



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee
N307 Elliott Hall
75 East River Road
Minneapolis, Minnesota 55455
Telephone: (612)626-1850

FACULTY CONSULTATIVE COMMITTEE
AND
DISCUSSION WITH PRESIDENT KELLER

April 30, 1987
10:15 - 12:00
300 Morrill Hall

AGENDA

FOR ACTION:

- 10:15-10:20 (5) 1. Personnel item.
- 10:20-10:25 (5) 2. Approval of FCC's annual report to the Faculty Senate (draft to be sent Monday).

FOR DISCUSSION:

- 10:25-10:30 (5) 3. Appropriate next steps in revising University grievance procedures (see C. Striebel letter and Pazandak and Freier memo distributed for the April 16 meeting). Professor Murphy.
- 10:30-11:00 (30) 4. (In executive session): The faculty-student governance system.

FOR DISCUSSION WITH THE PRESIDENT:

- 11:00-11:45 (45) 5. (In executive session): Continuing discussion of the faculty-student governance system.
- 11:45-12:00 (15) 6. The President's items.

FOR INFORMATION:

7. April 23 Transportation and Parking Committee memorandum (attached).
8. Minutes of April 2 Finance Committee meeting (attached).



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MINUTES

APPROVED 5/14/87

FACULTY CONSULTATIVE COMMITTEE MEETING
AND
DISCUSSION WITH PRESIDENT KELLER

April 30, 1987
10:20 - 12:15
300 Morrill Hall

Members present: Ellen Berscheid (Chair), Mark Brenner, Shirley Clark, Richard Goldstein, Joseph Latterell, Cleon Melsa, Paul Murphy, Ronald Phillips, W. Phillips Shively.

Member absent: Charles Campbell.

Guests: President Kenneth Keller, Marsha Riebe.

1. Election of 1987-88 officers.

Professor Berscheid reported for the nominating committee (outgoing members and this year's chair) the name of Phil Shively for 1987-88 FCC and SCC Chair and of Ron Phillips for 1987-88 Associate Chair. The officers were approved by acclamation and congratulated.

2. Approval of annual report to the Faculty Senate.

FCC approved the report for submission.

3. Revising University grievance procedures: appropriate next steps.

Professor Murphy reported on the responses of Professor Amos Dienard (Chair, Judicial Committee) and Fred Morrison (Past Chair, Tenure Committee) to the critique of the Pazandak-Freier document submitted by Professor Charlotte Striebel (Academic Staff Assistance Officer). Both agreed with her criticism that the procedures drafted were too complex. Professor Dienard recommends that all types of faculty grievances except salary cases go as rapidly as possible to the Judicial Committee; Professor Morrison believes all cases, except those of sexual harassment, should go expeditiously to Judicial.

Professor Murphy added that Professors Freier and Pazandak still believe the Judicial Committee will be flooded with cases if all grievances go directly to it, and they think such specialized cases as salaries and research fraud could be better dealt with by specialized bodies.

The Faculty Consultative Committee will write to Professors Striebel and Morrison accepting their offers to try to streamline the draft revised procedures in consultation with Professors Pazandak and Freier, with college grievance officers, and also with further legal advice from Vice President Dunham's office. FCC will ask to meet once with Professors Morrison and Striebel before they begin their work. Among questions FCC will raise is the addition of a standard of "what is too small a matter to grieve."

4. The faculty-student governance system: reactions to the letters from the three external reviewers.

Several members stressed that FCC seeks a corporate relationship with the Regents that recognizes the FCC as the duly elected representative of the entire faculty; an important FCC objective is for responsible interaction with the Regents on business actually on their agenda.

The FCC members discussed among themselves the issues, including the phenomenon of student representatives to the Board, and then were joined by President Keller for further discussion.

The FCC will send to the Regents copies of the three reviewers' letters, together with a cover letter, and will ask for the problems outlined at the Fall meeting to be the focus of discussion at the Board of Regents-FCC June 11 luncheon meeting as was indicated to the Regents last fall.

5. Support for Senate committees.

Professor Berscheid sought and received President Keller's final approval for the submission of a section in FCC's annual report stating:

"The role of faculty in governance would be enhanced considerably if there were adequate staff to support the work of Senate committees. President Keller is sympathetic to the problem, whose dimensions at this time are not precisely known. To learn of the magnitude of the need and to begin to fill it, the President has named a "Co-ordinator of Staff Support for Senate Committee" in Morrill Hall. It is expected that by the time of the Senate Orientation to be held in September, the details of this support structure will be available to the chairs of all Senate committees."

President Keller agreed to the inclusion of that statement, and asked for future discussion on how to prevent committee workloads from increasing inappropriately.

6. The President's items.

A. Protesters' interference with Vice President George Bush's lecture in the Carlson series (April 28). President Keller termed the incident, in which much of the Vice President's speech was drowned out by noisy protesters, really serious to the University as an infringement of free speech. Recognizing that the students also have an interest in the issue, the President and the FCC agreed to bring up the matter

to the full SCC later in the day.

B. Decentralizing the faculty fringe benefits budget. President Keller reported that the Management Committee had this morning decided that in future years faculty fringe benefits would go to the colleges for their departments: each department would have an aggregate number of 0100 monies for salaries plus fringe benefits. The President will submit the intended change for the Senate Finance Committee's consideration.

C. Moving from July 1 to September 16 the date at which appointments, including salary changes, become effective. The President announced that although the Faculty Affairs and the Finance Committees had discussed the proposal and recommended against the change, he was inclined to make that change.

Items for information. Just before adjournment, two documents were distributed: (1) a SCFA motion for the May 14 Faculty Senate meeting on a modified flexible-benefits plan; and (2) a table of ICR distributions and allocations for the years 1984-84 through 1986-87. With respect to the latter, the Chair reported that the Provost has agreed to send annually to all principal investigators a report of the use of ICR monies. The Provost has also agreed to draft this spring a cover letter to PI's that will accompany this information and to submit it to Professor Berscheid and to Professor David Hamilton (Chair, Senate Committee on Research) for editing.

The meeting adjourned at 12:15 p.m.

Respectfully submitted,

Meredith Poppele
Executive Assistant

MAR 10 1987



UNIVERSITY OF MINNESOTA
TWIN CITIES

Faculty and Academic Staff Assistance Office
251 Vincent Hall
206 Church Street S.E.
Minneapolis, Minnesota 55455
(612) 625-7581

March 6, 1987

Professor Ellen Bersheid
Chair, Senate Consultative Committee
Psychology Department
N309 Elt H

Dear Ellen,

As you requested, I am writing to explain my objections to the proposed new grievance procedures. My most serious concern is with the apparent attempt to reduce rights to a grievance review that exist under current grievance procedures and under the tenure code. To the extent that the proposed procedures are inconsistent with the tenure code, the tenure code would prevail. The effect then would be that rights may not in fact be reduced; however, the confusion between two inconsistent rules of procedure is certainly not to be recommended.

Other general objections to the proposed procedures are unnecessary complexity, lack of clarity on how and when a grievance is to be commenced, and excessive rigidity in scheduling once a grievance has been commenced.

Jurisdiction

Entry into the proper track in the proposed procedures requires an initial jurisdictional decision which classifies grievances as 1) academic freedom and professional responsibility issues, 2) salary complaints or 3) administrative actions. There are two problems with this classification scheme.

First, it implies that if the complaint doesn't fall into one of these categories then it is not grievable. I recommend that a simple jurisdictional standard be adopted such as the following:

A complaint must allege a violation, misinterpretation or misapplication of existing policies or legislation in the unit. (Model Academic Unit Grievance Procedure)

The only other standards for a grievance should be that it is not trivial and that a remedy is available.

The second problem with the proposed classification system is that standards are quite subjective, and at best there is a great deal of overlap. Depending on the way in which it is framed, most any grievance could fall into any one or all of these categories. As a practical matter classification of grievances in this manner at this level adds unwarranted complexity and no clear benefit.

One Track rather than Three

Instead of the three different tracks in the proposed procedures, I would recommend one basic track with some variation permitted in the point at which the track is entered and in the content of some levels of the track. The basic track would consist of the following levels:

- 1) filing of a written complaint
- 2) notice to parties and mediation at the department level
- 3) college level hearing panel
- 4) university level review of the procedures and/or merits of the decision reached at level 3).

Level 4) review would be performed by the Judicial Committee, the Academic Freedom and Professional Responsibility Committee or the Academic Staff Advisory Committee. Omission or modification of level 3) would be permitted to conform with the tenure code (Section 15.1), in disputes that arise at the college level (e.g. the dean is respondent) and in cases that involved more than one college.

Right of Appeal

Under the proposed procedures, cases that fall into the tracks for salary and for administrative actions could not be appealed to a university level tribunal of any type. The only appeal provided is to central administration. This is in conflict with the tenure code, Section 15.1, which provides for appeal to the Judicial Committee of any matter which affects rights and status under the tenure code. This would certainly include some, if not all, matters that fall into the salary and administrative action tracks. The general scheme which I suggest above would provide consistency with the tenure code.

Initiation of a Grievance

There is a problem in current grievance procedures with respect to initiation of a grievance that is perpetuated in the proposed procedures. This problem is the conflict between the desire to resolve grievances through informal mediation and the requirement that a formal grievance be filed in timely fashion. It is unreasonable to recommend to a potential grievant that informal mediation be attempted before filing a formal grievance and then to deny the right to file the grievance because too much time has elapsed during the pursuit of an informal resolution. I recommend a strict time limit for the filing of a written complaint with mediation according to an explicitly established time schedule.

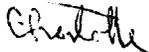
Professor Ellen Bersheid
March 6, 1987
Page 3

Time Schedules

The proposed procedures establish rigid time schedules by which each step in the procedure must be accomplished. The intention of these schedules is to speed up the process and to require timely response from both parties. These are important goals. However, I believe that these goals could be better attained by assigning responsibility for scheduling to the Grievance Officer. The schedules in the proposed procedures could be used as a guideline with discretion given to the Grievance Officer to deviate from the guidelines as appropriate to the requirements of the particular grievance. The Grievance Officer should also be responsible for notifying the parties of their duties under the schedule and should also recommend sanctions against parties who do not meet deadlines.

While some of my objections could be met through minor rewriting of the proposed procedures, others cannot. I believe that a substantial revision should be undertaken before the new procedures are recommended for adoption. I would be happy to assist in drafting these revisions in any way that would be useful to you.

Sincerely,



Charlotte Striebel
Academic Staff Assistance Officer

CS:kh

cc: Professor P. Freier
Professor C. Pazandak
Professor P. Murphy
Professor F. Morrison
Professor A. Deinard

April 14, 1987

To: Paul Murphy

From: Carol Pazandak and Phyllis Freier

Re: University Grievance Procedures and Charlotte Striebel's March 6, 1987 letter to the Senate Consultative Committee

These are our comments on Charlotte Striebel's letter. These comments are intended to explain what we took on as our assignment from the Senate Consultative Committee as well as the rationale that led to the structure and wording in the proposed procedures.

The proposed procedures are a modification of a system already in place. That system, in turn, is a component of a broader set of University grievance mechanisms. For better or worse, we have been dealing from the start with only a piece of the action, but to the extent that the proposal cannot stand alone, it ought to be corrected and modified so that it does make sense when brought to the University Senate.

We want to say at the outset that the comments in Charlotte Striebel's memo merit serious discussion, and constructive changes should surely be incorporated. Revising grievance procedures is--- has been--- a very time-consuming task, and it is unlikely that additional changes will occur for some time. Therefore, we should all be concerned to make the outcome as good as possible and modify, rewrite, adapt to meet needs most constructively. We should add that this proposal has been reviewed and modified numerous times since we first began work on this in 1983.

The objectives on which we embarked in redrafting the procedures were to update, augment, and make more specific the Senate Policy on Academic Freedom and Responsibility originally approved by the Senate in 1974, and to make provision for addressing specific kinds of complaints which seemed to be left in no-man's land, in particular work-related complaints and salary issues for faculty. We, therefore, took up for consideration one part of a very complex system. At the same time, work was underway to modify the Tenure Code, and faculty grievance procedures under that code were not part of our charge. For a general overview of the various grievance procedures within the University, see the *University Guide to Grievance Procedures* last published in December 1983, with a new edition awaiting action on the procedures proposed.

The University is a complex environment with multiple constituencies having different relationships with the institution. While simplicity of structure is surely a target, it would be foolhardy to think that we could function with one all-purpose process. That was the determination to which we reluctantly and quickly came in thinking about consolidation of grievance mechanisms. Our response to specific points in Charlotte Striebel's letter follow:

Inconsistency with tenure code:

In our view these procedures are not inconsistent with the Tenure Code. Without knowing specifically what Charlotte Striebel refers to, we assume from her later comments that this is reference to procedures for salary disputes and administrative matters. We believe that salary decisions per se and some administrative matters are not Tenure Code issues and should not be heard by the Judicial Committee. A conscious decision was made to limit access to the Judicial Committee. Under the Linck memorandum a plethora of cases was brought to the Judicial Committee, on an interim basis, since alternative procedures were not available. Thus the Judicial Committee was burdened with matters beyond its real responsibility. If other issues, such as discrimination or violation of academic freedom are at stake, then, of course, appeal to the Judicial Committee or the University Committee on Academic Freedom and Responsibility is in order and within the provisions of the procedures. But there are provisions for appeal to the vice-president for salary or administrative decisions.

The salary complaint procedures address salary complaints at the college level at which best information and judgment can be made. The intent was to provide a simple, non-prejudicial path to make a complaint and further, to have the decision made by a committee predominantly of elected (not-appointed) faculty, augmented by two college designated members who could assure administrative input into the review and recommendations. Further, these two appointees would be selected by the complainant and the dean, respectively. Assurance of adequate and accurate information was also a consideration in developing this process.

The elected college grievance committee, consisting as it does of faculty, academic staff, civil service staff and students, was considered inappropriate to deal with faculty salary issues.

With regard to complaints against administrative decisions, this document takes the position of support of administration and the rights and responsibilities of those in administrative posts to make certain kinds of decisions. Again, the grievance process provides for faculty appeal to the college grievance committee if the faculty member is dissatisfied with the dean's resolution and believes the matter to be an issue of academic freedom.

Sometimes there are cases when the proper appeal body beyond the college is in doubt. Then jurisdiction is determined by consultation between Judicial Committee and AF&R Cte. In such instances, the chairs of those committees will confer, as indeed they now do, and will decide on jurisdiction.

Jurisdiction

If it seems as though there are grievances without a home, then the procedures need clarification. Page 1 of the draft outlining the scope of the grievance procedures notes that Section A addresses "grievances related to academic freedom and responsibility, fraudulent behavior, including research fraud, and other grievances for which no appropriate hearing body is available." That statement could be repeated at the beginning of the section outlining the specific procedures.

Some definition of grievances should be incorporated into any stand-alone document brought to the Senate. In the University *Guide* of which these procedures are a part, a grievance is defined as: "a formal allegation that there has been a violation of an individual's rights, legal, constitutional, or defined by University policy or rules, which has a detrimental effect on the individual and which results in injustice to the individual. These rights must be related to the person's standing as a member of the University community in order for the University grievance mechanisms to be applicable. Members of the University community may file grievances based on their perceptions that their rights have been violated. Conversely, the University or its members may file a complaint about an individual for perceived failure to abide by policies, behavior codes, and conditions of employment. The scope of grievable matters arises from the individual's particular relationship to the University. The assistance or procedures available will vary somewhat depending upon the nature of the complaint as well as the standing of the complainant." (Guide to Grievance Procedures, Dec. 1983, p. 1).

The draft procedures note that grievances must not be trivial (p.2, para. 2 of draft) but some reordering of material might make this more visible.

One track rather than three

Our belief is that these procedures are essentially similar to those that Charlotte Striebel proposes. Variations on review and appeal processes arise from the nature of the complaint and the nature of the selected review body. The success of the process rests on the assumption of a well-developed and articulated infrastructure.

A system of grievance officers and elected grievance committees at the collegiate level is essential to success of the system. So is a carefully constructed collegiate grievance process. Details of how to enter the grievance process may vary from college to college, and unit grievance procedures need to be readily available to members of the unit.

Since most grievances are resolved at the college level and few find their way to a University level appeal process, it is important to have in place a system for orientation and training and a means of promoting a sense of community among those involved in grievance resolution across the University.

We disagree that the filing of a written complaint should be a first step. In fact, these procedures take the position that informal resolution should be sought first. That step is deliberate and an effort to open up issues for discussion rather than set up opposition. The assumption we make is that many complaints can be resolved amicably and in good will if the issues are clarified. By entering at once the quasi-legal formal filing of a written complaint, a more antagonistic posture is encouraged and the possibilities increased of longer term animosities within a department and between faculty and staff.

Right of appeal

See our comments under Inconsistent with Tenure Code above. We are not in disagreement with Charlotte Striebel's observation that some matters initially regarded as salary or administrative disputes are in reality academic freedom or judicial committee matters and would be referred on appeal to those bodies.

Initiation of a Grievance

The emphasis on attempts at informal resolution prior to filing a formal complaint arise from the belief that less formal procedures as a first step

may encourage complainants to seek assistance in resolution who would be otherwise unsure of the legitimacy of their complaint or reluctant to enter a formal process. It also can help to minimize hardened conflict when resolution is reached informally. Many times, someone with a complaint needs to review the concern with an informed person, for example the college Grievance Officer or department head, in order to determine what the issues are and whether a formal complaint is in order. On the other hand, putting a complaint in writing is totally in order. When it has been thus formulated, it can help to achieve informal resolution.

Although the proposed procedures do not limit access to the formal grievance process once informal resolution has been initiated, it would be helpful to stress that point. Guidelines are given for informal resolution, but the more specific time schedule presented refers to the formal process. Our thinking on timelines for informal resolution was that 30 days from initial complaint to response was reasonable, considering that the respondent would likely have to consult with others before making a response to the complainant. We also thought that there should be a reasonable opportunity for informal resolution to occur prior to formal procedures.

Time Schedules

Time limits outlined in the procedures are inserted to protect the complainant. They are to serve as guidelines. They were not intended to deny access but to expedite resolution in the belief that a long drawn-out procedure is debilitating to the parties involved, complainant, respondent, and including the grievance committee itself. Closure is a good thing. It would be totally acceptable and certainly within the intent of the process to add a statement that the Grievance Officer of the unit could change times given good reason, but with care taken that the complainant's rights are not violated. Published time guides are important, however, in setting expectations for steps and pace of resolution.

For Faculty Senate agenda
5/14/87

FACULTY AFFAIRS COMMITTEE

FACULTY BENEFITS

Action (minutes)

MOTION:

That the Faculty Senate approve the following recommendation concerning additional benefits for the faculty:

Instead of a full-fledged flexible plan, the University should offer two separate packages: dependent care and medical reimbursement (including supplemental medical insurance).

Each package should have an established ceiling, and faculty members could elect any amount up to that figure: dependent ceiling, \$5,000; medical reimbursement ceiling, \$6,000.

Any funds not spent during a given fiscal year would not return to the faculty member.

Toni McNaron
Subcommittee
GEOFFREY MARUYAMA
Chair

BUDGETED INDIRECT COST RECOVERY(ICR) FUNDS FOR 1986-87 -----\$22,787,440

(1) LEGISLATIVE OFFSET FOR O & M FUNDS ----- \$8,000,000

(2) ITEMS TRADITIONALLY FUNDED FROM ICR ----- \$5,324,280

A - Graduate School Research Ctr -----	\$200,941
B - Research Animal Resources -----	\$417,764
C - ORTTA -----	\$2,028,056
D - Departmental Administration -----	\$2,528,617
E - Radiation Control & Hazardous Waste -	\$148,902

(3) ITEMS INCLUDED FY1987 PRINTED BUDGET ----- \$4,463,160

A - Solid & Hazardous Waste -----	\$920,016
B - Library Acquisitions Base -----	\$2,100,000
C - Library Automation Debt Service ----	\$325,183
D - Undergrad Research Opportunities ---	\$200,000
E - Technical Service Shops -----	\$140,928
F - Matching Grants -----	\$83,976
G - Research Cost Emergencies -----	\$22,429
H - Research Cost Share -----	\$28,037
I - Graduate Research Grants -----	\$259,931
J - Radiation & Env Health -----	\$77,500
K - High Tech Research Somputing -----	\$305,160

(4) SEQUESTERED ICR FUNDS IN ACADEMIC AFFAIRS BUDGET --- \$5,000,000

MB/2-1-87("ICR867" in Lotus)

ICR FUNDS DISTRIBUTIONS/ALLOCATIONS

UNIT	1983-84*			1984-85**		1985-86***					1986-87*			
	MATCHING AGENCY GRANTS	INTERNAL RESEARCH SET-UPS	FORMULA ALLOCATIONS 7/1/84	MATCHES AND SET-UPS	FORMULA ALLOCATIONS 7/1/85	MATCHING AGENCY GRANTS	INTERNAL RESEARCH SET-UPS	GRADUATE SCHOOL SET-UPS	FACULTY DVLPT & RESEARCH	FORMULA ALLOCATIONS DEC., 1985	MATCHING AGENCY GRANTS	INTERNAL RESEARCH SET-UPS	FACULTY DVLPT & RESEARCH	FORMULA ALLOCATIONS TO BE MADE
IAFHE - ADMINISTRATION			2,330		2,160					6,195				53,700
AGRICULTURE	20,000	48,000	33,890	48,000	35,560		70,500			74,899		104,383		113,100
FORESTRY	10,000		1,860	9,000	1,880			9,000		3,622		91,000		6,800
HOME ECONOMICS			1,850	8,200	2,330		33,718			5,883		8,128		7,600
BIOLOGICAL SCIENCES	12,500	128,900	65,040	161,400	61,740	47,900	212,666	154,999	446,000	110,982	315,000	270,000	45,000	184,800
EDUCATION			31,530		31,450		1,750	6,750		68,793		48,617		99,000
GENERAL COLLEGE			2,690		2,290					2,308				4,200
IHM INSTITUTE										616				
LAW (incl library)			100		430		7,500			1,973			30,000	2,800
LIBERAL ARTS	23,000	95,000	31,460	95,500	24,060	43,380	22,500	52,300	15,000	41,174	81,577	120,978		62,500
MANAGEMENT			1,360		1,040					11,045	292,000	43,217		11,200
TECHNOLOGY	503,611	238,061	203,780	1,038,290	206,900	246,793	560,084	302,417	25,676	404,709	567,059	1,257,931	11,900	623,000
UNIVERSITY COLLEGE														
VETERINARY MEDICINE		31,500	7,110	42,785	7,870		56,285	26,285		16,401		112,500	138,855	25,300
HEALTH SCIENCES:				813,700										643,300
DENTISTRY		7,793	17,420		14,430			10,000		36,747				48,900
MEDICAL SCHOOL		66,000	410,560		404,080			45,000		818,920			723,500	1,233,600
MEDICINE-DULUTH			11,250		12,570	19,500		8,000		30,647				42,900
NURSING		25,000	2,350		1,220					2,308				3,200
PHARMACY		12,000	6,830		6,600		6,000			14,485	6,000		6,532	21,600
PUBLIC HEALTH			11,120		122,330					283,829				420,200
SPECIAL PROGRAMS		109,907	13,350		12,880					22,187				
COORDINATE CAMPUSES:														
CROOKSTON														
DULUTH			15,860		15,780		21,894	39,000		23,754	51,500	237,091		42,700
MORRIS						73,400				544		3,000		
WASECA														
OTHER:														
ACAD AFFAIRS VP			3,710		3,390	25,000							80,000	344,900
ART MUSEUM						4,876					6,000			
CONT EDUC & EXT			3,530		2,900					1,515				4,700
EDUC DVLPT PROG									200,000				200,000	
GRADUATE SCHDL			6,130	54,500	7,040				250,000	11,619				
LIBRARIES, TC			1,180		970					1,463				
STUDENT AFFAIRS VP			13,630		15,130					5,573				
MISC									77,000					
TOTAL	569,111	762,161	899,920	3,731,254	997,030	462,849	992,897	653,751	1,013,676	2,002,195	1,319,136	2,296,845	1,235,807	4,000,000

* - ICR ALLOCATIONS MADE BUT NOT NECESSARILY DISTRIBUTED.

** - 84-5 DISTRIBUTION OF ICR INCLUDES SOME COMMITMENTS MADE IN 83-84.

*** - FUNDS TRANSFERRED ON 85-86.

FILE NAME IS "ICRRES" IN SYMPOHY

@ - PLUS \$1,191,939 DOO MATCHES