



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee
164 Food Science and Nutrition
1334 Eckles Avenue
St. Paul, Minnesota 55108
Telephone (612)373-3226

AGENDA

FACULTY CONSULTATIVE COMMITTEE

September 16, 1982

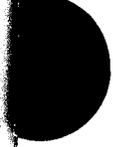
10:30 - 12:15

300 Morrill Hall

Approx. time

- 10:30 1. Nominations
- A. To Senate Planning Committee
 - B. To faculty workload study group
 - C. To University-industry policy drafting group - Pratt
- 10:50 2. Legislative relations - Peter Robinson
- 11:05 3. Plan for parallel review by Tenure Committee and Regents of 1973 Tenure Code - Howe, Swan
- 11:15 (vote on closing meeting)
4. All-University Honors Committee's question regarding procedure (enclosure: copy of Czarnecki June memo to SCC) - Caroline Czarnecki
- 11:50 5. Humphrey Institute/Control Data issue: How does FCC propose to respond to Professor Bradford's request to address the committee?

President Magrath will join the meeting at about 11:00.





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DRAFT
MINUTES

FACULTY CONSULTATIVE COMMITTEE AND
FCC CONVERSATION WITH THE PRESIDENT

September 16, 1982
10:30 a.m.-12:55 p.m.
300 Morrill Hall

FCC members present: Virginia Fredricks, Phyllis Freier, John Howe,
Marvin Mattson, Douglas Pratt, Donald Spring, Patricia Swan (Chr.),
John Turner.

Guests present: President Magrath, Vice Presidents Hasselmo, Keller and
Vanselow, Caroline Czarnecki, Carol Pazandak, Peter Robinson,
Maureen Smith, Donna Seese, Don Jacobson.

1. Report from Regents Educational Policy Committee meeting of Sept. 9.

Virginia Fredricks. There was extensive discussion of two related items: establishing principles for University-industry relationships, and the contract with Genetics International which the administration had signed early in the summer. The Regents passed the resolution to establish a task force to develop a University-industry relationship policy, but with a friendly amendment to receive the report in March, 1983, instead of December, 1982. Vice President Keller told the Regents the task force would include persons who have served on patent committees.

Among the Regents' concerns about the Genetics International contract was whether the University would always know the precise identity of all people involved in joint projects.

2. Nominations.

A. University-industry policy-developing task force. Douglas Pratt reported the following names, drawn from the groups Academic Affairs had recommended: C. Eugene Allen (Senate Research Committee), Ellen Berscheid (Faculty Affairs), Robert Holt (interested scholar whose work is not in an affected field), and Douglas Pratt (SCC).

FCC members recommended that IT, the Medical School and the Graduate School administration be represented. Phyllis Freier stressed the need for caution because of the deeply significant consequences university-industry collaborations will have.

On September 30, SCC will discuss what if anything it would like to do or see the faculty at large do in parallel with the work of the task force.

B. Planning Committee. Marvin Mattson nominated Richard Christenson, Chr. of the Division of Arts and Sciences, UMC, and a senator. The FCC voted to approve Richard Christenson for a three-year term on the Planning Committee. On September 30 FCC will name a replacement for Joseph Galaskiewicz, who is on leave 1982-83.

C. Other nominations. On Sept. 30, FCC will make nominations to the task force on faculty workload.

3. Legislative Relations.

Peter Robinson, faculty legislative liaison, reported that there could be entirely new leadership in the legislative finance arena, due to retirements and primary results.

He told of Bob Holt's tremendous contribution in attaching legislative district identification to each of 5,000 University faculty members. The data are in a computer. Faculty hosts for home meetings with legislators will receive a print-out of all faculty living in their district. Besides meetings with primary victors, Robinson also recommended a meeting with I.R. gubernatorial candidate Wheelock Whitney or his representative, to discuss higher education needs.

John Turner reported that the Faculty Association has set up a system of screening committees overseen by Bruce Overmier. The F.A. intervened very carefully in five primary races; four of the candidates it supported were victors, including Fred Norton, Larry Pogemiller and John Brandl. The screening exercises serve also to acquaint legislators with the University's situation. The Association needs a membership drive and money.

Peter Robinson recommended holding a discussion of the relationships between the FCC, the Faculty Association, and the faculty's legislative liaison. He views the half-time release for a faculty liaison as essential; the job takes well over half-time. Swan and Turner stated they had heard a lot of faculty support for Robinson's position and Turner said the relationships between the Association and Robinson has been very good.

Robinson praised the job Vice President Kegler does; he added that there are some things faculty uniquely can do. For widespread faculty acceptance it seems useful to have an independent faculty-appointed liaison.

Robinson's legislative liaison position and complementary half-time academic appointment appear to be renewed for the full 1982-83 academic year. Swan stated Robinson can assume the FCC's strong support for him.

4. Tenure Code Review.

Pat Swan said Tenure Committee Chair Robert Morris reported feeling a sense of urgency from the Regents Faculty and Staff Affairs Committee on September 9 about progressing on review, but that no plan has developed of how to proceed jointly.

John Howe reported from the same meeting that Regent Dosland expressed recognition the Tenure Code issue had been dangling a long time and needed to be attended to. The Regents showed interest, but had not yet thought about the issues substantively.

Vice President Keller said he has told the Regents he would prepare for them a document indicating the differences between the 1945 code and the 1973 document, discuss it with them, and serve as their liaison with the Tenure Committee. Swan called attention to a potential issue, considered and rejected by the Senate for the 1973 document: whether the new code should include a section providing for planned reductions for programmatic purposes. Many university tenure codes now include such a section. Vice President Keller will invite Professor Morris to raise this and other issues which Keller will then take to the Regents Faculty and Staff Affairs Committee.

Vote to close meeting.

Pat Swan asked the committee for a vote to close the remainder of the FCC meeting for three purposes:

- A. Honors Committee business with Chr. Caroline Czarnecki; that committee's business is confidential;
- B. A personnel matter regarding a request addressed to FCC for a hearing;
- C. To honor the President's request to provide information to and solicit advice from the Faculty Consultative Committee regarding issues related to collective bargaining.

Virginia Fredricks moved, and the FCC voted without dissent to close the meeting.

Present: Fredricks, Freier, Howe, Mattson, Pratt, Spring, Swan, Turner, Magrath, Hasselmo, Keller, Vanselow, Czarnecki, Pazandak.

5. Honors Committee.

Pat Swan described that committee's normal procedures in making recommendations to the Regents for awarding honors. The Senate has been concerned, she said, that the Honors Committee not become advocates but rather sit in review of the recommendations sent to them. That committee often becomes a focal point when a constituency wants to promote a name. The policy provides that the Honors Committee should not originate a nomination.

Consequently, said Swan, we were concerned over the decision of the Regents to name a health sciences building for former President Moos. There had been an ongoing interest in naming a building for Dr. Moos. After his untimely death, the Regents asked for a building named for him. The Honors Committee did not propose a building, but Professor Czarnecki, Chair of the committee, bent the rules to make an effort through several units to see that such a proposal would come forward. In the meantime, the Regents voted to name a health sciences building for Dr. Moos. Professor Swan expressed her deep concern to President Magrath that the faculty were not consulted over this matter. The Senate Consultative Committee was unaware of the procedural conflict until it received the Honors Committee's memorandum in June.

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President Magrath stated that for years people had asked that a building be named for Dr. Moos, since it has been a tradition to so honor each former president. That tradition put Dr. Magrath in an awkward position, and he was reluctant to become personally involved in the advocacy.

He offered to talk with Regents Moore and Krenik and express the concern of the faculty and FCC regarding the episode. In a similar situation in the future, when the Regents think appropriate action is not occurring, he could arrange for a conversation among the concerned parties. He had not seen Professor Swan's July letter to Regent Moore.

The President asked who can make an honors nomination. Professor Turner quoted passages from the committee's handbook of operating procedures which state that nominations can come from any faculty of the University and from University alumni, that the nominations should be reviewed by the unit concerned, preferably by a committee of that unit, and that the Honors Committee is not to initiate honors. Turner said it is quite easy to get a nomination started: an interested person takes his proposal to the unit concerned and prepares a dossier which is considered in confidence. Professor Czarnecki assured those present that the Honors Committee usually spends a lot of time advising nominators of what constitutes an adequate dossier. Many nominations have come in during the past year, and the committee has screened them before sending them on to the unit concerned. When materials come from the unit concerned to the Honors Committee, Honors considers them; the nominations they approve they send on to the President.

Professor Fredricks asked whether a dossier on Dr. Moos had ever been submitted. Professor Czarnecki said the files show only that the building-naming suggestion was made several times but not that a specific nomination came through.

Vice President Keller said that if procedure is the issue, we have to get out all relevant facts, including facts not in the written record. For instance, when he asked an earlier chairman of the Honors Committee how to proceed with a nomination to honor Dr. Moos, he was told that people didn't like Moos and the effort shouldn't be made. Professor Turner stated that a chairman acting in such a manner is not speaking for the committee but as an individual, and irresponsibly. He noted also that usually buildings named for former presidents are general-use buildings which do not house faculty. Professor Pratt, while expressing dismay at the behavior of the prejudiced earlier chairman, asked why Vice President Keller had been so easily put off. Keller said that in retrospect he regards it as a mistake, but that at the time, with many critical University matters to attend to, he was seeking to avoid a confrontation.

John Turner stated that the question of naming a building for Dr. Moos arose while he chaired the Honors Committee and was part of the impetus behind the Shepherd report. (Note: Committee to Study the University Program of Honors and Awards, chaired by Prof. William G. Shepherd and charged by President Magrath "to review the policies and procedures involved in the University's program of honors," reported in January, 1979; the recommendations were incorporated into the updated committee procedures handbook.) During his four years on the Honors Committee, Turner said, no member felt Dr. Moos

should not be honored by having a building named for him. The committee believed, however, that a dossier should be forthcoming. Turner called the issue a very, very serious matter of faculty consultation and communication between the administration and the Honors Committee. He raised the possibility that the Regents know Honors Committee procedure, since correspondence from Honors Committee chr. Kirkwood (March, 1980) had explained it to Regent Moore.

President Magrath offered his assessment that the key factor was the Regents' belief, although mistaken, that since seven years had passed, a nomination would never be forthcoming from the Honors Committee. The Regents would probably have felt strange at initiating and compiling the dossier themselves. Professor Turner noted that the Regents could approach people in the unit concerned to initiate the nomination. Political Science was one of the University units considering a list of buildings in the course of Professor Czarnecki's efforts to see that a nomination came forward.

Professor Czarnecki reported that Regent Krenik had telephoned her the evening before the Regential vote to tell her they intended to take that action, and that she had tried to dissuade him because of the probable far-flung implications for the Honors Committee's work. She assured him that they were working on the matter and needed more time. They should not have believed that nothing would come of the Honors Committee's efforts, she said.

Professor Mattson offered the view that if the Regents had made the interpretation that no nomination would be forthcoming, their best action would have been not to act.

Professor Turner inquired why, even though the Regents had thought there would be no action, and Professor Czarnecki was at work on the matter, someone in central administration did not caution the Regents as to the importance of their taking action on their own, and ask them to wait. The written record, he said, indicates quite a lot of activity over the years in Morrill Hall over getting a building named for Dr. Moos; surely out of that involvement there could have been a motion out to the units for initiation of a nomination.

President Magrath repeated that he had become personally embarrassed about involving himself. He himself had reached the conclusion that nothing would be done. Professor Swan asked if he had considered consulting with the FCC, and he acknowledged that he had not, which he said was wrong. In the future, he would.

Professor Turner said the constructive thing now is to look to the future. We should let the Regents know we would prefer to keep the procedures regularized. President Magrath said he owed both committees an apology.

Professor Spring said that when the committee structure appears to be functioning improperly or inadequately, the Regents need to know that the SCC as the steering committee can demand a report from any committee within 30 days. The President said he thinks the Regents do perceive the SCC as the steering committee, but in the case of Honors business perceive the Honors Committee as the one with which they do business directly.

Professor Spring stated that in this case he thought the Senate would expect a comment on the letter SCC sent to the Regents. Several FCC members spoke against introducing the controversy to the Senate, since there would be no way to insure separation between the principle of procedures and the identification of the individual.

Turner asked for improved communication so there is understanding on both sides. Should such an issue arise again, it should come to the FCC and thence go to the Senate.

Professor Howe inquired whether anything should be done in consideration of the feelings of the faculty occupying the health sciences unit in question, as an interested party. The President said he has had some exchanges with Dentistry Dean Oliver and has shared those conversations with some Regents. He said he would be glad to report today's conversation to Dean Oliver. Caroline Czarnecki and President Magrath discussed formalizing the assigning of the actual full name to the building.

6. Collective Bargaining.

Discussions with the UMEA are at a very critical point, said the President. He asked whether the FCC members present would constitute a group to advise him regarding certain issues related to collective bargaining negotiations. FCC members agreed to the President's request. The meeting continued in executive session.

President Magrath reported that Vice President Keller brought to the Regents' closed meeting on August 26 a recommendation that the University not submit the issue of faculty compensation to binding arbitration. The Regents, on a divided vote, accepted that recommendation. UMEA's demand for "equalization" with Twin Cities faculty salaries is the issue.

President Magrath and Vice President Hasselmo said the University has positions on the table. Associate Vice President Linck and negotiators continue to meet. If the two sides do not reach agreement, a strike could follow. A vote on whether to strike could come in two to three weeks.

Vice President Hasselmo said the Vice President for Academic Affairs has been deeply involved in developing the University's position. The University is offering terms which deviate from practices on the other campuses; for example, for promotion and tenure decisions, greater weight would be given in the Office of Academic Affairs to recommendations coming with unanimous support through the Provost level. The Academic Vice President would provide a check on procedures.

UMEA took the University to court for refusing to negotiate promotion and tenure criteria and other matters. The University feels it is in the right both regarding PELRA and judging by rulings in other states. The judge refused to issue a temporary injunction against the University, but has not yet issued a final ruling. President Magrath said that the University's contention is that criteria for promotion and tenure and the academic calendar are not negotiable items. If the court rules against the administration on either of these, the administration will negotiate. Promotion and tenure criteria and procedures will be made explicit by every UMD and UMW department chair, the University has agreed.

The union wants a salary matrix closely tied to seniority. The University insists that merit must be considered in determining compensation. The University has agreed to extend "floor" compensation to include Associate Professor and Professor levels. The exact proportion of across-the-board and merit increases is yet to be determined.

The University rejects the principle of equalization with Twin Cities campus faculty salaries and argues that the proper comparison is with peer institutions. It was on the equalization issue that the Regents voted against allowing binding arbitration. The University observes that most court experience related to higher education compensation has dealt with community college faculties. Leeway exists, however, in arriving at a formula for allocation. The University's position is that UMD and UMW settlements should grant the same percentage increases the rest of the faculty received for '81-'82 and '82-'83 (10% average and 5.3% average, respectively--the latter delayed so as to constitute a 6% base increase). Actual increases varied from unit to unit because of funding available from open lines, etc. Vice President Keller stated that the actual increase was 10.55% across all units for '81-'82 and 11% in units equivalent to units at Duluth. UMD and UMW can also be permitted to go beyond the 10% and 5.3% as an actual average increase, as long as the total salary awarded comes within the faculty salary allocation to that campus. The University will permit internal reallocation of funds on each campus, but not equalization.

Professor Fredricks asked whether this position presumes each campus will always be able to keep the amount presently in the salary budget. Vice President Hasselmo said management always has the right to change the allocation to the campuses, based on availability of funds and other considerations. President Magrath said the University is unwilling to take money from other campuses and apply it to UMD and UMW. He pointed out that the Union is expected to claim an enormous victory if the University signs a contract. The University must be prepared to explain those claims to the rest of the faculty.

Professor Turner said the AAUP data show UMD salaries to be high relative to peer institutions. He asked whether, if their salary increases are limited to no more than the rest of the University faculty received, the union would retract concessions it had made in other parts of its original package in its effort to maximize salaries. Vice President Hasselmo said there is no agreement yet on the union-proposed new fringe benefits.

Vice President Keller said that UMD ranks slightly higher among peer institutions than does the University's Twin Cities campus. For comparable units, UMD average salaries are 97% of the Twin Cities average.

Professor Howe requested some assurance that the University is not negotiating away the usual faculty personnel procedures of the Office of Academic Affairs. He is concerned about the fracturing of the University and hopes Academic Affairs' role will not be diminished on the unionized campuses. Vice President Hasselmo said the Academic Vice President maintains the power to overturn recommendations, even with the weight given to unanimous recommendations. Vice President Keller acknowledged that some more decision power will go to administrators on the UMD and UMW campuses. Central administration

retains the power to change administrators if they are not upholding University standards.

7. Carry-over FCC business.

Professor Swan reported that she and Meredith Poppele will telephone each FCC member regarding carry-over business. The FCC will meet for 15 minutes preceeding the September 30 SCC meeting to resolve committee and task force nominations and a response to Professor Bradford's request for a hearing before the committee. She judges there will be no such hearing, but that the FCC may want to pursue some questions illuminated in this controversy.

The FCC meeting with the President adjourned at 12:55 p.m.

Meredith Poppele,
Secretary

Draft summary of 9/16/82 FCC discussion with President Magrath on Honors Committee business.

In a closed meeting, the Faculty Consultative Committee discussed with President Magrath (1) its deep concern over the fact that regular procedures were not followed prior to the Regents' decision to name a unit of the health sciences for the late President Moos; (2) the circumstances which are presumed to have led to the action being taken as it was; and (3) the need to ensure use of the regular process in the future. The FCC believes that the problem resulted from a failure in communication among the administration, the Regents, and the Honors Committee.

The FCC reminded the President that the Senate believes the Honors Committee should never become advocates but rather sit in review of recommendations submitted to them. In 1978 President Magrath appointed the Committee to Study the University Program of Honors and Awards, chaired by Professor William G. Shepherd, and charged it "to review the policies and procedures involved in the University's program of honors." The committee's recommendations were reported in January, 1979 and incorporated into the Honors Committee's handbook of operating procedures. Three key provisions of those procedures are that nominations can come from any faculty of the University and from University alumni, that the nominations should be reviewed by the unit concerned, preferably by a committee of that unit, and that the Honors Committee is not to initiate honors.

There is a high trust vested in the Honors Committee. To assure the value and integrity of all honors awarded, it is important that the Honors Committee not be compromised in any way. Likewise, it is important that regular



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164 Food Science and Nutrition
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September 3, 1982

President C. Peter Magrath
202 Morrill Hall

Dear Peter:

Welcome back!

The Faculty Consultative Committee looks forward to meeting with you on Thursday morning, September 16 at 11:00. You may want to join us a bit earlier during our conversation with Peter Robinson for a retrospective and prospective look at the activities of the faculty legislative liaison, beginning at about 10:50. We would like next to talk briefly about the plans for parallel review by the Tenure Committee and the Regents of the 1973 Tenure Code.

We expect to close the rest of the meeting, beginning at approximately 11:15. Caroline Czarnecki will join us for discussion of the controversy which developed last winter between the Honors Committee and the Regents, and for the more general matter of communication between the FCC and the Regents. Our agenda concludes with attention to the Humphrey Institute/Control Data controversy; specifically, how the FCC proposes to respond to Professor Bradford's request to address the committee.

You will already have been plunged back into the thick of things, and perhaps you will have topics you want to raise with us. We will, of course, value the opportunity.

Sincerely,

Patricia B. Swan, Chair,
Faculty Consultative Committee

PBS:mbp

cc: Faculty Consultative Committee

June 3, 1982

TO: Senate Consultative Committee
FROM: All-University Honors Committee
SUBJECT: Naming of Buildings

The All-University Honors Committee wishes to register objection to the manner in which action was taken by the Board of Regents in its February 12, 1982, decision to name a University building. Attention to this question is being directed to the Senate Consultative Committee and through it to the University Senate for consideration of its substance. The opposition is expressly to the way the Regents acted and has no reference whatsoever to the individual whom the Regents decided to honor. In this objection, the question of procedures is separated from the question of the honor itself.

Specifically, the action of the Regents in deciding on their own initiative to direct the naming of a building, violated standard procedures of University governance. Established policy requires the generation and recommendation of building names through the faculty housed in the building to be named in a person's honor and the review of a recommendation for such naming by the All-University Honors Committee before consideration of such action on the Regents' docket. For the Regents to have acted independently without the consultation with the pertinent faculty and without reference to the duly constituted screening committee is to have neglected long-standing policy and appropriate channels.

The Awards and Recognitions Policies and Procedures Handbook of the University of Minnesota, approved by the Board of Regents, states:

The committee on All-University Honors is responsible for recommendations to the president and the Regents of the University concerning all names proposed for buildings on all properties operated as a part of the University, . . .

Recommendations for building names should be submitted to the committee through the appropriate provost, dean, or administrative head of a school, college, institute, or other major unit of the University.

. . .

The submission of a name for a building used for academic purposes should also involve consultation with the faculty who are associated with the building.

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The action of the Board of Regents clearly violates the procedures established for naming buildings. Such action not only undermines the work of the All-University Honors Committee, but sets a dangerous precedent for jeopardizing the principles of faculty governance. It is imperative that the Senate Consultative Committee consider this matter with the University Senate as it regards the future roles of faculty consultation and the All-University Honors Committee in naming buildings and bestowing other honors under established University policy.

cc: President Magrath
Duane Wilson
Richard Purple



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164 Food Science and Nutrition
1334 Eckles Avenue
St. Paul, Minnesota 55108
Telephone (612)373-3226

July 12, 1982

President C. Peter Magrath
202 Morrill Hall

Dear Peter:

The Faculty Consultative Committee would like to have time within the September 9 meeting of the Regents Committee on Faculty and Staff Affairs for Bob Morris, chairman of the Tenure Committee, to report on plans for his committee's review of the tenure code revision approved in 1973 by the Faculty Senate. We also want the opportunity to discuss with the Regents the plans of their committee and our Tenure and Consultative Committees for a parallel consideration of a new tenure code.

Some time ago Regent Schertler made a general offer to the FCC to provide us time on her committee's agenda each month. I would like to accept that invitation this year, at least insofar as we have important issues to discuss. We would, of course, propose agenda items through you.

Sincerely,

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

Patricia B. Swan, Chair,
Senate Consultative Committee

PBS:mbp

cc: Vice President Keller



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

September 7, 1982

Professor Patricia B. Swan, Chair
University Senate Consultative Committee
164 Food Science and Nutrition
St. Paul Campus

Dear Pat:

I would like to confirm formally that I would appreciate your providing me with the names of four faculty members to work on a task force concerned with developing guidelines for University-industry relations. As you know, I have made a commitment to the Board of Regents to develop such a policy by the end of Fall Quarter. I recognize that it may be difficult to finish by that time and that the policy evolved may be preliminary in nature, but I would like to get started on this effort as soon as possible.

Thank you for your help.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Ken'.

Kenneth H. Keller
Vice President

KHK:jhh



UNIVERSITY OF MINNESOTA
TWIN CITIES

Hubert H. Humphrey Institute of Public Affairs
909 Social Sciences
267 19th Avenue South
Minneapolis, Minnesota 55455
(612) 373-2653

June 4, 1982

Memo To: President C. Peter Magrath and Vice President Kenneth Keller
From: Calvin Bradford *Calvin Bradford*
Re: Control Data - Humphrey Institute Research Issue

I am writing this memo because I am quite miffed at the process which has been used by the Humphrey Institute and the central administration to handle the matter of pressure from Control Data corporation asking the Humphrey Institute to disassociate itself from my research and impugning the integrity of myself and my research associates.

I am writing you to see if you can explain how you were able to investigate the issue and make a presentation before the Senate Consultative Committee on May 20, 1982, about this issue without ever contacting me or any member of my research staff.

I understand that a draft version of the Humphrey Institute faculty meeting of May 14, clearly marked "For Approval", was distributed to the Consultative Committee as background material. I do not see how draft faculty minutes which may (and in this case do) contain errors can serve to assist people in getting a factual background to the matter. How did you get this account, and why was it used as background material?

I would like to point out that these unapproved minutes are quite incorrect on several points (see the attached copy of my response which was requested when I first received the draft minutes after you had presented them before the Committee). Specifically, I understand that the Committee was told that whatever difference I had with Harlan had been resolved. The draft minutes say that I agreed to the Control Data review of our work prior to publication. As you can see by my response to the draft minutes, that is not true. If you had called me about the situation, I would have seen to it that you had the full set of documents which I sent out to all the faculty members before the meeting (a copy is now attached to prevent further errors). As you can see from the cover letter I wrote for these materials, I strongly objected to the use of Control Data as a critic. They have a vested interest in seeing that the work is not published. I think it hardly reasonable that given their views and attempts to interfere in the work that they could ever be seen as a reasonable "insurance against factual errors," as Harlan has put it. Moreover, as researchers, it is our job to check out all facts before completion of the article - which we have done and will continue to do.

You will see that in the revised version of the faculty minutes

(attached) some of the errors have been corrected, including any reference to my agreeing to the Control Data critique. Also, you can see that those of us involved in the research do feel that the response to Control Data's efforts to stop the work have, indeed, interfered with the work schedule and used up valuable and limited time and resources.

Harlan sent both of you a note about the issue, a statement of his intention to make an agreement, and the basic outline for the agreement on March 19, 1982. In all that time, while people in Harlan's office were contacted to get background information, none of us involved in the research has ever been contacted by you or representatives of your offices.

Although I recommended that the issue be brought before our faculty before anything was done, and although I recommended that the university attorney be brought in before any agreement was made, both suggestions were declined. Now I find that the issue has been brought before the Senate without my knowledge or input.

Frankly, I am quite surprised that in an issue where my research capabilities are being challenged, the central administration, including the senior academic officer of the University, would presume to have completed its own research on this issue without contacting one of the two parties involved and without checking the facts in the case. Even the reporters who have attached themselves to the issue followed those basic rules of investigation.

Because of this tremendous lack of concern for the principles of due process, and what I deem an equal lack of concern for the seriousness of this issue as a threat to academic freedom, you must understand that I am uncomfortable with any claims that the university or the Institute will somehow protect my interests.

If there is an explanation for this process and your support for the agreement with Control Data, I would be eager and willing to listen and be persuaded to change my mind.

cc: Harlan Cleveland

Duane Wilson, for the Board of Regents

attachments:

Faculty Meeting Minutes - May 14, 1982 - For Approval

Calvin Bradford memo to Nancy Girouard, May 20, 1982

Faculty Meeting Minutes (Revised) - May 14, 1982 - For Approval

Calvin Bradford memo to Humphrey Faculty (with attachments),

May 13, 1982



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 14, 1982

Professor Calvin Bradford
Hubert H. Humphrey Institute of
Public Affairs
909 Social Sciences
West Bank Campus

Dear Professor Bradford:

As you probably know, President Magrath left last week to begin a three-month leave of absence. However, before he left we had a chance to discuss your memorandum of June 4, 1982, and he asked me to respond for the both of us.

The President and I were asked by the Senate Consultative Committee to comment on the letter sent on April 28, 1982, by Harlan Cleveland to Lawrence Perlman confirming the understanding they had reached with respect to the publication of your study. We were asked to comment on our view of that agreement in the context of academic freedom and responsibility. I had a copy of the letter and had met with Harlan Cleveland to discuss his interpretation of it and to ask him what had transpired at the meeting of the Humphrey Institute faculty. During our discussion, he provided me with a copy of the draft of the minutes of the faculty meeting.

Based on the letter and the conversation with Mr. Cleveland, the President and I gave the Senate Consultative Committee our opinions on why and how a review process of the kind proposed by Mr. Cleveland could be conducted in a manner consistent with academic freedom and responsibility. We also told them that the matter had been discussed at a faculty meeting of the Humphrey Institute and that it was our understanding that there was general agreement that a peer review process within the Institute was appropriate, but that Control Data should certainly not be given any right of censorship. At that time, we also distributed the draft of the minutes of the Humphrey Institute faculty meeting.

I emphasize that the President was asked to comment on the agreement itself, not to conduct an investigation. Under the circumstances, it seems to me to have been perfectly appropriate to work with the Director of the Institute as we did. In retrospect, I believe that we should not have distributed the draft of the faculty meeting minutes. Fortunately, they were clearly labeled as a draft. Moreover, my reading of a letter to the Minnesota Daily signed by a majority of the Institute faculty suggests that we did not misrepresent the faculty viewpoint in our discussion with the committee.

When a corrected and approved set of minutes is available from that faculty meeting, I will be happy to transmit them to the Senate Consultative Committee. Although I have your comments on the draft, you did not provide a copy of the final approved minutes in your memorandum to the President and myself. I assume that

Professor Calvin Bradford
June 14, 1982
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they are not yet available. Of course, it would also be perfectly appropriate for you to write directly to the Senate Consultative Committee or to ask to appear at one of their meetings to express your point of view.

In the event that you did not see it, I have also enclosed a copy of my letter to the Minnesota Daily expressing my own view on how the principles of academic freedom and responsibility could be applied in this instance.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kenneth H. Keller".

Kenneth H. Keller
Vice President

KHK:lme
Enclosure

cc: Mr. Harlan Cleveland, Director, Hubert H. Humphrey Institute of
Public Affairs



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

May 23, 1982

Editor
Minnesota Daily
10 Murphy Hall
East Bank Campus

Dear Sir:

The headline in your May 21 issue ("Keller defends Control Data review") did not, in my view, reflect the content of the article that followed and certainly did not reflect my position accurately. Since the issue is a very important one, I would like to make clear where I do stand on the matter.

What I do defend, unequivocally, is academic freedom and responsibility which, in this instance, suggests that:

1. Professor Calvin Bradford should be free to conduct his research without interference, to present its results at meetings, and to submit them for publication without prior review of any kind.
2. If the Humphrey Institute is to publish the work, it is both appropriate and responsible for the Institute to judge its quality and accuracy through a peer review of the manuscript prior to publication and, as part of that review, to solicit the comments of Control Data. If Control Data points out factual errors (or substantial flaws in the work), the peer review panel may ask Professor Bradford to make revisions. The peer review panel and not Control Data would make that determination and Professor Bradford should have complete control over where, how, and whether those changes would be made. He would obviously retain the right to publish elsewhere.
3. Since the subject matter is controversial and the article may quite properly take an adversarial position, quite aside from the issue of assuring factual accuracy, it would be consistent with a procedure frequently used in scholarly journals to allow Control Data to see the manuscript prior to publication and to submit a rebuttal. Provided that the rebuttal is subjected to the same peer review and meets the same scholarly standards, it would be appropriate for the Humphrey Institute to publish it. Indeed, since the Institute is interested in airing public policy issues, this would serve its goals well.

May 23, 1982

I believe that this position is consistent with the one taken by the fourteen Humphrey Institute faculty members whose letter to the Daily was published on May 21. It is in this circumscribed context that a Control Data review of Professor Bradford's study seems appropriate.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kenneth H. Keller". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right.

Kenneth H. Keller
Vice President



UNIVERSITY OF MINNESOTA
TWIN CITIES

Hubert H. Humphrey Institute of Public Affairs
909 Social Sciences
267 19th Avenue South
Minneapolis, Minnesota 55455
(612) 373-2653

June 14, 1982

To: The University of Minnesota Community (Minnesota Daily)
Re: The Agreement Between Control Data Corporation and the Hubert
Humphrey Institute of Public Affairs Concerning the City and
Rural Venture Research

On June 1, 1982, the Director of the Hubert Humphrey Institute sent a final letter to Control Data Corporation concerning the nature of the agreement to have Control Data participate in the review of a piece of policy research we are doing about some of their programs. My understanding of the letter is that it reaffirms the agreement originally made on April 28, 1982. One provision of this original agreement sets up a review panel for our research, which we had intended to distribute as an Institute publication. A second provision states, "When the research is completed, Control Data, City Venture, and Rural Venture will have the opportunity to review the research and to submit a written critique of it before a decision is made about Institute publication."

The June 1 letter states that the review process (which had never before been used) was part of an evolving general policy for all Institute publications. On the matter of Control Data's review of our work, the letter states that the opportunity for Control Data to review the work does not imply any influence over the Institute's publication decision.

The University General Counsel, Stephen S. Dunham, wrote a letter to James Hogg, of Control Data Corporation, on May 24, 1982. This letter tells Mr. Hogg that the work will not be interfered with, but points to the June 1 letter from Harlan Cleveland for an understanding of the agreement with Control Data.

I appreciate Harlan Cleveland's sentiment that academic freedom must be preserved, and I appreciate the good intentions of the Institute faculty in their May 24 open letter affirming their commitment to academic freedom. However, good intentions are not a substitute for good policy. I do not see how the Institute can invite Control Data to be the only formal outside review agent and then claim that the review will not have any impact. Like the judge's comments to a jury to disregard a piece of evidence in a case once it has been presented, this can have the effect of making that evidence even more powerful and important.

It is our job as researchers to check the facts. We have done so in the past and continue to do so. Of course, this involves information about the actions of many organizations and individuals, not just Control Data Corporation. One cannot assume that accuracy will be preserved by soliciting the opinions of a company which has publicly tried to impugn the integrity of the researchers, asked the Institute to

disassociate itself from the research, and attacked me for my exercise of free speech in discussing my views on City Venture.

In addition to the bad policy, I am concerned about the process used in reaching this decision. I am disturbed that my suggestions that the Institute faculty and the University attorney be consulted prior to any formal agreement were not accepted. This put the faculty and the general counsel in the difficult position of responding after the agreement was made.

Further. I have informed President Magrath and Vice President Keller that I am very disappointed in their lack of concern for the principles of due process in their own investigations of the issue and their presentation of their findings to the Senate Consultative Committee. I am amazed that they would distribute background material which had not been checked for errors, and which incorrectly reported that I had agreed to the Control Data review. But in the larger sense, I was shocked that they would presume to finish their investigations without ever contacting me or my staff about our position.

I came here from Northwestern University where the administration has been quick to protect academic freedom, especially in sensitive areas of public opinion and policy, and at the risk of financial loss. I had expected to find the same high standards here. Those of us involved in the research have been disappointed in the lack of enthusiasm which the Institute and the University Administration have shown in protecting academic freedom.

We have no choice but to avoid placing our work into the special process which has been created in this agreement with Control Data. We shall submit our work to outside journals and other publications for their formal, professional review processes, with the confidence that our work meets their standards. We have no problem with professional and peer review, but surely cannot risk the integrity and reputation of our work by subjecting it to a process where there would always be a question about whether the final publication was in some way shaped by Control Data Corporation itself.

We appreciate the general good intentions of the Institute faculty, the concern and support from the students, the consistent support of the Department of Community Programs and Continuing Education and Extension (which shares our program), the outspoken support of some faculty outside the Institute, the great concern of the University of Minnesota Education Association, and the concern of the chairman of the Committee on Academic Freedom and Tenure of the American Association of University Professors at the University of Minnesota.

Sincerely,

Calvin Bradford
Cooperative Community Development
Program Director



UNIVERSITY OF MINNESOTA
TWIN CITIES

Office of the Director

bcc: Calvin Bradford

Hubert H. Humphrey Institute of Public Affairs
909 Social Sciences
267 19th Avenue South
Minneapolis, Minnesota 55455
(612) 376-9666 or (612) 373-2653

April 28, 1982

Mr. Lawrence Perlman
Vice President & General Counsel
Legal & Government Relations
Control Data
Box 0
Minneapolis, Minnesota 55440

Dear Larry:

The purpose of this letter is to confirm the understanding we reached at our meetings on March 19th and April 9th with reference to the study currently being conducted under the auspices of the Institute involving Control Data, City Venture and Rural Venture.

1. As you know, I had earlier appointed a panel consisting of John Brandl, Donald Geesaman and Robert Einsweiler to look over the work of Calvin Bradford's team and to advise me on Institute publication of the team's research product. I have also asked Professor Bradford and his team (Mike Temali and Karen Lehman) to exercise particular care and discretion, in their discussions with community personnel and others they are in contact with in connection with their study, not to take an Institute advocacy position in relation to Control Data, City Venture or Rural Venture -- or indeed other participants in urban partnership efforts.

2. When the research is completed, Control Data, City Venture and Rural Venture will have the opportunity to review the research and to submit a written critique of it before a decision is made about Institute publication.

3. We would welcome an analysis prepared by Control Data, City Venture and Rural Venture, reflecting their own perspective on the subject of the study including their experiences with the redevelopment efforts in which they have been engaged.

4. If the Institute publishes the Bradford group research it will also publish the paper prepared by Control Data, City Venture and Rural Venture.

Please let me know if you find this summary consistent with your understanding of our discussions.

Warmest regards.

Sincerely,


Harlan Cleveland