November, 1985

7-8: Regents
14: SCC & FCC, Senate & Assembly
28-29 Thanksgiving recess

December, 1985

5 FCC
9-14 Exam Week
12-13 Regents
Week of Dec. 16-20: possible FCC mtg.

January, 1986

6 First class day
9-10 Regents
16 FCC
30 SCC & FCC

February, 1986

6 FCC
13-14 Regents
20 SCC & FCC, Senate,
Assembly

March, 1986

6 SCC & FCC
13-14 Regents
17-22 Exam week
20 Possible FCC mtg.
31 First class day

April, 1986

3 FCC
10-11 Regents
17 SCC & FCC, Senate,
Assembly

May, 1986

1 FCC
8-9 Regents
15 SCC & FCC, Senate
29 FCC

June, 1986

5 Possible SCC and/or FCC
9-14 Exams
12-13 Regents

SCC office copy

df08ten

DRAFT

Draft as of May 3

Draft procedures for academic units.

These procedures are ^{proposed} ~~listed~~ 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).)

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.

"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, provost, or other officer.

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.) Academic units 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. Special 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 unit 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. At the beginning of a 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 Faculty Tenure Record Appraisals 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 Faculty Annual Tenure Appraisal Record 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 candidate is expected to do, the department head should amplify upon the criteria.

The head of the department places the Annual Faculty Tenure Record 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.

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 dean's office) annually establish schedules for formal action by departments and colleges. 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 preparing a file for the 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 and comments solicited or provided by the candidate will be included in the file and will be identified as such.

The 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 Annual Faculty Tenure Record Appraisals 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 and obligation to inspect the file. The candidate may make a supplementary statement, and should 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 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. (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.)

14. Disqualifications from voting. Persons who are closely related to a candidate by blood, marriage, or intimate personal relationship may not attend or participate in the meeting with respect to that candidate. A member of the tenured faculty who is personally prejudiced for or against a candidate should not attend or participate in the meeting with respect to that candidate, but 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.

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. The

challenged faculty member will decide within one week whether to step aside. If the challenged faculty member does not step aside, the matter will be presented to the Dean, who will decide whether the faculty member should be permitted to participate in this decision. The record of the challenge and its resolution will be included in the file which is forwarded for review.

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. 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.

In a department which has a rule requiring a special majority (see paragraph 3 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.

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

The draft report is first made available to the tenured faculty, who may comment and suggest changes. Faculty members may file a minority report, if they believe that their views are not adequately reflected in the departmental report. The submission of such a report is the only appropriate way for faculty members who dissent from the majority view to present their views to the dean or to the collegiate or University review bodies.

The final report is given to the candidate at the time it is forwarded to the college (or higher level) for review. The candidate has the right to file a supplemental statement.

The departmental report, any dissenting or concurring views, and the candidate's supplemental statement, if any, are added to the file before it is forwarded to the dean for review.

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 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 __ from participating in an initial decision on the candidate.

The review committee must review the matter on the basis of the file which is forwarded by the department 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 analagous to those stated above at paragraph __ through __. The vote is again by secret ballot. A supplemental report is prepared and transmitted in the same manner as the original recommendation. (See paragraph __.)

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. Copies of the recommendation must be sent to the department and to the candidate.

The file 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 file must will consist of all of the material originally forwarded by the department, plus the review committee's recommendation, any papers added as a part of departmental reconsideration, and the dean's recommendation.

The dean must add to the file any communication which as 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. Before making that final decision, the Vice President consults with the Dean of the Graduate School. Any recommendation of the Graduate Dean must be written and placed in the file. 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 is all faculty members of the department senior in rank to the candidate. Subject to that modification, the procedures of paragraphs 12, 13, 14, and 15 apply. The vote is by simple majority of that group.

university
of
minnesota
memo

Date June 26, 1985
To V. Rama Murthy
From Jack Merwin
Subject Report of special subcommittee on faculty salary
distribution

As agreed in our conversation this morning, I am attaching a copy of the report Art Williams submitted, on behalf of his subcommittee, to the Faculty Affairs Committee and the Faculty Consultative Committee.



UNIVERSITY OF MINNESOTA
TWIN CITIES

School of Management
271 19th Avenue South
Minneapolis, Minnesota 55455

TO: Professor Thomas Clayton, Chair
Senate Committee on Faculty Affairs

✓ Professor Jack Merwin, Chair,
Faculty Consultative Committee

FROM: Arthur ^{Am}Williams, Chair, SCFA Subcommittee on
Principles to Govern Distribution of Faculty Salary
Increase Monies

SUBJECT: Final Report of Subcommittee

DATE: June 18, 1985

Attached is the final report of the SCFA Subcommittee on Principles to Govern Distribution of Faculty Salary Increase Monies. As the report states, the Subcommittee attempted to achieve a reasonable balance among responding to market pressures, rewarding monitorious performance, and recognizing the impact of consumer price increases on real salaries.

cc: President Kenneth Keller
Acting Vice President V. Rama Murthy
Assistant Vice President Richard Heydinger

REPORT OF THE SCFA
SUBCOMMITTEE ON PRINCIPLES TO GOVERN DISTRIBUTION
OF FACULTY SALARY INCREASE MONIES

The Subcommittee met from noon to 2:30 p.m. on April 23 and May 9, 1985. On the basis of lively, intense discussions it drafted preliminary recommendations concerning the distribution of faculty salary increase monies. In phrasing these recommendations the Subcommittee attempted to achieve a reasonable balance among responding to market pressures, rewarding meritorious performance, and recognizing the impact of consumer price increases on real salaries. On May 21 the Subcommittee met for about 2 hours with President Keller and members of his staff to discuss their preliminary position. Several SCFA members also attended. On June 14, after receiving some additional salary comparison data for corresponding departments at 23 other universities, the Subcommittee decided to revise slightly preliminary Recommendations 2 and 3. The other recommendations remain essentially the same.

Recommendation 1. Although this Subcommittee's specific assignment is to suggest how salary increase monies should be distributed, not to make a case for the amount of those monies, it urges the Central Administration to provide as large a dollar amount as is reasonably possible and to make the faculty aware of these special efforts. We believe that the faculty needs reassurance that faculty salary increases continue to be the top priority item in the budget.

Recommendation 2: The Central Administration should keep a small portion of the monies allocated for salary increases to address actual retention cases. Since the Subcommittee made this preliminary recommendation, the Legislature has allocated \$4.2 million over the 1985-87 biennium for market

and retention increases. Instead of retaining all of this money for actual retention cases the Subcommittee recommends that as much of this money as possible be distributed to colleges with departments that face strong market pressures or to individual faculty members for whom the regular merit increase is inadequate either to recognize their achievements or to discourage offers from other schools. The Subcommittee believes that distribution of these monies at the time 1985-86 salaries are being determined will result in more efficient, equitable, and wise decisions.

At our request David Berg supplied the Subcommittee with 1984-85 salary data for 23 universities that might be used to compare market pressures among departments. The Subcommittee found the data interesting and helpful but raised several important questions concerning their interpretation. First, the Subcommittee believes that without relative quality assessments as well as comparative salaries, it is impossible to tell whether salaries should be raised more in one department than another. Second, the Subcommittee would emphasize the Big Ten comparisons. The Subcommittee noted the absence of certain high quality universities such as Berkeley from the other comparison schools and the inclusion of many schools they considered not to appropriate comparison standards for a university that aspires to be one of the top five public institutions. On the other hand it did note that even with these school included, in many cases Minnesota salaries were below the average. The Subcommittee realizes that the information provided may be the best available, but believes that it should be interpreted with caution. The Subcommittee also believes that a comparison of University salaries by department with those at the other state universities in Minnesota would be useful. Third, the data present average salaries. Additional information that would be useful include the

median, the range, and perhaps the standard deviation. Fourth, some of the departments for which salaries are provided are too broad. For example, "social sciences" department includes many different disciplines which are likely to vary greatly in quality, salary status, and market pressures. Finally, for some departments the number of faculty members at Minnesota or some other universities was too small to make meaningful comparisons.

Recommendation 3: Ideally the remainder of the salary increase monies should be spread proportionately among all colleges. However, the Subcommittee recognizes that the Administration may not be able to respond adequately to special department market pressures or "anticipated retention cases" with the monies allocated from the special market and retention increase monies. Therefore, a modest portion of the remaining salary increase monies may have to be used to provide higher percentage allocations to some colleges than others.

Recommendation 4: Deans should be permitted to vary the percentage salary increase funds among departments based upon their perception of market demands and meritorious performance. They may also elect to withhold a small amount centrally to handle retention cases.

Recommendation 5: Department heads should be permitted to base individual salary increases entirely on merit. For a satisfactory, competent performance the faculty member's increase should be somewhat less than the average percentage. The department heads should also be required to justify any salary increases falling outside a specified range. To

illustrate, depending upon the average salary increase percentage available, the rule might be to require justifications as follows:

<u>Average percentage available</u>	<u>Increase for satisfactory performance</u>	<u>Justify increase granted if</u>
5.5%	3.5%	Below 2% or over 13%
4.5%	3.0%	Below 1.5% or over 11.5%
3.5%	2.5%	Below 1.0% or over 10%

One member of the committee dissents from this recommendation. This faculty member favors an across-the-board increase equal to the amount the Legislature states it is providing to match expected consumer price increases.

Recommendation 6: The Central Administration should require all department chairs or heads to establish a formal system under which each faculty member can report annually his or her teaching, research, writing, and service accomplishments. Department chairs and heads should review these reports prior to determining salary increases.

Department chairs and heads should also be reminded that on November 20, 1975 and again on December 5, 1979 the SCFA endorsed the May 22, 1975 Report of the Task Force on Academic Salaries which contained the following paragraphs:

5. Decisions concerning salary increases for individual faculty members should continue to be made primarily at the departmental level. Department heads and department faculty should consult to determine expectations of performance and rewards for performance.

• • •

A number of mechanisms are available for systematic evaluation of faculty performance. At present, probably only research has an easily determined market value so that if salary is strictly market-determined, the effect will be to reward research and not to reward other activities. In the face of an imperfectly competitive market, the University will have to devise systems to reward those other activities which it values as instrumental to its mission. Toward this end a new teaching evaluation policy was approved by the University in the spring of 1974. Evidence can be obtained of service to the University community through membership on departmental, collegiate, University-wide, and external committees. Units primarily concerned with outreach to the people of the state have or should develop standards for measurement suited to their programs.

Respectfully submitted by:

Margery Durham
Richard Goldstein
Harvey Keynes
Geoffrey Maruyama
Frank Sorauf
Arthur Williams, Chair
June 14, 1985

June 27, 1985

Page 2

You will be notified by telephone in a day or two of the amount from this special fund which is available to your unit. These extra funds should be distributed to deal with the situation of anticipatory retention of individuals of outstanding merit whose current salaries are inappropriately low in relationship to their market value. In order to qualify for a portion of these special funds, the faculty member must receive no less than an 8% salary increase from the unit's regular salary funds before these special funds are used to meet needs of anticipatory retention and market pressure. If your unit has been allocated a portion of this \$800,000 pool, you should submit your recommendations for review by the appropriate Vice President by July 8, 1985 for small colleges and other administrative units and by July 15, 1985 for other colleges.

You are reminded once again that the final recommendations for salary distribution should be submitted to the Budget Officer (C. B. Grygar) no later than the following dates:

Small colleges and other administrative units - July 12, 1985
Other colleges - July 19, 1985

/crg

cc: Kenneth H. Keller, President
Stephen S. Dunham, General Counsel, University Attorney's Office
C. Arthur Williams, Chair, Senate Committee on Faculty Affairs
Salaries Subcommittee
Jack C. Merwin, Chair, Senate Finance Committee
Dean D. Stuthman, Chair, Senate Consultative Committee



UNIVERSITY OF MINNESOTA
TWIN CITIES

Department of English
Lind Hall
207 Church Street S.E.
Minneapolis, Minnesota 55455
(612) 373-2595
6-3008

*An additional item for
consideration at our*

*Tuesday, May 21
meeting with
President Keller.*

*Arthur
Williams*

May 13, 1985

May 16, 1985

Professor C. Arthur Williams
Department of Finance & Insurance
837 Management/Economics Building
West Bank, Minneapolis Campus

Dear Arthur:

Thank you for inviting me to write my dissenting opinion on the subject of salary increase distribution. My ideas reflect my consultation with the EEOWC, but that body never voted on them, and at least one person seemed to prefer an emphasis on merit increases. Nor did I consult only with women. I have put our Committee's concerns before the SCFA, and although again there has been as yet no vote there, some of what I say develops opinions from that group as well as from some few informal discussions with others.

My dissent from the majority opinion is based on the following arguments:

1. The relevant reference figure is not zero, as the majority assumed, but the rate of inflation. It is unlikely, I believe, that those whose salary increase drops below the inflation rate will feel rewarded or meritorious. Those whom I consulted did not believe that anyone could think a one-, two-, three-point or greater loss in real income was recognition of their merit, especially when others are given some real gain. Furthermore, some felt that presenting such a loss as a merit increase insulted their intelligence. The blow to morale is therefore double: a loss in real income and a thin disguise of this loss, a disguise so transparent as to fool only the naive, carrying therefore the implication that our faculty are indeed naive.
2. The Legislature has not been influenced to treat the University differently from other state institutions of higher education by our basing salary increases on merit. While some legislators may see the University as different in kind from others in the state, the Legislature as a body clearly does not, since it is working on a "stand still" budget for us, as for others. This is the case even though the University Administration listed faculty salaries as its first priority. Although salaries were distributed last year according to "merit" alone, the Legislature this year has taken no notice. An alternative strategy would be to designate all salary money for inflation, and to tell the Legislature flatly that their paltry salary appropriations will not enable this institution to maintain a high quality. Many of that body's members already know that they cannot cut taxes and maintain high quality state services at the same time, and the message should not be difficult to present to the others.

3. An across-the-board increase need not lose the University its market-competitive faculty. Retention money can be (and in practice, is) held out of the salary allocation for use as necessary or, preferably, can be allocated separately, as is requested of the Legislature in this year's budget and as was granted in the preceding one.

The ruling metaphor in our committee discussion was that of a donkey, more specifically of "carrot and stick." To this animal fable I would oppose the idea of human community. We choose our probationary faculty carefully, and we review them rigorously before granting them tenure. Mistakes, even egregious ones, are still made, but at least among the tenured faculty, community and collegiality should be possible. I would rather support a few of the unworthy (as I do under the "merit" system, anyway), than discourage the risks necessarily involved in original thinking and research. Creativity, I would maintain, is a by-product of community, not of a struggle to snatch the carrot from the teeth of some other poor beast.

The tenets of social darwinism, on which a pure merit increase is tacitly based, are not those which made Western civilization great. They appeared, instead, in a period that many writers, of various political colors, have termed decadent, and they were repudiated in serious intellectual circles shortly after their appearance. I believe that the University should do better than to employ a mode of thinking so lacking in intellectual vitality.

Sincerely,



Margery Durham
Associate Professor

copies: Tom Clayton, SCFA
Charlotte Striebel, EEOWC



UNIVERSITY OF MINNESOTA

Office of the Vice President for Academic Affairs
213 Morrill Hall
100 Church Street S.E.
Minneapolis, Minnesota 55455
(612) 373-2033

June 27, 1985

TO: Vice Presidents, Chancellors,
Deans, Directors and Department Heads

FROM: V. Rama Murthy *V. Rama Murthy*
Acting Vice President for Academic Affairs

Neal A. Vanselow *Neal A. Vanselow*
Vice President for Health Sciences

SUBJECT: Procedures for Distribution of Faculty Salary Increases

You have all received a memorandum from President Keller dated June 25, 1985 describing the steps to be followed in the preparation of the 1985-86 University budget. The purpose of this memorandum is to describe the procedures to be used for distribution of faculty salary increases in your units.

The Legislature has provided funds for a basic faculty salary increase of 4.5% for all units. This increase is comprised of 3.0% for inflation and a 1.5% increase to partially compensate for the loss of purchasing power suffered by the faculty during the past several years. Central Administration will allocate to each collegiate unit an across-the-board increase of 4.5% of its faculty salary base.

Based upon discussions and consultation with the various Senate Committees, the President will recommend to the Board of Regents that all salary increases for 1985-86 be merit-based with no across-the-board component. With an average salary increase of 4.5% in each unit, merit-based adjustments likely will mean that the median increase in a unit will be about 3.5 (SCFA recommends 3.0%). Thus, we recommend that average and satisfactory performance be rewarded by increases in that range. We urge you to keep written records of justification of all salary adjustments of less than 2% and more than 10%.

An additional amount of \$2.04 million was awarded by the Legislature to deal with the problems of market pressures and faculty retention during the 1985-87 biennium. Subtracting the funds necessary to cover fringe benefits, the actual amount for salary increases in this category is \$1.75 million. Of this amount, we are retaining \$500,000 centrally to deal with individual retention cases in FY86 and FY87. From the remaining \$1.25 million, we intend to allocate \$800,000 in 1985-86 and \$450,000 in 1986-87 at the same time as the regular salary increase funds are allocated. These funds will be distributed to some, but not all academic units.

June 27, 1985
Page 2

You will be notified by telephone in a day or two of the amount from this special fund which is available to your unit. These extra funds should be distributed to deal with the situation of anticipatory retention of individuals of outstanding merit whose current salaries are inappropriately low in relationship to their market value. In order to qualify for a portion of these special funds, the faculty member must receive no less than an 8% salary increase from the unit's regular salary funds before these special funds are used to meet needs of anticipatory retention and market pressure. If your unit has been allocated a portion of this \$800,000 pool, you should submit your recommendations for review by the appropriate Vice President by July 8, 1985 for small colleges and other administrative units and by July 15, 1985 for other colleges.

You are reminded once again that the final recommendations for salary distribution should be submitted to the Budget Officer (C. B. Grygar) no later than the following dates:

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cc: Kenneth H. Keller, President
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