

University  
of  
Minnesota  
memo

date May 16 19 83

to Faculty Consultative Committee and FCC mailing  
list

from Pat Swan

FCC MEETING  
Thursday, May 19, 1983  
10:15 - 12:15

AGENDA

10:15 - 11:45

Faculty grievance procedures  
(Phyllis Freier, Carol Pazandak)

11:45 - 12:15

With the President: Faculty salary  
projections for 1983-85.



UNIVERSITY OF MINNESOTA

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

DRAFT  
MINUTES

FACULTY CONSULTATIVE COMMITTEE

May 19, 1983  
300 Morrill Hall  
10:15 - 11:50

Members present: V. Fredricks, P. Freier, J. Howe, M. Mattson, D. Pratt, P. Quie, W. D. Spring, P. Swan (Chr.), J. Turner.

Guests: Carol Pazandak, Richard Bale, Maureen Smith.

1. Cooperating Fund Drive.

Swan reported that the Social Concerns Committee will include in its annual report to the Senate on May 19 a progress report on the CFD. However, the subcommittee has unfortunately not arrived at its recommendation regarding incorporating that drive into the University's Consolidated Fund drive.

She distributed to FCC members copies of a CFD letter to the SCC, dated May 18, requesting that CFD be allowed to continue the pilot project for another year inasmuch as the Senate committees had not yet made a recommendation to the Senate.

Turner asked if anyone knew why faculty governance processes had not been followed and completed on schedule. (The FCC last fall, at the administration's request and in conjunction with the Civil Service Committee, appointed a joint faculty-civil service committee to study the drive.) Swan said Pat Williamson, chair of Social Concerns and of the special joint subcommittee, has indicated the problem is one of needing additional information.

Turner recommended that in view of the circumstances the pilot program be allowed for one more year. Swan added the qualifier, provided the subcommittee's questions or reservations do not relate to the way CFD conducted its pilot drive on campus; Howe added the condition, unless the subcommittee says "No" to a second pilot drive. FCC agreed that if those conditions were met, FCC could make its positive recommendation to the administration.

2. Grievance Committee. Phyllis Freier and Carol Pazandak.

Freier distributed a very tentative report and asked the FCC's advice on their recommendations and on implementation. She reported she and Pazandak had met separately with individuals and groups related to grievance procedures:

- (1) the group of grievance officers Pazandak briefs annually;
- (2) the present and past six chairs of the Judicial Committee;

- (3) the chair of the Academic Freedom and Responsibility Appeals Comm.;
- (4) Nick Barbatsis, director of the Special Counseling Office;
- (5) second meeting with Dick Poppele, present Judicial chair, who has tried out some of the proposals on the Judicial Committee;
- (6) Laura Cooper, Law School professor and member of EEOWC.

Freier and Pazandak have held an additional six or seven meetings between themselves.

Freier and Pazandak and the FCC then discussed portions of the draft report. Freier began with some history and the general problems she has encountered in the discussions, and the slow progress in recent years toward improving the University's grievance procedures:

- President Magrath in April, 1977 reported his concerns that the judicial process was too legalistic and that so many cases went to hearings;
- In 1978 a special grievance committee, chaired by Shirley Clark, reported conclusions which were not drastic and did not recommend major changes;
- In March, 1982 Carol Pazandak's Guide to Guidance Procedures at the University was published and distributed to college grievance officers, chairs of college grievance committees, and others in positions concerned with grievance matters.

Freier said indeed the system remains legalistic. Most complainants retain lawyers. It worries her to see the adversarial attitude between faculty members and the administration. The Judicial Committee is large (23 members) and has a large number of cases. They cannot talk about all the cases as a whole committee. The Judicial Committee has been interpreting the Tenure Code broadly because they think there is no other system to deal with the cases they take.

The other grievance track, established by Senate action in 1974 (in the wake of Southeast Asian war protests, etc.), the Academic Freedom and Responsibility Appeals Committee, is essentially unused and has developed no philosophical basis.

Grievance officers themselves are often not well informed and do not know where to steer a faculty member. Turner asked why this is true given the existence of the guides.

Fredricks, who is the CLA grievance officer, said there are so many sets of guides depending on the status of the individuals involved (faculty, T.A.'s, students), that she finds she has to keep referring to the "book." Within departments, she said, cases are often settled just by talking with the people involved. Turner told the FCC that he had to hold formal hearings in some cases in his department. Moreover, department grievance officers don't have copies of the guides.

Pazandak asked whether hearings should be formal at a departmental level, or whether department workings should be informal and a formal hearing required to be held at a higher level.

FCC members exchanged information on the departmental procedures they are aware of.

Swan noted there are no departmental graduate school level grievance committees, yet the director of graduate studies, rather than the department chair, is in the better position to mediate differences involving graduate students.

Spring remarked that while he also likes the idea of an informal system, unfortunately "informal" often translates as "not careful." Grievance officers are timid, tentative, and frequently not very sensible at the department level and may cause a case to escalate to more than it intrinsically is.

Turner noted that some people feel so strongly about their cases that they regard the lower levels as just something to have to go through to get to the higher level body. Unionized campuses, he noted, jump over the first and second levels and go directly to an academic vice president or president.

Fredricks noted that student grievances often cross college lines.

Freier suggested not having standing grievance committees in the departments, but instead creating special committees when cases arise. Howe cautioned that there are dangers of slanting in creating an ad hoc committee.

Spring recommended semi-permanent departmental grievance officers, and speculated that faculty will act responsibly in knowing they are electing to a semi-permanent position. It is important not to let this service get to be a joke, he said.

Pazandak raised the recommendation that college grievance officers be semi-permanent because there is so much to learn, and that they be administrative officers. Fredricks seconded that suggestion, saying that the background and office support staff would help.

Freier emphasized that the system has to be serious and good at the college level. The officer should have some time compensation. If the officers does the job right, he or she will save the University a lot of time. But there are differences of opinion as to whether a college grievance officer should be a faculty member or an administrator.

If a case is not one of academic freedom and responsibility, there is not a college committee to handle it. In CLA, at least, a grievance would go from the grievance officer to the dean.

Part II of the draft report sets out "General objectives of a simplified University grievance system." Pazandak told FCC we are not as good at the faculty level as at the student level at keeping the process simple.

Part III addresses the two general kinds of faculty-related grievances: (A) employment-related (faculty complaints against actions of the administration at whatever level) and (B) complaints against one's colleagues.

Freier stated that the Judicial Committee takes cases it should not take, which are not covered in the Tenure Code proper (although perhaps are in the Appendix). We should make sure there are other mechanisms for appeals in such

cases. Judicial is becoming too diffused and has too many cases. (The draft report says Judicial should restrict itself to appointment matters of promotion, tenure, and termination of individual faculty members.)

Pazandak and Freier propose drafting new language for a simplified, three-track system consisting of the Judicial Committee, a University Grievance System, and Administrative review of some grievances.

Salary disputes. Freier and Pazandak regard salary as a matter for review by the administrator or by the faculty as a whole. They propose that a complaint which is unresolved at the departmental level be appealed by letter to the dean.

Pazandak pointed out that current procedures do not provide peer representation on the hearing panel for a dean who is a respondent. The system lacks both credibility and clout when a party to the dispute is unrepresented, she said. Their proposal for a salary advisory committee includes one administrator.

Freier noted the recommendation to abolish certain memoranda (that of 4/18/74, amended 3/3/77 and 2/1/78 on Academic Freedom and Responsibility Senate Statement including procedures, and the Administrative memoranda of President Mcos of 7/31/73 and of Assoc. V. P. Linck of 11/18/74.

Pratt and Spring requested clarification on what categories of people would be chosen to serve on the various advisory committees proposed.

Turner spoke in favor of simplifying the system and said he was pleased Freier and Pazandak had presented the good new ideas. We as a committee, he said, should help to fill in the gaps in the plan.

Swan asked whether people thought the administration would approve the binding arbitration mode recommended for salary disputes, and indicated she rather liked it. Presently, she noted, a dean's decision is final. We could go with a broader route and have the committee decisions final. Their solutions might be perceived as more acceptable. Deans might see the committee as an aid.

Turner observed that the change would erode some of the dean's sovereignty. Swan raised the question of how, since a salary committee would not have the responsibility for finding the money, it would be made fiscally responsible.

Pratt added questions about the determination of distribution of salary funds among the units. FCC agreed it should pay attention to and think about this matter.

FCC concluded its business and proceeded to its conversation with the President (recorded separately) at 11:50 a.m.

Meredith Poppele,  
Recorder



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Guests: President Magrath, Vice Presidents Kegler, Keller and Vanselow, Assistant Vice President George Robb, Carol Pazandak, Richard Bale, Maureen Smith.

Professor Swan reminded everyone that the request for a recommendation on faculty salary increase distribution would go from the administration to the two appropriate committees: Senate Committee on Faculty Affairs and Senate Finance Committee.

The balance of the meeting was entirely concerned with the status of the University's appropriation bills within the Legislature.

President Magrath summarized the outcome of the faculty salary portion which has now cleared the conference committee. In his judgment, he said, in the context of 1983, and not addressing our documented needs, he thinks we have come out relatively well. The bill provides for:

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Kegler explained that the Legislature is adding the entire \$4.5 million in 1983-84 onto the University's 1982-83 base. Hence, noted Swan, the increases for 1984-85 will be determined on the present base plus \$4.5 million.

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Turner asked about future salary increase requests. The Senate position, later approved by the administration and Regents, emphasized the need for restoration of salary levels. The University deliberately made its smaller request in the first year of the biennium because of the state's fiscal condition. He asked, will we add onto our '85-'87 request what we didn't get this time?

Kegler and Keller noted that the plan for achieving a 17% increase over the biennium was to request 6% for '83-'84, 9% for '84-'85, and 2% for retention. Also, the plan was premised on 5% inflation, a rate higher than we actually have.

President Magrath said he regards faculty salaries as so crucial that we will continue the issue as our main thrust in the next biennium. Also, we will try within our retrenchment and reallocation efforts to improve the salary structure.

Turner asked whether the administration intends to adhere to the Senate proposal, and the President replied that it does.

Kegler told FCC we have really focused intensively on the faculty salary structure, especially with the efforts of the Faculty Association, and we would be missing a beat not to keep it up.

Pratt observed that the figures seem to show some U of M slippage this year relative to the Big Ten. The President agreed it appears so, although we don't yet know what the raises are going to be in the other states. Kegler said we have been doing reasonably well comparatively in the money we get from the Legislature, but not doing as well in the eventual raises (because some of the Big Ten schools reallocate centrally for higher salaries); hence the slippage.

Kegler distributed a document on the University's "Biennial Request/Recommendations" and their status in the legislature. The difference in money allotted for salaries can be made up in part by taking money in high tech areas and by reducing financial aid since tuition is not going to rise as much as was planned for.

Swan asked if Kegler could comment on whether the University can develop the riders and initiatives not included in the Regents' request as it believes fits the educational needs in the state or whether it is circumscribed by them.

Kegler said the University is not highly circumscribed. UMD's engineering is to be worked out administratively within the University. The initiatives are to be conducted in the normal Regents' way of doing business.

The University's requests for new specials were almost totally ignored. \$4.5 million was moved from specials to O&M with University consent.

University civil service employees are headed for 5% and 5% increases while the rest of state civil service workers are headed for 3.5% and 4%.

Although there are very small differences between the House and Senate on the University's capital projects, those items are buried in a large capital bill on which House and Senate remain far apart, Kegler told FCC.

The meeting adjourned at 12:30 p.m.

Meredith Poppele,  
Recorder





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May 17, 1983

President C. Peter Magrath  
202 Morrill Hall

Dear Peter:

The Faculty Consultative Committee has reserved a large block of time on the morning of Thursday, May 19th to discuss faculty grievance procedures with Phyllis Freier and Carol Pazandak.

After that, about 11:45 a.m., we would appreciate a brief "on the record" meeting with you about faculty salary prospects for 1983-85. We hope that Brief, at least, will be interested in carrying some information on that subject.

If at that time there are legislative developments of which we should be aware and which should not yet be in the press, we'll be glad to vote to close for that conversation. Please let me know in advance so that I can notify the committee.

We look forward to our conversation with you.

Sincerely,

Patricia B. Swan, Chair,  
Faculty Consultative Committee

PBS:mbp



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May 11, 1983

Report to FCC

From: Pat Swan

Re: My understanding of our position in St. Paul

You know that I understand very little of what seems to be happening in St. Paul. But, I hereby convey to you my understanding:

Faculty Salary Appropriations

House Bill

Base: 5% + 5%	\$28.4 M
Annualization:	4.2 M *
	<hr/>
	\$32.6 M

Senate Bill

Base: 3% + 3%	\$16.9 M
Annualization:	4.2 M *
Retention:	3.0 M
	<hr/>
	\$24.1 M

We need to discuss some of the "trading" that seems to be going on.

:mbp

\* Kegler says this is 4.5M.

Discussion Outline  
for  
Grievance Procedures

I. Introduction. . . . . 1  
    Goals of ideal grievance procedures  
    General problems with current grievance system

II. General objectives of a simplified University grievance system . . 2

III. Faculty-related grievances. . . . . 3

IV. Tentative recommendations. . . . . 8

May 19, 1983

Phyllis Freier  
Carol Pazandak

## I. Introduction

### Goals of ideal grievance procedures

1. Informal and effective conflict resolution at departmental level.
  - a) Keeps morale high -- does not leave lots of disgruntled people.
2. Easy access to reliable information if one must proceed to more formal resolution of grievance.
3. Simple -- timely -- fair hearings with timely resolution of problem.
4. Same standards applied to whole University.
  - b) In both grievance procedures and sanctions imposed and redress.
5. Minimum waste of human resources in implementing policies.
6. Fair and even-handed disposition of cases, such that recommendations are acceptable to both parties.
7. Recommendation for action that can be implemented.

### General problems with current grievance system

## II. General objectives of a simplified University grievance system

The overall objective is to simplify the procedures, while achieving the following specific objectives:

1. Clarify what kinds of issues are addressed by which procedure.
2. Clarify the process and promote awareness of the available procedures.  
Enhance accessibility.
3. Act on the principle that the more informal procedures should be followed first with effort to resolve concerns where they arise.
4. Endorse the principle that there should be one due process hearing and one review based on the record of hearing. Along with the taped record, provide opportunity to both parties on appeals to present oral or written argument.
5. Limit some kinds of concerns to collegiate level.
6. Separate out issues that go to grievance committees vs. those that should be addressed by administrative review processes.
7. Define what should be heard by the Senate Judicial Committee as opposed to other bodies.

### III. Faculty-related grievances

A. Employment-related grievances: These are complaints against the actions of the Administration, at whatever level.

The ultimate employment-related grievance is termination, but there are many others that concern terms and conditions of the work environment. These grievances are currently addressed -- depending upon their nature -- by the Senate Judicial Committee, by departmental or collegiate grievance committees, or through administrative channels which may or may not involve grievance committees. Very few grievances find their way to the University AF&R Committee. All of these grievance procedures are advisory to the Administration, with the administrator ranging from the President of the University to the Chair of a collegiate department.

Some recommendations for simplifying the processes and clarifying the channels of redress would lead to more expeditious and adequate procedures.

#### 1. Appointment

The scope of the Senate Judicial Committee's purview should be more clearly defined. They should restrict themselves to those issues outlined in the Tenure Code concerning appointment matters: promotion, tenure, and termination of individual faculty members, where the Administration has taken action claimed to be a violation of the faculty member's rights.

2. The Senate Judicial Committee should no longer serve as an appeal body in employment-related disputes. Other mechanisms should be provided for these.

## 2. Salary

Employment-related disputes involving pay of faculty should be handled through administrative channels, with appropriately constituted advisory committees.

Pay disputes at the departmental level should be discussed between the staff member and the department Head informally.

Disputes unresolved at that level should be brought to the Dean of the unit, who may attempt to settle the matter alone, but will usually call on a small, representative advisory committee to review the matter and advise him. Pay disputes unresolved at the collegiate level, may be brought to the Vice President for Academic Affairs, who will make the final decision, calling on an ad hoc advisory committee, as he or she determines.

## 3. Administratively-based problems

Employment-related disputes involving a faculty member and his or her department Head will be heard by a panel selected with the concurrence of the complainant and defendant as follows: From a grievance committee, a predesignated body constituted according to the college's policy, each party to the complaint will choose one member of a three-person panel to hear the complaint. An all-University grievance committee will designate a third panel member from the all-University grievance committee acceptable to both parties, who will act as the Chair.

The panel will make recommendations regarding resolution of the complaint, and the Dean or receiving administrative officer will normally consider the recommendations as binding. Unless the Dean or administrative officer does not follow the recommendations, there is no appeal from this committee.

Any appeal from the action of the Dean will be to the appropriate Vice President who will review the case and findings and either support or overturn the action of the lower level administrator.

This will constitute the final appeal within the University.

- B. Disputes between faculty members: When not susceptible to informal mediation efforts by the department Chair or the college's Grievance Officer, these are referred to the faculty constituency of the college grievance committee of elected members.

There shall be one full due process hearing accorded, and one review on the record at a higher level.

Disposition of the case will be by the Dean of the college, based on the recommendations of the hearing body, and as affirmed by the appeal body, when complaints are appealed.

- C. Student complaints involving faculty:

1. Disputes involving student grades:

These constitute the most frequent complaints of students against faculty. They should be resolved at the departmental level.

Recommended processes: a student who challenges a grade received must do so within one quarter following the quarter in which the grade is awarded, excepting that Spring Quarter grades may be challenged through the following Fall Quarter.

If the student stops out, time may be extended, but never longer than one year.

If the instructor and student fail to arrive at a satisfactory resolution, the student brings his complaint to the department Head who will review the complaint, or call on an ad hoc departmental



committee for advice. The review is to assure that the instructor has behaved responsibly -- grading standards have been evenly applied, there is no evidence of discrimination against the student, and the student had adequate opportunity to gain necessary information about the grading process and standards to prepare himself or herself for the examination. The department Chair will also be satisfied that the overall distribution of grades awarded and the standards applied were appropriate for the course taught.

There will be no appeal from the departmental review, except on grounds of failure of instructor's academic responsibility. In that case, the student may appeal to the college's grievance committee which will determine whether there is evidence of discrimination, arbitrary behavior, or other lack of academic responsibility and if so will then constitute a hearing committee to hear the complaint

The recommendation of the college grievance committee will be final, and action will be taken on its recommendation either to sustain the instructor's grade or to make whatever adjustments are appropriate.

Lack of timeliness in filing a complaint is cause for denying it.

There is no appeal beyond the college level in complaints involving grades or related issues that include grading. The instructor's college handles complaints.

## 2. Sexual Harassment:

There are established procedures for dealing with charges of sexual harassment which should be followed in lieu of other mechanisms.

3. Denial of admission based on discrimination or whatever by an admissions officer or committee:

A committee appointed by the Dean, and not including members of the original admissions team, should be asked to review the application and recommend action to the Dean, if informal discussion fails to resolve the matter.

4. Work-related complaints:

There are established procedures for handling work-related complaints, involving either a Graduate School committee if a graduate assistant is involved, or the Student Employment Office, if an undergraduate hired through that office. Consideration should be given to addressing this at departmental/collegiate level.

D. The College Grievance Officer: Current policy and practice is to name a collegiate grievance officer from the faculty, who serves on a rotating basis. Thought should be given to delegating this assignment to an administrative officer in each unit in order to provide for continuity, enhance visibility, assure that the individual has access to the broadest base of information and sources of support. Since most collegiate assistant and associate deans rotate into and out of office, there is built-in change with close faculty links. Having a responsible person in a central collegiate role fill this function also increases accessibility for the complainant. A centrally located GRO is likely to be in a better position to provide perspective on the problem.

The coexistence of an elected college grievance committee to which a complainant always has access in case informal resolution is not achieved, assures peer review and recommendation.

The extent to which the GRO is involved in any complaint, as counselor or mediator, is, in any event, up to the complainant who may choose to go directly to the pertinent grievance hearing body.

Report of Freier-Pazandak Subcommittee on University Grievance Procedures

IV. Some Tentative Recommendations

1. Abolish the April 18, 1974 (amended 3/3/77 and 3/2/78) Academic Freedom and Responsibility Senate Statement and the procedures defined therein.
2. Abolish the Administrative memoranda: Moos July 31, 1973; Linc Nov. 18, 1974.
3. Replace this unwieldy system with a three-track grievance procedure.

3-1) Judicial Committee: Promotion, tenure denial, termination cases: Its existence is mandated under Tenure Code now, and its functions will be essentially unchanged in new tenure code. Limit their jurisdiction to cases involving tenure code violations (and appeal of Sexual Harassment cases?).

3-2) University Grievance System

- a) At Departmental level disputes handled informally by chairman (or his appointed substitute) with at most the assistance of ad hoc committee. This committee to consist of student, civil service, and faculty as appropriate for complaint. No formal hearings at Department level. No standing grievance committee.
- b) A collegiate GRO to fill principally the role of advisor, source of information, and mediator; should have respect of administration of college but be a senior faculty member.
- c) Collegiate grievance committees to consist of elected faculty, Civil Service and students. Panels to conduct hearings will be drawn from this committee. Two administrator types should be added (by appointment of Dean) to this committee at beginning of academic year to serve as potential panel members for any Hearings involving administrators. A panel for any Hearing would be selected from this elected body. This committee could be elected for some other role and also serve as the Grievance Committee.
- d) A University Grievance Review officer would be appointed by President-- could be administrative type. Functions and responsibilities the same as now.
- e) An all University Grievance Appeal Committee. This would be the the appeal body for this grievance track. It would be appointed committee (committee on committees). Would consist of faculty, students and Civil Servants. Maybe it could also serve as the Sexual Harassment Board does now and hear sexual harassment cases de novo. It needs to have enough to do to make it a knowledgeable committee (and hopefully, a respected one!).

3-3) Administrative Review of some grievances.

- A. Salary
- A-1) Discussion with Chair
  - A-2) Appeal to Dean by letter stating complaint.  
Dean reviews

Dean may use a "Salary Advisory Committee" which could be two faculty and one administrator chosen from the augmented collegiate Grievance Committee. The advantage of having this advisory committee would be that it could have salary data available. There would be no formal hearing but the review should probably allow written or oral statements from both the faculty member and the Department chair.

A-3) Appeal to appropriate V.P. who reviews case and may use a salary advisory committee. No further review within University.

Exceptions: If discrimination based on sex is claimed, consent decree procedures.  
If discrimination based on race, EEO office and OCR, State Dept. of Human Rights.

B. Work Assignments - Dispute with Chair.



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Kegler distributed a document on the University's "Biennial Request/Recommendations" and their status in the legislature. The difference in money allotted for salaries can be made up in part by taking money in high tech areas and by reducing financial aid since tuition is not going to rise as much as was planned for.

Swan asked if Kegler could comment on whether the University can develop the riders and initiatives not included in the Regents' request as it believes fits the educational needs in the state or whether it is circumscribed by them.

Kegler said the University is not highly circumscribed. UMD's engineering is to be worked out administratively within the University. The initiatives are to be conducted in the normal Regents' way of doing business.

The University's requests for new specials were almost totally ignored. \$4.5 million was moved from specials to O&M with University consent.

University civil service employees are headed for 5% and 5% increases while the rest of state civil service workers are headed for 3.5% and 4%.

Although there are very small differences between the House and Senate on the University's capital projects, those items are buried in a large capital bill on which House and Senate remain far apart, Kegler told FCC.

The meeting adjourned at 12:30 p.m.

Meredith Poppele,  
Recorder