



UNIVERSITY OF MINNESOTA

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

August 7, 1984

MEMORANDUM

To: Faculty Consultative Committee  
From: Meredith  
Re: August business

1. AUGUST FCC MEETING: MONDAY, AUGUST 27  
12:30-3:00  
Regents Room, Morrill Hall
2. August meeting of Senate Finance Committee will follow, 3:15-4:45. The Consultative Committee is cordially invited to join in this final discussion with SFC and Vice President Keller of the proposed 1985-87 O&M and specials budget.
3. It has been suggested that the FCC or the SCC would be the logical body to arrange a reception for the Magraths this fall. Please telephone your thoughts on this proposal to Phyllis Freier (373-3327) or me (373-3226).
4. FCC must complete some appointments at the August 27 meeting. Perhaps some of the work can be wrapped up even sooner via the telephone.
  - A. Appoint one faculty member from a coordinate campus to the Senate Finance Committee (one-year term, renewable).
  - B. Appoint one faculty member for a two-year term on the Recreational Sports Board of Governors. The person will succeed Ellen Betz and serve with Charles Walcott. FCC members have suggested the following:

Jeralyn Plack (Assoc. Prof., Physical Education)  
Carol Pazandak (Assistant to the President)  
Juliann Carson (Associate Dean, CLA).
  - C. Appoint two faculty members to the new Review Committee on Advertising, Sponsorships, and Promotions. (TCCA last spring approved its establishment on the recommendation of ACSA which had in turn been prompted by the Office of Student Affairs. See reverse side for motion.)

I will be happy to collect your suggestions for appointees ahead of the meeting (by 'phone or note) and will copy and send them on to all the FCC so the committee can dispatch this business speedily on August 27.

ENCLOSURES: (1) Agenda for August 27  
(2) Draft minutes of the July 16 meeting  
(3) Report of the Cohn Committee  
(4) 1985-87 Capital Request and O&M and Specials Budget  
(5) Corrected directory of members' addresses and phone #'s



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FACULTY CONSULTATIVE COMMITTEE

Monday, August 27, 1984  
12:30 - 3:00  
Regents Room, Morrill Hall

AGENDA

- 12:00-12:00
1. Minutes of June 20, June 28, July 16 and July 23 for approval (7/23 enclosed; rest sent earlier).
  2. Report of the Chair.
  3. Nominations and appointments (see memorandum).
- 12:30-1:00  
1:00-1:30
4. *NC Accred. Guest: Betty Robinett*  
Discussion with Associate Vice President for Academic Affairs, Dr. A. J. Linck.
  5. Tenure Code Revision. Guests: Vice President Keller, Professor Fred Morrison.
  6. Report of the Cohn Committee (enclosed). Guest: Attorney Steve Dunham.
- 1:30-2:15
- 2:15-3:00

NOTE: Meeting of Senate Finance Committee, to which SCC is invited, follows at 3:15, also in the Regents Room.



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CORRECTED AND  
APPROVED 9/20/84

MINUTES

FACULTY CONSULTATIVE COMMITTEE

August 27, 1984  
Regents Room  
12:00 noon - 3:15 p.m.

FCC members present: Phyllis Freier, Joseph Latterell, Cleon Melsa, Jack Merwin (Chair), Paul Murphy, Irwin Rubenstein, Frank Sorauf, Deon Stuthman, Burt Sundquist.

Student SCC members present: Kathy Birk, Charles Farrell, Paul Schulte, David Shope.

Guests for all or part of the meeting: Mark Brenner, Steve Dunham, Kenneth Keller, A. J. Linck, Jeann Linsley, Fred Morrison, Betty Robinett, Maureen Smith.

1. The minutes of the FCC's meetings of June 20 and 28 and July 16 and 23 were approved.
2. The tentative meeting schedule for the year was adopted. President Magrath will meet with SCC on October 4. SCC will meet on the Morris campus October 18.
3. Report of the Chair. Professor Merwin.

Professor Merwin has met with President Magrath and with Vice President Keller about continuing and upcoming agenda items.

Presidential Search. The Regents formalized the search process at their August meeting. A 13-member Advisory Committee has been established and includes the FCC's seven nominees. That committee's first meeting is scheduled for September 4 or 5. November 15 is the nominations deadline. The Regents have employed former Regent Neil Sherburne as consultant. Coordination between the Regents Search Committee and the Advisory Committee is expected to come via Duane Wilson's office which serves as staff to both.

Other searches. Searches continue for a dean of the School of Public Health and a dean of Pharmacy. A search has apparently not yet been initiated for a new dean of the College of Biological Sciences.

Recommendations from Task Force Reports: Converting to a semester system. Dr. Robinett reported to the meeting that a working group has been named to look at the various aspects of implementing a semester system for the Twin Cities campus. She anticipated that the President would recommend to the Regents in September a move to the semester system.

FCC members urged that the discussions be undertaken in a way to maximize faculty and student input. It is advisable for members of the

Educational Policy and Faculty Affairs Committees to serve on any task force formed to consider implementation. FCC believes it appropriate for the Senate to review the proposal.

4. Nominations and appointments.

A. Senate Finance Committee: a faculty member from a coordinate campus.

Professors Latterell and Melsa nominated Professor Wendell Johnson of the Crookston Arts and Sciences Division. FCC voted to appoint Professor Johnson, subject to Senate approval.

B. Recreational Sports Board. FCC voted to ask Professor Jeralyn Plack (Physical Education) to serve the two-year term.

C. Committee on Sponsorships, Advertising and Promotions. FCC deferred action until the September meeting.

5. North Central Association Reaccreditation Process (for the Twin Cities Campus).

Guest: Assistant Vice President Betty Robinett.

Following the president's planning staff's initial discussions, Dr. Robinett was asked to head up the planning for the self-study and the reaccreditation team visit, which will occur in Spring, 1986. Dr. Robinett distributed outlines of the preliminary proposal.

The Association (NCA) permits the University of Minnesota, with its size and complexity, to undertake a special areas review as opposed to a comprehensive review. Dr. Robinett underscored that the completed work and reports of the planning task forces provide background and will save faculty time in the self-study which precedes the review. The administration wants the full cooperation and enthusiasm of the faculty in the process.

Focus in the self-study will be on

- Research
- Planning
- Relationships between research and planning
- Instruction, particularly in graduate education.

The NCA's assistant director has approved the idea of our working on special areas. Undergraduate education will be the emphasis of the University's participation in a conference in Spring, 1985. That report can be added to the pre-accreditation review.

Data standardization. NACUBO\* has proposed a standardized format for certifications. Minnesota could be among the first using the new data-collection format in 1986. Doing so would permit data comparisons with other institutions.

The president will probably ask SCC's assistance in composing the steering committee for the self-study, Vice President Robinett said. The comparable committee in 1975 included chairs of a number of Senate committees.

Dr. Robinett and Professor Murphy emphasized that the review should be designed and executed in such a way as to optimize its usefulness to the University.

\* National Association of College and University Business Officers.

6. Discussion with Academic Affairs Associate Vice President Linck.

Dr. Linck had accepted Professor Merwin's invitation to share with the Consultative Committee his thoughts on major University matters before his departure to become Provost and Vice President for Academic Affairs at Colorado State University.

Dr. Linck told FCC that a significant development since the last NCA review is the tying of University planning to budgeting and the biennial request. Good communication about this process, as through a letter to all faculty from the budget executive, is advisable. With fiscal austerity somewhat eased, the next phase will be critical test of our commitment. The University needs to keep revitalizing itself, and to do it in part from its own funds by sustaining the momentum of reallocation.

The evolution of the state's average cost funding formula will provide a test of legislative treatment of the University and is worth watching.

Maintenance and replacement of the enormous amount of equipment we have bought will be a major burden to the University. Maintenance is costly, and more frequent replacement with contemporary equipment is necessary.

The University needs better space utilization and more graceful space reassignment.

Improving instruction. It is time to carry on what SCEP started years ago. Complete course reassessment is desirable. Should the University move to a semester system, it will necessarily occur.

Research. Facilitating interdisciplinary research is important. Dr. Linck referred to the possible incorporation of the University's Water Research Resources Center into the Natural Resources Research Institute at UMD. He pointed out that in many areas of the University the research operations are separate from and not integrated with instruction. He described the funding capability of the Legislative Commission on the Management of Resources and its commitment to solving specific problems over the short range. (This is under consideration but no decision has been made.)

Professor Rubenstein asked who holds future administrators to account for planning commitments when the leadership changes. Dr. Linck noted that in addition faculty turnover will be tremendous over the next decade and will of course introduce new interests. Good records are being kept, he noted. New administrators should, of course, read their units' plans when they come in. Changes decided upon should only be reversed with after very careful thought.

FCC members expressed their gratitude for Dr. Linck's service to the University and joined in a warm round of applause.

7. The Tenure Code. Guests: Vice President Keller, Professor Morrison.

Central administration brought to the July meeting of the Regents' Faculty, Staff and Student Affairs Committee the Tenure Code as approved June 7 by the Faculty Senate. Vice President Keller described his July 2 letter to the Regents as generally supportive of the document but including

some recommendations for caution and suggesting that any proposed changes go back to the Faculty Senate. The Regents Committee will discuss the document in September. They wish to know the nature of the discussions and compromises between the faculty and the administration -- to have the background to arrive at their own position. They are being provided with additional materials.

Professor Morrison distributed text he has drafted which might resolve some of the lesser differences between the vice president's letter and the Faculty Senate's document. The proposals do not address the two major problems remaining for resolution which are (1) criteria for granting tenure (Health Sciences sees the definition of teaching as too rigidly defined for clinical medical departments), and (2) the inclusion or omission of programmatic change as a permissible basis for denying tenure or for the non-reappointment of faculty members on probationary appointments.

The Morrison recommendations which the Tenure Committee will consider at the start of fall quarter concern (1) adoption of rules for academic units' consideration of tenure decisions and for the review of units' recommendations, (2) the way in which the Judicial Committee may add procedural rules, and (3) the respective roles of the Tenure Committee, Academic Vice President, and Judicial Committee in amending and interpreting the tenure regulations.

Professor Sorauf urged resolution of the questions as soon as possible because of the turnover among the principal participants in the tenure code revision.

It is recognized that the programmatic change issue reflects a very large problem. On this issue the Faculty Senate in May rather overwhelmingly overrode the Tenure Committee's recommendation. FCC, Professor Morrison, and Vice President Keller discussed the principles involved and took cognizance of the AAUP guidelines which permit more latitude regarding dismissals for reasons of programmatic change. Vice President Keller said that to forbid programmatic considerations in the decision on granting tenure "is to make cant of programmatic planning" and to require the most conservative hiring practices.

The actual number of cases in which otherwise qualified probationary faculty in a program slated for termination have faced decisions on their tenure has been small (3 or 4 over the last two years). Some FCC members suggested that the solution lies in the faculty's exercising stricter discipline in all tenure suggestions.

Professor Morrison stated that he could not agree to the further step of adopting the AAUP guidelines regarding permission to terminate tenured faculty for programmatic reasons.

The solution to the dilemma of equitable application of the teaching-research-service criteria to faculty in all University units may lie in recognizing that service is a number of things and in describing those better, and in recognizing that the Medical School's clinical faculty's professional service to patients is also an essential part of the education of medical students-- hence constitutes teaching.

Among other material for the September Regents' meeting, Professor Morrison's draft can be presented as representing resolutions along whose lines the Tenure Committee will probably make a proposal.

8. Consent Decree petition on the University's internal tribunals.

General Counsel Steve Dunham introduced Carol O'Toole, the petitioners' lawyer, whom he had invited to attend.

Professor Merwin outlined the background: filing of the petitions (June, 1983), formation by FCC and EEOWC of the ad hoc committee on internal tribunals, chaired by Professor Miriam Cohn, and the submission of its report in June, 1984. Mr. Dunham has just asked Professor Greenberg to have the Judicial Committee review the report because of its implications for that committee.

Mr. Dunham emphasized that the petition, while it is a lawsuit, is above all a faculty matter since it seeks to change the way the faculty handles its internal grievance process. He told FCC he has not argued the legality of this petition's coming under the consent decree because our purpose is to have the best grievance system we can. Lots of faculty consultation and comment on the recommendations is needed, he said, Ultimately, central administration has to decide how to respond to the petition.

The Cohn Report purports to propose a grievance change only for Rajender claimants. Realistically, it is questionable whether the faculty would operate two systems, and whether it would be equitable to do so.

(The Faculty Consultative Committee's subcommittee on the University grievance system completed a draft model for a new system early in 1984 but has suspended activity on it pending completion of the faculty's work on a new tenure code.)

Mr. Dunham and FCC members discussed portions of the report briefly, as time permitted. There was no enthusiasm for the proposal to select Judicial Committee members by lot.

As regards having part of the Judicial Committee serve as a discovery committee, FCC members contended that since discovery is already a proper function of the Judicial Committee, problems claimants have reported encountering can be handled by making the Committee do its job. Mr. Dunham noted that many disputes revolve around the difference under Minnesota's privacy law between what a court can require and what the University is not free to allow, that is, access to the personnel files of a colleague.

The report proposes a salary grievance panel within the Judicial Committee. (The FCC's subcommittee proposes a salary grievance body within each college.) Professor Freier argued that the Judicial Committee's area of responsibility should be limited to what falls under the Tenure Code. Professor Sorauf said that any salary review committee would have to be provided with criteria.

There was no firm FCC response on the recommendation that parties agree in advance that the findings and recommendations of the Judicial Committee would be binding. Professor Sorauf commended the Cohn Report for its attempt to formalize mediation. However, he said, for mediation to be effective, the officers in the case must remain neutral and advocacy must be ruled out.

Professor Freier urged that a claimant be allowed, if she chose, to skip the Judicial Committee process and go to court initially.

NEXT STEPS: Mr. Dunham told FCC the administration and the lawyer for the petitioners will attempt to resolve some of the points. The administration will continue to consult with faculty groups.

The FCC meeting adjourned at 3:15 p.m.

Meredith Poppele,  
Recorder



Senate Consultative Committee  
August 27, 1984

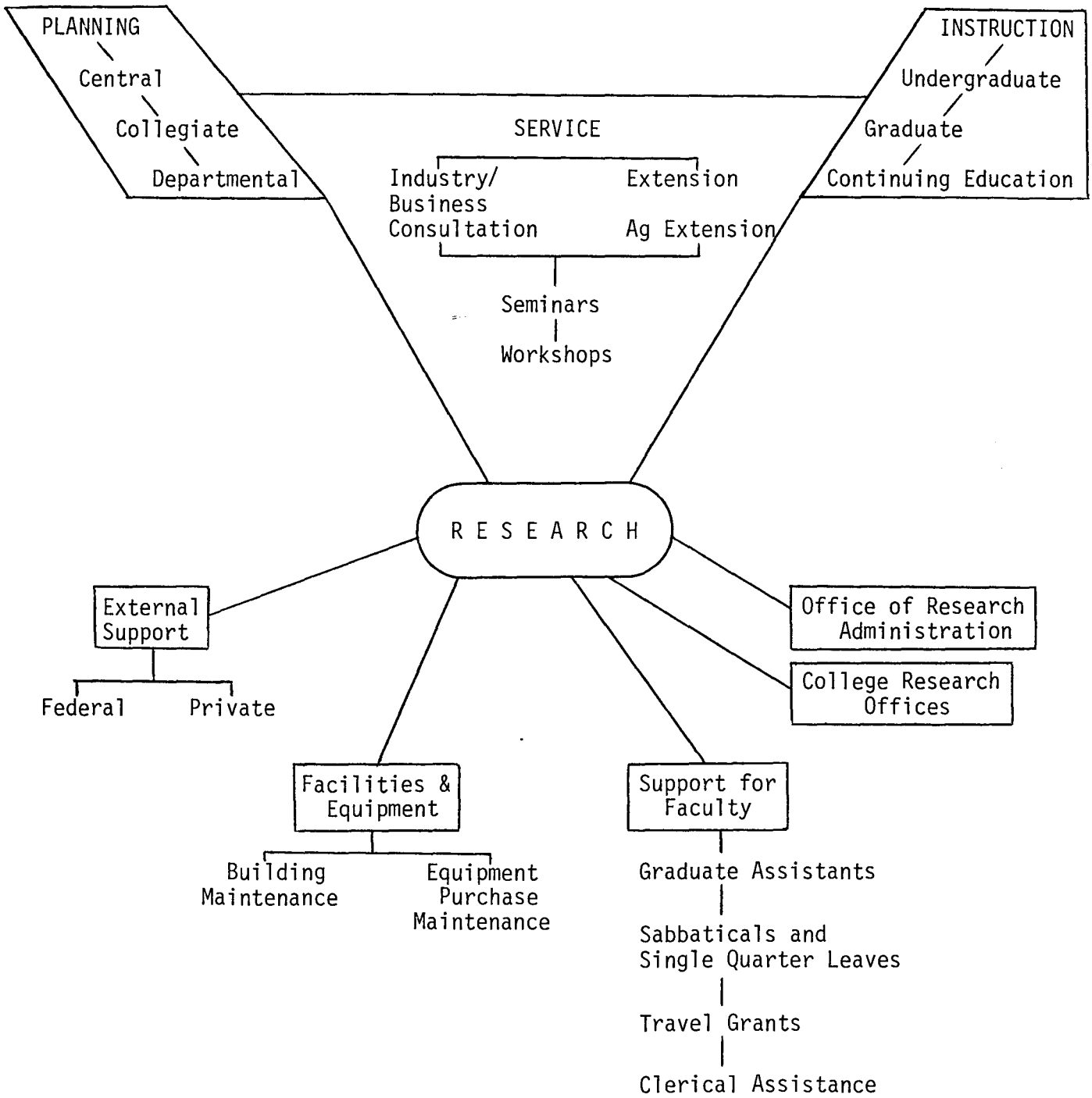
### **NORTH CENTRAL ASSOCIATION ACCREDITATION REVIEW**

The North Central Association allows comprehensive universities to devise evaluation plans that are atypical under NCA rules. They have given permission for the University of Minnesota to identify several areas for special emphasis and will appoint a review team with the appropriate expertise. Because the University is a research university, in contrast to many other institutions of higher education that are mainly instructional in nature, it seems appropriate to focus attention on the research efforts of the institution. It seems equally appropriate, in view of the major emphasis placed on planning in the years since the last accreditation, to review the impact of our institutional planning on research as well as on other facets of the University. Since imparting of knowledge through instruction is intimately connected with the acquisition of knowledge through research, a review of the effect of research efforts on the instructional aspects of the University is also envisioned. Particular attention will be paid to graduate education.

For purposes of discussion, the attached diagram provides an initial indication of various University activities relating to research.

#### **TIMETABLE**

- |             |   |
|-------------|---|
| Fall 1984   | <ul style="list-style-type: none"><li>● Agreement on focal points</li><li>● Preliminary proposal to NCA</li><li>● Appointment of Steering Committee</li></ul> |
| Summer 1985 | <ul style="list-style-type: none"><li>● Self-study completed and ready for review by administration</li></ul>   |
| Fall 1985   | <ul style="list-style-type: none"><li>● Self-study forwarded to NCA</li></ul>   |
| April 1986  | <ul style="list-style-type: none"><li>● Site visit by accreditation team</li></ul>  |



# COPY



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

July 2, 1984

Honorable Charles H. Casey  
Honorable William B. Dosland  
Honorable Willis K. Drake  
Honorable Erwin L. Goldfine  
Honorable Wally Hilke  
Honorable Lauris Krenik  
Honorable David M. Lebedoff  
Honorable Verne E. Long  
Honorable Charles F. McGuiggan  
Honorable Wenda W. Moore  
Honorable David K. Roe  
Honorable Mary T. Schertler

Dear Ladies and Gentlemen:

At its meeting on June 7, 1984 the Faculty Senate approved a proposed set of **Regulations Concerning Faculty Tenure**. Their approval culminated a process which has taken approximately two years in which the Tenure Committee has drafted, revised, and guided through Senate debate and amendment this revised Tenure Code. We have tried to keep you informed of their deliberations and, as you will recall, the proposed Code has been on the Regents' agenda on several occasions during this period. At the July meeting, the approved version is scheduled for discussion and we anticipate presenting it to you for approval at the September meeting. A representative of the Tenure Committee will join us for the July discussion.

As I have indicated before, the proposed Code is a good deal clearer and more explicit in a number of areas than the 1945 Code, defining academic appointments more clearly and simplifying their structure, incorporating criteria that should govern promotion and tenure decisions, dealing more carefully with procedures to be followed in the event of a fiscal emergency, and delineating the role and procedures of the Judicial Committee in greater detail. While the central administration has had only a very limited role in the development of this document, we have tried to work with the Tenure Committee in making our concerns and your concerns known and, in several instances, reasonable compromises in language have been developed. Therefore, in general, the President views this as a reasonable and thoughtful document which we can recommend positively to you. However, there are some areas in which we have some remaining concerns and we believe that it is appropriate to bring them to your attention.

The proposed Code rejects explicitly the possibility of eliminating tenured positions as a result of programmatic change (Section 12). In this respect, it goes well beyond the national AAUP standards and, indeed, beyond the protection offered in the Tenure Codes of many major American universities. There is no question that this provision places severe constraints on programmatic planning on any practical time scale although it does not entirely prevent it since the Board has adopted a number of measures to encourage voluntary separation. The Board may

wish to accept this section since it is consistent with historical practice at Minnesota. However, the Faculty Senate rejected a suggestion that Section 7.11 be modified to allow the University to terminate a probationary faculty member on programmatic grounds. This appears to be far more serious in that it can easily lead to situations in which the University would be forced to grant tenure to an individual in a program already scheduled for elimination. We believe that the adoption of Section 7.11 without provision for programmatic considerations in tenure decisions will lead to a number of serious problems in the initial hiring of faculty, in programmatic planning, and in the welfare of probationary faculty members. Therefore, we believe that Section 7.11 should be modified to include a programmatic criterion in tenure decisions.

Section 7.11 is also the section about which several members of the Board raised questions in connection with the role of service in a tenure decision. The section has been modified in response to the Board's concern. It now makes clear that the kind of outreach activity carried out in the Agricultural Extension Service is a form of teaching and, as such, should weigh heavily in the tenure decision. Service is defined more clearly and the separation is made between service rendered in faculty governance and service which draws on an individual's professional competence. The one remaining area in which we believe some clarification is needed relates to patient care in our Health Science programs. Such service is an extremely important part of our educational programs as well as our service mission and is quite appropriately considered in making tenure decisions. It appears to us that footnote 6 on page 9 would allow us to interpret patient care as appropriately included in the tenure assessment, but it would seem prudent that the Board adopt a statement confirming its intention that this section of the Code be interpreted in that way.

The proposed Tenure Code takes some care to balance the appropriate authority of the Board of Regents with the necessary delegation of certain responsibilities to the administration and the faculty and with the time-honored traditions of consultation at this university. For the most part, the document succeeds in achieving that balance. However, in a few instances the wording appears to shift final authority or an inappropriate level of control over administrative procedures to the University Tenure Committee. These are matters of emphasis which could be adjusted by relatively minor wording changes and we suggest that those changes be made in the following sections:

1. Section 7.4 (page 11, line 4). The first sentence describing procedures to be followed by academic units in making tenure and promotion recommendations states that the academic unit ". . . must observe procedures established by the Vice President upon recommendation of the Tenure Committee." The sentence appears to suggest that the Tenure Committee should be responsible for recommending the units' procedures and that the Vice President would be bound by that recommendation. A more appropriate balance would appear to be achieved by changing the sentence to read that the academic unit ". . . must observe procedures established by the Vice President after consultation with the Tenure Committee."

2. Section 7.61 (page 12, line 21). This section deals with procedures for administrative review of academic unit tenure recommendations. It states that

"... the Vice President, with the approval of the Tenure Committee, establishes general rules for such review." This sentence goes even farther in giving the Tenure Committee approval authority over administrative procedures. Indeed, it is not quite clear how the Board itself could affect those procedures in any practical way if it had concerns. We would suggest that the sentence be changed to read "... the Vice President, after consultation with the Tenure Committee, establishes general rules for such review." If serious conflict exists between the Tenure Committee and the Vice President, the Board could then take action to resolve the conflict.

3. Section 13.2 (page 23, line 3). This section defines the rules governing the conduct of hearings before the Judicial Committee. It provides that the Judicial Committee may adopt additional rules "... with the approval of the Tenure Committee." Proceedings before the Judicial Committee are of such serious importance to the University that it would appear that a different process should be used for approving the rules that govern those proceedings. Since the Faculty Consultative Committee is elected by the faculty at large and also serves as the steering committee of the Faculty Senate, it would seem more reasonable to delegate to that group the authority to approve Judicial Committee rules if they are not to be considered by the Senate at large. Where interpretations of the Tenure Code provisions are required, it would certainly seem reasonable to involve the University Tenure Committee, but since the Tenure Code is a document of the Board of Regents, it would also seem reasonable that the Board be asked to approve changes which depend upon interpretation of the Code's provisions.

4. Section 16 (page 30, lines 14-21). These two paragraphs deal with the role of the Tenure Committee in interpreting and amending regulations. While it is clear that in the case of amendment of the **Regulations**, the Board of Regents must ultimately become involved, it is not clear that a mechanism is being provided for involving the Board in the equally important questions of interpreting the **Regulations**. It would seem wise to modify this section to provide the Board an opportunity to consider and approve interpretations by the Tenure Committee or the Judicial Committee of the meaning of the **Regulations** since the Board should be best able to define its intentions in adopting this Code.

Section 11 of the proposed Code deals with the situation of fiscal emergency. It describes three sequential stages of planning and action to respond to increasing levels of severity in the fiscal situation. It would be prudent to note, either directly within the Code or in an accompanying memorandum of interpretation, that the provisions of the contract between the University and those faculty members represented by a collective bargaining agent will determine the University's procedures with respect to those faculty members where the Code and the contract are in conflict.

With the exception of one or two minor editorial changes, the points outlined above touch on all the areas of the administration's continued concern. Of course, Board members may well find other areas of the document that they would like to explore with us and we will be prepared to deal with any such issues at the July meeting.

Board of Regents  
July 2, 1984  
Page 4

Sincerely yours,



Kenneth H. Keller  
Vice President

KHK:trc

xc: President C. Peter Magrath  
University Vice Presidents  
Provosts  
Mr. Stephen S. Dunham, General Counsel  
Professor Jack C. Merwin, Chair, Senate Consultative Committee  
Professor Fred L. Morrison, Chair, Senate Tenure Committee  
Student Representatives to the Board of Regents

FRED MORRISON'S  
MEMORANDUM

*Contributed at the Faculty Staff  
And Student Affairs Committee  
of the Board of Regents on  
9/13/84*  
Circ FCC  
10/4

Matters raised by Vice President Keller's July 2, 1984, letter.

Several of the matters raised by Vice President Keller's letter of July 2 can be remedied by relatively simple technical changes in the draft Tenure Regulations.

1. Numbered comments 1, 2, and 4 relate to the respective roles of the Administration and the Faculty Consultative bodies in establishing rules for various steps of the tenure-granting process, and in making technical interpretations to the Regulations. These provisions deal only with procedural and technical matters. Major changes would require formal amendment.

In light of Vice President Keller's comments, I will propose to the Tenure Committee a two-level process. At the first step, rules and interpretations could be adopted by the Vice President and Tenure Committee jointly. If they cannot agree, the President could adopt them after consultation with the Faculty Consultative Committee.

My proposal would involve changes to section 7.4, 7.61 and section 16 to provide cross references to a section which would provide:

The Vice President and the Tenure Committee may jointly adopt [rules] [interpretations] consistent with these Regulations. If the Vice President and the Tenure Committee do not agree the President may adopt rules or interpretations after consultation with the Faculty Consultative Committee. Any rules or interpretations must be reported to the Faculty Senate and to the Board of Regents before they go into effect.

2. The concern about the Judicial Committee's rules of procedure, which is point 3 in Vice President Keller's letter of July 2, may present a more difficult problem. The present Tenure Regulations allow the Judicial Committee to adopt such procedural rules without review by any other body. The Faculty Senate decided that review by the Tenure Committee was preferable to review of such detailed matters by the full Senate. The Vice President, who will usually be a party before the Judicial Committee, should not have a special role in the adoption of its Rules of Procedure.

3. Vice President Keller's concern about retrenchment on collective bargaining campuses seems misplaced. Section 2.1 provides that the collective bargaining contract would supersede

the Tenure Regulations in all cases (including retrenchment issues) where they are in conflict. We intend to work with Mr. Dunham possibly to reformulate section 2.1 in light of the recent Minnesota Supreme Court decision.

The reformulation might be along these lines:

These Regulations govern the relationship between the Board of Regents and every faculty member employed by the University of Minnesota, except as superseded by the provisions of collective bargaining agreements. These Regulations are part of the contract between the Board of Regents and every faculty member employed by the University of Minnesota outside of collective bargaining units.

4. The opening paragraphs of the July 2 letter relate to denial of tenure for reasons of programatic change.

The version of the Tenure Code submitted to the Faculty Senate for consideration permitted such factors to be used in tenure decisions. That draft provided, in addition to the other criteria for tenure,

"Although the decision will be based on the faculty member's qualifications, it may also be based upon program area needs and priorities of the academic unit."

When this section was considered in the Faculty Senate on May 2, the Senate overwhelmingly voted for deletion of this language. The provisions of the abstract of Senate debates is attached.

5. The other issue arising from section 7.11 relates to the standards for granting tenure. The proposed Regulations place primary emphasis on teaching and research, but also recognize the importance of service in two significant ways:

(1) There is a specific reference to high quality discipline-related service contributions in the second sentence of 7.11.

(2) Teaching and research are broadly defined in footnotes 4 and 5 of the same section.

Many of the functions which are spoken of as "outreach" or are loosely called "service" fall within our meaning of teaching and research. The communication of knowledge to others is "teaching," whether it occurs in a classroom or in a one-to-one relationship in the field. Similarly the creation of systematized knowledge for the use of others is research, whether that is intended for publication in the most highly technical scholarly journals or is intended for communication to the practitioners in the field whether lawyers, farmers or doctors.



We do intend to exclude several things from consideration under the "service" criterion. We do not believe that committee work or departmental or collegiate administrative duties are appropriate "service" for tenure-granting purposes. (We have a professional and administrative category which is appropriate for such functions.) We do not believe that routine business or professional commercial transactions provided by the University should be a basis for the granting of tenure, unless those are somehow integral to the teaching and research functions. And we do not believe that the exercise of ordinary "good citizenship," while a laudible contribution to the community, is ordinarily something which should be credited in awarding tenure.

The Tenure Committee agrees with Vice President Keller that we have struck a reasonable balance between these concerns. If there is a continuing concern about the role of clinical faculty in the Medical School, we would be willing to reexamine that question.

FLM:hlc

Attachments

A

Draft of December 20, 1983.

Page 8

23

**SECTION 7. PERSONNEL DECISIONS CONCERNING**

24

**PROBATIONARY FACULTY**

25

**7.1 Criteria for Decisions.**

26

**7.11 General Criteria. Indefinite tenure will be granted only to those**

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persons who demonstrate (a) effectiveness in teaching and advising students, and

Page 9

1

(b) professional distinction in research and writing or artistic production. The

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relative importance of these primary criteria may vary in different academic units

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but neither may be disregarded in any decision. Probationary appointments must

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be terminated whenever appointees fail to satisfy these criteria in their last year

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of maximum probation and may be terminated earlier if it appears that they are

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not making sufficient progress toward satisfying these criteria.

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A probationary faculty member's service contributions to the University, the

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community, the state and nation may also be relevant to a decision, though it

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should not be expected that faculty members will have made significant

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contributions of this kind during their probationary period. Performance as a

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member of the academic unit may also be relevant.

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Although the decision will be based primarily on the faculty member's

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qualifications, it may also be based upon program area needs and priorities of the

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academic unit.

SECTION 7. PERSONNEL DECISIONS CONCERNING  
PROBATIONARY FACULTY

7.1 Criteria for Decisions.

7.1.1 General Criteria. The primary criteria for awarding indefinite tenure are effectiveness in teaching<sup>4</sup> and professional distinction in research.<sup>5</sup> High quality discipline-related service contributions<sup>6</sup> may also be taken into account. The relative importance of the criteria may vary in different academic units. Both of the two primary criteria must be considered in every decision,<sup>7</sup> but in some academic units, a faculty member will not be expected to have made significant service contributions during the probationary period.

The individual's service to the academic unit and other service contributions to the University may also be relevant to a decision, 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 will not satisfy the criteria within that period.

<sup>4</sup> "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.

<sup>5</sup> "Research" is not limited to the publication of scholarly articles. It encompasses other activities such as artistic production.

<sup>6</sup> "Service" means high quality performance within the faculty member's academic expertise and the mission of the academic unit rendered to the community at large. As a criterion for faculty tenure, it does not include the rendering of routine professional services, even if those are within the faculty member's job description. It also does not include service in quasi-administrative functions such as service on faculty or Senate committees; those activities are relevant only to the limited extent set forth in the following paragraph.

<sup>7</sup> Because of the special mission of the Crookston and Waseca faculty members, these need show only effectiveness in teaching and disciplined inquiry in their fields of endeavor.

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

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**UNIVERSITY OF MINNESOTA**

**FACULTY SENATE MINUTES**

February 9-June 7, 1984

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MAY 3, 1984

The sixth meeting of the Faculty Senate to consider the proposed tenure regulations revisions was convened in 45 Nicholson Hall, Minneapolis campus, on Thursday, May 3, 1984, at 3:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 101 members of the faculty, 1 member of the Council of Academic Officers, and 5 nonmembers.

Acting Vice Chair Paul Murphy presided.

The Faculty Senate meeting was reconvened to consider proposed revisions of the University Regulations Concerning Faculty Tenure. The following amendments were submitted. (Motions were numbered.)

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59. Marcia Eaton, William Hanson, and Naomi Scheman, College of Liberal Arts, moved to amend Section 7.11, page 9, lines 12-14, by deleting the paragraph

Approved.

\* \* \*

**ABSTRACT**

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Motion 59 was presented by Naomi Scheman, assistant professor of philosophy. It deleted the statement that a tenure decision could be based on program area needs and priorities of the unit. Ms. Scheman maintained that a person hired by a unit should not be constantly worried about the centrality of his or her work, that the decision was really made when that person was hired, and program and priorities should not come up in connection with tenure decisions. Mr. Krislov said his committee was opposed, indicating it was important to protect the mission of the University and that many eventualities can occur after a person is hired. He admitted it was a case of where the obligation to the individual came in conflict with the obligations to the University at large. He suggested that modifying language could be drafted. Norman Kerr, professor of genetics and cell biology and AAUP executive committee member, was concerned that there was a threat to academic freedom in the way the proposal was worded and he cited the possibility of a person changing his or her area of research. Mr. Hirwicz urged the Tenure Committee to formulate alternative language, indicating that if a person were denied tenure during hard times he or she would find it difficult to find employment, and that future employers could assume that quality had been involved. Kent Bales, professor of English, and Edward Noy, Regents' professor of astronomy, favored the motion, the latter indicating that he could imagine cases where program needs and priorities could be misused. Karal Ann Marling, associate professor of art history, said her area was in a constant state of flux, and that unless the language were deleted, the document would simply perpetuate the image of the University as a conservative institution with a definite animosity to new directions. The motion was approved.

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## Laying off lay-offs

Some western companies, copying Japanese practice, find that keeping people in jobs through bad times as well as good improves employee relations, productivity and profitability. But it isn't that easy.

How many workers buy their employer a \$30m car? This is what the workforce at Delta Airlines did in December, 1982, when they presented the firm with a Boeing 767. Though it operates in a notoriously cyclical business, Delta shuns the American way of laying off workers at the first sign of trouble: the airline keeps pay and benefits above its competitors and it has not laid off an employee since 1956. IBM, another exceptional employer, has not made anybody redundant for 30 years.

Both these companies have produced exceptional profits over the years, and their commitment to job security is reckoned to have played its part in the results. Now other companies are following their lead.

In a recent study\*, Mr Fred Foulkes, professor of management and director of the Human Resources Policy Institute at Boston University, found that offering job security to employees creates loyalty to the company, confidence and trust in management, much less resistance to technical change, lower staff turnover, and better employee relations—all competitive advantages which can contribute to higher productivity and profits.

He found that only 30 leading American companies—Eli Lilly, Lincoln Electric, Hewlett-Packard, Avon Products and Bank of America among them—now operate their businesses with a no-lay-offs policy. But new and old companies are joining the ranks, including the no-frills airline People Express, General Foods, Xerox, American Airlines and Control Data.

Mr James Bolt, president of the Connecticut labour consulting firm Human Resources Associates, reports\*\* that job security has replaced wage-and-benefit demands as the main bargaining issue for American labour unions. In contracts during the 1980-82 recession with Ford, General Motors and Chrysler, the United Auto Workers union (UAW) gave up benefits, pay and work-rules in return for job security. General Motors and Ford agreed to experiments at several plants to test the Japanese practice of life-time jobs for 80% of their workforces.

Such companies frame their product and marketing strategies to support their commitment to job security. They may limit the amount of sales to government and other customers who can be large but unpredictable customers. Gorman-Rupp, a pump maker, set a 5% sales limit to government buyers but raised it to 12-15% during the recession to keep jobs. Hewlett-Packard once declined a

\$7m contract because it would have meant hiring a lot of people and then firing them once the job was done.

Companies with a no-layoffs policy also have to insist on work flexibility so that people can change jobs—say, from manufacturing to sales—when business is bad. Bank of America closed some small branches and moved tellers and clerks into telephone marketing. Top managers at Delta Airlines help baggage handlers at Christmas peaks. About 50 factory and office workers at Lincoln Electric, the low-cost arc welders, generated \$10m in new sales after a six-week sales training course.

As a matter of policy, Intel and Hewlett-Packard reduce pressure on earnings



You mean we get to do this forever?

during lean times by staying debt-free and paying no more dividends than the company can comfortably afford. Many companies committed to job security avoid short-term incentives for employees and, instead, offer stock options and profit-sharing. They hope this will help persuade employees to take an interest in the company's long-term prosperity.

Such policies do not come cheap. Forgoing market share and contracts reduces revenues. Inventories may sometimes be higher than in more ruthless firms as workers produce for the shelves in order to avoid lay-offs. Retraining costs money: Mr Bolt reports that as part of its job security deal with the UAW, Ford will spend \$12m-15m a year on workers at a new training centre.

None the less, the gains often outweigh the costs. Big companies avoid the

cost of lay-offs, which can run as high as \$50m a year in redundancy payments (severance pay and benefits). And they end up with a more loyal and co-operative workforce. IBM, a company evangelical about job security, reckons that its employees have reduced the labour time that goes into making their products by two thirds—with a consequent cost savings of 45% (after taking into account rising real wages). Ford estimates that the boost its job-security programme gave to employee morale helped create 59% improvement in car quality between 1980 and 1982.

Not all companies will find job security to their taste. Professor Foulkes warns that it is not appropriate to the most highly-cyclical industries (eg, cabbage-patch dolls or seaside hotels). Even in stable industries, such policies need careful career planning and hiring practices

as well as good forecasting on demand and productivity. Few companies are capable of making such detailed plans—let alone fulfilling them. Also, many employees like to switch firms.

Job-conscious employers and academics reckon, however, that the trend towards job security will continue. As industries have a greater technology and service bias, good employees increasingly become a firm's main asset. And no company can afford to play fast and loose with that.

\*"Full employment, product/marketing strategies." By Fred K. Foulkes and Anne Whitman, Human Resources Policy Institute, Boston University.

\*\*"Job Security: its time has come." By James E. Bolt, Harvard Business Review (December, 1983).