

2010-11 UNIVERSITY OF MINNESOTA

DECEMBER 2, 2010

UNIVERSITY SENATE MINUTES: No. 2 FACULTY SENATE MINUTES: No. 2 STUDENT SENATE MINUTES: No. 2

The second meeting of the University Senate and Faculty Senate for 2010-11 was convened in 25 Mondale Hall on Thursday, December 2, 2010, at 2:35 p.m., as a joint meeting of the two bodies. Coordinate campuses were linked by ITV. Checking or signing the roll as present were 24 academic professional members, 20 civil service members, 126 faculty/academic professional members, and 25 student members. President Bruininks presided.

1. ADMINISTRATIVE RESPONSES TO SENATE ACTIONS Information

University Senate

Administrative Policy on Individual Conflicts of Interest
Approved by the: University Senate September 30, 2010
Approved by the: Administration October 2010
Approved by the: Board of Regents - no action required

Faculty Senate

Amendment to the Policy on Grading and Transcripts: Withdrawals and Repeating Courses
Approved by the: Faculty Senate September 30, 2010
Approved by the: Administration PENDING
Approved by the: Board of Regents – no action required

Amendment to the Policy on Makeup Work for Legitimate Absences
Approved by the: Faculty Senate September 30, 2010
Approved by the: Administration PENDING
Approved by the: Board of Regents – no action required

Amendment to the Regents Policy on Commercialization of Intellectual Property Rights
Approved by the: Faculty Senate September 30, 2010
Approved by the: Administration PENDING
Approved by the: Board of Regents PENDING

Amendment to the Regents Policy on Academic Freedom and Responsibility
Approved by the: Faculty Senate September 30, 2010
Approved by the: Administration PENDING
Approved by the: Board of Regents PENDING

2. ADVISORY COMMITTEE ON ATHLETICS Statement on Competition Against University of North Dakota Information for the University Senate

Statement on Competition Against University of North Dakota

At the September 15, 2010, Advisory Committee on Athletics (ACA) meeting a motion was approved to allow the University of Minnesota sports teams to compete against the University of North Dakota sports teams during the 2010-11 season. The motion was approved because the NCAA lifted its ban on the University of North Dakota due to its commitment to change the Fighting Sioux nickname and logo.

COMMENT:

The ACA has followed the mascot issue carefully. Its position since 2006 has been to monitor NCAA policy.

In 2003, the ACA adopted its Competition and Anti-Discrimination Policy. The policy states as follows: To promote an atmosphere of respect the University of Minnesota Athletics Department shall make every effort to avoid scheduling home events with schools that use Native American mascots. The use of Native American mascots by athletic teams is perceived by many in our community as portraying Native American culture in demeaning and stereotypical ways. Consequently, the department will strongly discourage the scheduling of athletic events on campus when the team(s) involved use Native American mascots. When teams using Native American mascots participate in athletic events on this campus, the Native American mascots, nicknames and symbols will not be permitted to be displayed (except as they pre-exist on teams uniforms, equipment and apparel). Teams will be described and announced using the institution's name only.

In addition, the University of Minnesota's Athletics Department shall make every effort not to host any preseason, regular season or postseason competition at sites, venues, or facilities which have membership requirements or practices which result in discrimination on the basis of race, gender, national origin, religion or sexual orientation.

The policy was reviewed and reaffirmed in 2006 after debate and thorough consultation by the ACA, the Senate Committee on Equity, Access, and Diversity and the Faculty Consultative Committee; and, by the members of the Native American Advisory Committee. And finally, the Twin Cities Campus Delegation approved the policy.

As statement in the agreement with the NCAA, the University of North Dakota will change the nickname and logo by August 15, 2011.

**VIRGINIA ZUIKER, CHAIR
ADVISORY COMMITTEE ON ATHLETICS**

3. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY

FACULTY/ACADEMIC PROFESSIONALS/STAFF

Harvey L. Adey
Professor
Theatre Arts and Dance
1928 – 2010

Paul Barbara
Professor
Chemistry
1953 – 2010

Lorraine L. Bissonett
Staff
University Library
1915 – 2010

Samuel Burke
Professor
HHH Institute of Public Affairs
1906 – 2010

John Eichhorn
Staff
University Returns
1950 – 2010

Ivan C. Fletcher
Staff
Academic Affairs
1927 – 2010

Melvin Foss
Staff
Plant Services
1917 – 2010

Jean Freeman
Head Coach
Intercollegiate Athletics
1950 – 2010

Dale A. Gerasch
Staff
Physiology
1937 – 2010

Herbert A. Holger
Staff
Physical Plant
1917 – 2010

Ethan T. Johnson
Research Associate
Biochemistry
1972 – 2010

Allen Larson
Staff
Electrical Engineering
1926 – 2010

Arthur G. LeDoux
Staff
Research Animal Resources
1939 – 2010

Helen M. Lemke
Staff
Community University Health Care Center
1931 – 2010

Dorian J. Lind
Staff
University of Minnesota Extension
1949 – 2010

John C. Manning
Professor
Curriculum and Instruction
1930 – 2010

Amy T. Matsumoto
Professor
International Studies
1917 – 2010

Thomas B. McRoberts
Academic Professional
Continuing Education and Regional Programs – University of Minnesota Morris
1946 – 2010

Joseph Michela
Staff
Auxiliary Services – University of Minnesota Duluth
1949 – 2010

Gordon L. Moseng
Staff
Facilities Management
1951 – 2010

George K. Olson
Professor
Curriculum and Instruction
1920 – 2010

Betty J. Payne
Staff
Post Office – University of Minnesota Morris
1931 – 2010

Mary Ann Prairie
Staff
Intercollegiate Athletics
1932 – 2010

Eileen G. Sauve
Staff
Nursing

1928 – 2010

Robert H. Schenkel III
Staff
Facilities Management
1933 – 2010

Marilynn Strand
Staff
Allied Clinical Health – University of Minnesota Duluth
1927 – 2010

Sandra C. Streeter
Staff
University Bookstore
1935 – 2010

STUDENTS

Leo Kohorst
College of Science and Engineering

Nicholas C. McCarty
College of Science and Engineering

Kathryn Morvig
University of Minnesota Crookston

Beryl K. Ombaso
Graduate School

Cory Paque
College of Design

Kandyce B. Stoffel
College of Education and Human Development

Steven L. Walsh
College of Science and Engineering

4. SENATE CONSULTATIVE COMMITTEE REPORT

Professor Kathryn VandenBosch, Chair of the Senate Consultative Committee (SCC), reported that SCC meets monthly so it has held two meetings since the last Senate meeting. It has consulted on several policies. One is for discussion at today's meeting, the Policy on Reorganization, and two others will come to the Senate in the spring – on floating holidays and conflict resolution.

Last month the co-chairs of the Twin Cities Sustainability Committee provided a report on sustainability milestones and goals. The campus has been recognized for its strong sustainability ratings. She hopes to have the co-chairs report to SCC on a regular basis.

SCC has also been considering recommendations on committee reorganization and charges from an ad hoc committee. The next step is to work with the Committee on Committees on these recommendations.

**5. MINUTES FOR SEPTEMBER 30, 2010
Action by the University Senate**

MOTION:

To approve the University Senate and Faculty Senate minutes, which are available on the Web at the following URL.

<http://www1.umn.edu/usenate/usen/100930sen.html>

**STUART GOLDSTEIN, CLERK
UNIVERSITY SENATE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

**6. UNIVERSITY SENATE RULES AMENDMENT
Ex Officio Committee Membership
Action by the University Senate**

MOTION:

To amend Article II, Section 1 of the University Senate Rules as follows (language to be added is underlined, language to be removed is ~~struck-out~~). As an amendment to the University Senate Rules, the motion requires a simple majority for approval.

ARTICLE II. RULES FOR COMMITTEES OF THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)

1. Ex Officio Members of University Senate Committees

...

- Equity, Access, and Diversity— Office of the Vice President for Equity and Diversity (four representatives, including one from the Office of Equal Opportunity and Affirmative Action, one from the ~~Office for University Women~~ Women's Center, and one from the Gay, Lesbian, Bisexual, Transgender, Ally Programs Office); representative from the Women's Faculty Cabinet

...

COMMENT:

An ad hoc committee reporting to the Faculty Consultative Committee (FCC) has evaluated charges to Senate committees to determine whether changes in committee structure should be

considered. The ad hoc committee suggested that the Women's Faculty Cabinet (WFC) should have an ex officio member on the Equity Access and Diversity Committee (EAD). The rationale is that while the WFC is a provostally-appointed and charged group, it shares interests with EAD. Furthermore, the ad hoc committee suggests that the activities of WFC should be coordinated with the governance system. The FCC supports this amendment.

The Office for University Women changed its name to the Women's Center in 2008 and that is reflected in this motion to amend.

**IRENE DURANCZYK, CHAIR
EQUITY, ACCESS, AND DIVERSITY COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

**7. UNIVERSITY SENATE RULES AMENDMENT
P&A Senate Rules
Action by the University Senate**

MOTION:

To approve the revised University Senate Rules which allocates a section for the P&A Senate Rules and distributes authority for future revisions to these Rules to the body listed after each article or section. The revisions to the Council of Academic Professionals and Administrators (CAPA) sections of the Senate Constitution, Bylaws, and Rules were approved by CAPA on November 19, 2010, and are available on the web at: <http://capa.umn.edu/Approved-P&A-Senate-gov-docs.pdf>. As an amendment to the University Senate Rules, the motion requires a simple majority for approval.

**KATHRYN VANDENBOSCH, CHAIR
SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

**8. UNIVERSITY SENATE RULES AMENDMENT
Absences from Committee Meetings
Action by the University Senate**

MOTION:

To amend Article II, Section 2 of the University Senate Rules as follows (language to be added is underlined; language to be deleted is ~~struck-out~~). As an amendment to the University Senate Rules, the motion requires a simple majority for approval.

ARTICLE II. RULES FOR COMMITTEES OF THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)

...

2. Terms of Membership, Chairing of Committees, and Removal of Members for Absences.

...

~~g. A member of a committee (whether appointed or elected) of the University Senate shall be said to have been absent if the member does not attend a meeting for which notification was given, subject to the provisions of (1) – (6) of this section (f).~~ (1) A non-student member of a committee of the University Senate shall forfeit membership if absent for three consecutive meetings of the committee unless excused by the chair of the committee. A student member of a committee of the University Senate shall forfeit membership if absent for two meetings of the committee unless excused by the chair of the committee. A member of a committee (whether appointed or elected) of the University Senate will be considered absent if the member does not attend a meeting for which notification was given, subject to provisions (i) - (iii) of this section (g). A letter of forfeiture from the chair of Committee on Committees will be sent, but only after the chair of the committee in question has been notified that one of the committee members has forfeited his or her seat. Summer meetings of a committee do not count in tallying consecutive absences from meetings. It is the responsibility of the committee chair, if he or she wishes, to discuss with committee members problems with scheduling before any forfeiture letter is sent. A member whose membership has been forfeited may appeal to the appropriate appointing authority for reinstatement.

~~(i) (1) Committee members who have official class teaching responsibilities, class conflicts (students), medical issues, or other serious and uncontrollable factors that prevent their attendance at committee meetings for up to a semester will should be considered given" excused absences" and not have the rule applied to them.~~ If circumstances will prevent someone from attending meetings for more than a semester, the person should be asked to consider resigning and be appointed at a future time when commitments would not preclude participation.

~~(ii) This section (g) applies to (2) Before the first meeting of the year (and of spring semester), the chair (or committee members staff on behalf of the chair) should inquire if there are people who miss any three consecutive will be unable to attend meetings (non-student members) or two consecutive because of involuntary commitments/circumstances (e.g., teaching), and if there are a number of individuals who will be unable to attend, the chair should consider the possibility of changing the meeting time or rotating committee meeting times so that some members would be able to attend at least some of the meetings (students), whether within one academic year or spanning more than one academic year. Summer meetings of a committee do not count in tallying consecutive absences from meetings.~~

~~(iii). In those instances when a (3) Letters of forfeiture from the chair of Committee on Committees will be sent only after the chair of the committee member makes arrangements to attend a meeting by teleconference or other technological means, and the necessary technology fails to work, that in question has been notified that one of the committee members has forfeited his or her seat. It is the responsibility of the committee chair, if he or she wishes, to discuss with committee members problems with scheduling before any forfeiture letter is sent. will not be considered to be absent from the meeting.~~

~~(4) If the number of excused absences is significant , but moving the meeting time is not appropriate, the committee chair can request of the Committee on Committees to expand an~~

~~expansion of the committee size so that there will always be a sufficient number of people able to attend meetings to conduct the committee's business.~~

~~(2) (5) Individuals who are going on leave may wish to take a leave of absence from their committee but resume committee participation upon their return. In that case, the individuals need not be permanently replaced on a committee. Those individuals will be asked to if they can identify someone to serve in their place, preferably from their own department, while they are on leave. Such a nomination must ~~would have to~~ be approved by the Committee on Committees. In the event the individual was unable to find an interim replacement, the Committee on Committees will do so.~~

~~(6) This section (f) applies to committee members who miss any three consecutive meetings (non-student members) or two consecutive meetings (students), whether within one academic year or spanning more than one academic year.~~

~~g. In those instances when a committee member makes arrangements to attend a meeting by teleconference or other technological means, and the necessary technology fails to work, that committee member will not be considered to be absent from the meeting.~~

COMMENT:

There is no substantive change in the Rule; these amendments clarify the intent, especially with respect to unavoidable commitments.

**KATHRYN VANDENBOSCH, CHAIR
SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

**9. UNIVERSITY SENATE CONSTITUTION AMENDMENT
P&A Senate
Action by the University Senate**

MOTION:

To amend Articles III, IX, X, and XI of the University Senate Constitution as follows (new language is underlined; language to be deleted is ~~struck out~~). As an amendment to the University Senate Constitution, the motion requires either a two-thirds majority of all voting members of the University Senate (172) at one regular or special meeting, or a majority of all voting members of the University Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

...

ARTICLE III. THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)

1. Powers

- a. The University Senate shall have general legislative authority over administrative matters concerning more than one campus or the University as a whole, but not over the internal affairs of a single campus, institute, college, or school, except where these materially affect the interests of the University as a whole or the interests of other campuses, institutes, colleges, or schools. It may also offer advice to the President on budget, educational policy, and research issues.
- b. The University Senate shall have the power to recognize campus assemblies as official campus legislative and policy-making bodies and, upon so doing, such organizations shall have all powers permitted the campus assembly in this Constitution and Bylaws.
- c. The University Senate may delegate authority and responsibility to campus assemblies in administrative matters concerning only one campus of the University. Each campus shall determine its own assembly and shall adopt its own constitution and bylaws, consistent with the constitution and bylaws of the University Senate.
- d. Nothing in this constitution bars the Senate Consultative Committee, the Faculty Consultative Committee, the Student Consultative Committee, the ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee, or the Civil Service Committee from discussing and expressing views on any matter they deem appropriate, without regard to any view expressed by any of the other bodies.
- e. In case of disagreement between or among the Senate Consultative Committee, Faculty Consultative Committee, the Student Consultative Committee, the ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee, or the Civil Service Committee on a matter, each body may present its own views to the president.
- f. Nothing in this constitution bars the University Senate, the Faculty Senate, the Student Senate, the ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee, or the Civil Service Committee from discussing and expressing views on any matter it deems appropriate, without regard to any view expressed by any of the other bodies.
- g. In case of disagreement between or among the University Senate, Faculty Senate, the Student Senate, the ~~Council of Academic Professionals and Administrators~~ P&A Senate, or the Civil Service Committee on a matter, each body may present its own views to the president.

2. Membership

- a. The University Senate shall be composed of the following voting members:
 - (1) the president of the University;
 - (2) the vice chair of the University Senate;
 - (3) the 10 elected faculty members of the Faculty Consultative Committee, the 10 elected student members of the Student Consultative Committee, the 2 ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee members of the Senate Consultative Committee, the 2 Civil Service Committee members of the Senate Consultative Committee, and the past chair of the Faculty Consultative Committee, who shall serve as ex officio voting members;
 - (4) the 155 members of the Faculty Senate;
 - (5) the 50 members of the Student Senate;
 - (6) 23 elected academic professional and administrative staff members; and

(7) 23 elected civil service staff members.

Qualified academic staff members elected to the Faculty Senate will not be counted as part of the 23 academic staff to be elected to the University Senate.

b. Each member of the University Senate shall represent the University as a whole. The deans, vice presidents, chancellors, provosts, the University Librarian, and the General Counsel shall serve as ex officio nonvoting members. Student body presidents of the Twin Cities, Duluth, Morris, and Crookston student bodies shall, if not otherwise elected, serve as ex officio nonvoting members.

...

ARTICLE IX. JURISDICTIONAL QUESTIONS

1. Intercollege Controversies (Changes to this section are subject to vote only by the Faculty Senate)

Controversies arising between institutes, colleges, and/or schools of collegiate rank may be presented, after mutual conference, to a special committee appointed by the president and confirmed by the University Senate. If the special committee is unable to arrange a mutually agreeable solution to the problem in question, the matter shall be placed on the agenda of the next regular or special meeting of the University Senate for decision. The Senate's decision may be appealed to the president.

2. Controversies Between a Senate and Institutes, Colleges, and Schools (Changes to this section are subject to vote only by the Faculty, P&A, and Student Senates)

Controversies arising between the University, Faculty, P&A, or Student Senate or any of their committees and a campus, institute, college, or school government or other division of the University shall be resolved by the president, after conference with representatives of the appropriate Senate and of the units in question.

ARTICLE X. AMENDING PROCEDURE (Changes to this article are subject to vote only by the University Senate)

An amendment to this Constitution shall be approved either by a two-thirds majority of all voting members of the appropriate Senate, as indicated in each section, at a regular or special meeting, or by a majority of all voting members of the appropriate Senate at each of two meetings, the second of which shall be the next regular meeting; and provided the proposed amendment has been distributed, in writing, to the persons and in the manner provided in Article III, Section 5, at least ten days prior to the date of the vote on the approval of the proposed amendment. An amendment shall be effective following approval by the appropriate Senate and by the Board of Regents.

If a proposed constitutional amendment has received affirmative votes of 80% or more of those present and voting at a meeting of ~~a~~ the appropriate Senate, but the number of votes cast is insufficient to adopt the amendment (either a two-thirds majority of all voting members at one meeting or a majority of all voting members at the second of two meetings), the amendment may be submitted electronically to all members of ~~that~~ the appropriate Senate for a second vote. The votes must be cast no later than three working days from the time of adjournment of the Senate

meeting at which the item was considered. The number of votes required for electronic approval will be the same as the number required for approval at the meeting.

ARTICLE XI. BYLAWS (Changes to this article are subject to vote only by the University Senate)

~~The University Senate may enact or amend its Bylaws.~~ An amendment to these Bylaws shall be approved either by a majority of all voting members of the ~~University~~ appropriate Senate at a regular or special meeting, or by a majority of all members of the appropriate Senate present and voting at each of two meetings, the second of which shall be the next regular meeting, provided the proposed change has been submitted, in writing, to each member of the Senate at least ten days prior to the date of the vote on the approval of the proposed change.

If a proposed bylaw amendment has received affirmative votes of 80% or more of those present and voting at a meeting of the appropriate Senate, but the number of votes cast is insufficient to adopt the amendment (either a majority of all voting members at one meeting or a majority those present and voting at the second of two meetings), the amendment may be submitted electronically to all members of the appropriate Senate for a second vote. The votes must be cast no later than three working days from the time of adjournment of the Senate meeting at which the item was considered. The number of votes required for electronic approval will be the same as the number required for approval at the meeting.

ARTICLE XII. EFFECTIVE DATE OF CONSTITUTION

This Constitution shall take effect following its approval by the Board of Regents.

COMMENT:

Changes to Articles III and IX reflect the change in transition of the Council of Academic Professionals and Administrators (CAPA) to a P&A Senate. The changes to Article XI clarifies the process for amending bylaws when changes were made in 2004. Bylaw amendments, as indicated in the bylaws, are to be allocated to each Senate, as noted at the beginning of each article of the Bylaws.

**KATHRYN VANDENBOSCH, CHAIR
SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved with 178 in favor and none opposed.

APPROVED

**10. UNIVERSITY SENATE CONSTITUTION AMENDMENT
Faculty and Staff Delegation
Action by the University Senate**

MOTION:

To amend Article III of the University Senate Constitution as follows (new language is underlined; language to be deleted is ~~struck-out~~). As an amendment to the University Senate Constitution, the motion requires either a two-thirds majority of all voting members of the University Senate (172) at one regular or special meeting, or a majority of all voting members of the University Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

ARTICLE III. THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)

...

6. Twin Cities Delegation

The Twin Cities members of the University Senate constitute the Twin Cities Delegation [TC Delegation]. The University Senate will refer to the TC Delegation any matters that pertain only to the Twin Cities campus. Committees that deal only with matters that pertain to the Twin Cities campus will report to the TC Delegation. The TC Delegation will meet as needed to conduct business at the call of the President, the Senate Consultative Committee, or upon written request of ten members of the TC Delegation. The officers of the University Senate will serve as the officers of the TC Delegation, and all procedures and rules established in the constitution, bylaws, and rules for the University Senate will apply to the TC Delegation as appropriate. If questions arise, the Senate Consultative Committee will determine the application of the constitution, bylaws, and rules to the Twin Cities Delegation.

7. Faculty and Staff Delegation

The faculty and staff who are members of the University Senate constitute the Faculty and Staff Delegation [F&S Delegation]. The University Senate may refer to the F&S Delegation any matters that pertain only to the faculty and staff in their capacity as employees of the University. The F&S Delegation will meet as needed to conduct business at the call of the President, the Senate Consultative Committee, or upon written request of ten members of the F&S Delegation. The officers of the University Senate will serve as the officers of the F&S Delegation, and all procedures and rules established in the constitution, bylaws, and rules for the University Senate will apply to the F&S Delegation as appropriate. If questions arise, the Senate Consultative Committee will determine the application of the constitution, bylaws, and rules to the F&S Delegation. In those instances when graduate/professional students who have University appointments are affected by matters that come before the F&S Delegation, the chair of the Senate Consultative Committee will ensure that graduate-student concerns are heard when an item is brought to the F&S Delegation.

[renumber the remaining item as 8.]

COMMENT:

These changes accomplish two things. One, they clean up the language in the existing provision creating the Twin Cities Delegation in the University Senate. Two, they create a new delegation, the Faculty and Staff Delegation, that will be responsible for debating and voting on matters referred to it by the University Senate that relate to the conditions of employment for all faculty and staff (e.g., faculty/staff health plans). These are matters that do not pertain to students, except for a small number of graduate students in some instances, and on which it is not appropriate for students to vote. There have been several times in recent years when employment-related matters could have come to the University Senate for discussion by faculty, P&A staff, and civil service staff, but they did not because they were of little interest to students.

In some cases, the matters were instead referred to the Faculty Senate, to CAPA, and to the Civil Service Committee. That may still occur in some instances, but the creation of the F&S Delegation permits discussion by all groups together in the University Senate.

The constitutional change also provides that when graduate students with University appointments may be affected by a matter brought to the F&S Delegation, the Senate Consultative Committee will ensure that any concerns on the part of graduate students will be heard.

**KATHRYN VANDENBOSCH, CHAIR
SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

Q: If proposed changes will affect graduate students, is there a way to have graduate students added to this delegation?

A: If a proposed change would pertain to graduate students, then the item could be brought to the University Senate and not the Faculty and Staff Delegation. The Senate Consultative Committee would make the decision as how to route issues, and there is graduate representation on this body.

With no further discussion, a vote was taken and the motion was approved with 177 in favor and 3 opposed.

APPROVED

**11. SENATE CONSULTATIVE COMMITTEE
Policy on Reorganization
Discussion by the University Senate**

Proposed - Policy on Reorganization

Preamble

The structure and organization of the University's academic units and central administration have a profound effect on faculty, staff, and students, and decisions about modifying those structures will benefit from the knowledge and experience of those affected. This policy therefore provides for appropriate governance committees to be consulted before any major reorganization decision is made. To be effective, such consultation must occur early in the consideration of any such changes.

For reorganizations in central administration, the required consultation should be with appropriate University and Faculty Senate committees. For reorganizations within campuses or colleges, the required consultation should be with the appropriate campus, college, and departmental governance bodies. Because major structural change within campuses and colleges has implications outside those units as well, the policy provides for determination whether consultation with University and Faculty Senate committees is warranted when such change is considered.

Addition or deletion of graduate programs and undergraduate majors or degree programs is important to the faculty as a whole, not just to faculty in the directly affected units. Consultation with faculty responsible for those programs is already provided as part of other policies. This

policy provides for notification to a Faculty Senate Committee to ensure faculty outside the affected programs will know about the changes.

I. Reorganization of Campuses and Collegiate Units

Proposals to establish new collegiate units, merge or eliminate existing collegiate units, reorganize a college in a substantial way, or to make a significant modification in the mission (with college- or campus-wide impact or ramification) to an existing college/campus, should be reviewed by the appropriate governance body of an affected college or campus unit. The responsible central administrator (President, Provost, or Senior Vice President) will consult with the chair of the Senate Consultative Committee (SCC) to plan additional consultation with University Senate committee(s) as appropriate, and the timetable for such consultation.

II. Reorganization of Other University-Wide or Campus-Wide Units

Proposals to reorganize or eliminate non-collegiate, all-University units (such as the Graduate School) will be reviewed by governance bodies within the affected units and by SCC. The chair of SCC and the responsible central administrator (President, Provost, or Senior Vice President) will plan additional consultation with University Senate committee(s) as appropriate, and the timetable for such consultation.

III. Reorganization of Academic Units Within and Across Colleges and Campuses

Proposals to establish, eliminate, split, or merge collegiate academic departments or to move an academic department to a different college shall be reviewed by appropriate college governance committees. The responsible central administrator (President, Provost, or Senior Vice President) will report such proposals to the Committee on Faculty Affairs, the Faculty Consultative Committee, and the Senate Consultative Committee for information before any final decisions are made. Proposals to establish, eliminate, split, merge, or move non-departmental academic units (e.g., centers or programs with faculty with appointments in the unit) shall also be reviewed by appropriate college governance committees but need not be reported to Senate committees.

IV. Addition or Deletion of Programs, Majors, and Degree Programs

The Senior Vice President for Academic Affairs and Provost or his or her designee will report the addition or deletion of graduate and undergraduate majors or degree programs to the Committee on Educational Policy for information.

V. Administrative Reorganization

1. When the president considers (a) the establishment or elimination of senior administrative position(s) of high rank (vice president, provost, chancellor), or (b) a significant reorganization of the central administration, he or she will consult with the chair of the Senate Consultative Committee (or separately with the chairs of the Faculty Consultative Committee and the Student Senate Consultative Committee), who may bring the matter to their respective committees for discussion. Approval of the committee(s) or their chairs is not required.
2. When a campus executive officer (chancellor or provost) considers the establishment or elimination of senior administrative positions for a campus, the provost or chancellor should consult with the appropriate consultative body (assembly executive committee or its faculty-student equivalent). Approval by that consultative body is not required.

Current - Policy On Reorganization

Preamble

Because the structure and organization of the University's academic units can have a profound effect on the financing and delivery of educational programs, the Senate adopts the following policy with respect to reorganization of academic units. In general, both the Senate and its committees should be involved in any organizational or structural decision affecting an academic unit made at the level of the campus or college or across colleges. The provisions of this policy calling for reporting information are also intended to provide the Senate a broad overview of the changes in academic programs that are occurring in the various colleges and campuses.

It is the position of the Senate that program changes within colleges should be subject to appropriate consultation with faculty and students from the beginning of planning for such changes. The primary focus of consultation should be the impact that the changes will have on the delivery of education to students. If actions leading to change are conducted in a reasonable manner, with consultation, the Senate has no interest in second-guessing academic decisions made by the colleges.

For the purposes of this policy, "academic unit" is defined as any unit which offers programs leading to a degree.

I. Reorganization of Campuses and Collegiate Units

1. The campus assembly (or analogous body) of an affected campus or college unit shall review and make recommendations on the establishment of new collegiate units, the merger or elimination of existing collegiate units, or the addition to an existing campus/college of a major new mission with college- or campus-wide impact or ramification.
2. The Executive Vice President shall consult with the Senate Consultative Committee as to whether additional consultation with University Senate committee(s) is appropriate, and the timetable for such consultation.
3. These reorganizations shall be reported to the University Senate for information.

II. Reorganization Within and Across Colleges and Campuses

1. Proposals to establish, eliminate, split, or merge collegiate academic departments as well as intercollegiate transfers of departments shall be reviewed by appropriate college governance committees and reported to the Committee on Educational Policy for information
2. All proposals for the addition or deletion of undergraduate majors or degree programs shall be reported for information to the Committee on Educational Policy as part of decisions made by the administration or Board of Regents. Such proposals must incorporate an analysis of policy and budget implications. Changes within colleges and campuses shall be reviewed by the appropriate internal faculty governance process.
3. The Committee on Educational Policy shall report annually to the Senate, at the first meeting of the academic year, on the changes it reviewed under Section II(1) of this policy.
4. For each campus, it is expected that discussion of curricular issues (including conflict and duplication of courses) will be carried out in the appropriate campus governance

committee(s), and that recommendations made to campus academic officers will also be reported to the Committee on Educational Policy.

5. Addition and deletion of programs in the Graduate School will be reported annually for information to the Committee on Educational Policy.

III. Administrative Reorganization

1. The organization and selection of officers is appropriately at the discretion of the appointing authority. The president should have considerable discretion in setting the structure of the central administration of the University and to select and direct the officers who report to him or her; other senior academic officers (e.g., vice presidents, provosts, chancellors, deans) should have similar discretion.
2. When the president contemplates (a) the establishment or elimination of senior administrative position(s) of high rank (e.g., vice president, provost, chancellor), or (b) a major reorganization of the central administration, he or she shall present a proposal to the Senate Consultative Committee (or separately to the Faculty Consultative Committee and Student Consultative Committee) for information and discussion. Approval of the committee(s) for such proposals is not required.

When a campus executive officer (chancellor or provost) contemplates the establishment or elimination of senior administrative positions for a campus, the provost or chancellor shall present a proposal to the appropriate consultative body (assembly executive committee or its faculty-student equivalent) for information and discussion. Approval of that consultative body for the proposals is not required.

COMMENT:

This policy replaces the 1999 Policy on Reorganization adopted by the University Senate, which itself replaced several existing policies dating from 1956 through 1971. The intent is to remove ambiguities in the current policy.

**KATHRYN VANDENBOSCH, CHAIR
SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

Professor Carol Chomsky, Vice Chair of the University Senate, said that a track-changed version was not available due to the large number of changes made, therefore the current and proposed versions are provided for reference. While the title mentions reorganization, the policy is meant to provide for consultation. In its current form, it describes the consultation that ought to take place during major reorganizations of academic units and central administrative units.

At the time of the proposal to reorganize the Graduate School, there were questions about appropriate consultation pursuant to this policy. When looking at the policy, it was determined that the policy was written without thinking through the nature of all units at the University and the Graduate School fell through the cracks of the current policy. When revisions were considered, the Faculty Consultative Committee (FCC) asked a group to look at the policy and make clearer the nature of the consultation required.

While a track-changes version was not possible, there are few substantive changes except to add a section on non-academic, all-University units, like the Graduate School. The proposed policy sets up a procedure for promoting and ensuring that there will be consultation on these types of

changes. The language is flexible and allows the Senate Consultative Committee (SCC) or its chair to work with central administration to determine which Senate committees should be involved. The policy also continues to provide that for major changes within academic units, consultation within those units should take place, although it is not the role of the University Senate to mandate how this should take place.

As the University is moving into a transitional period in central administration, this revision is being brought for discussion to make sure that the provisions are appropriate and that some units have not been excluded. This draft also includes a rationale for consultation that was not well articulated previously, which is that the decisions governed by this policy will benefit from the knowledge and experience of those affected.

A senator pointed members to the second paragraph of the current preamble and noted that the sentence, "The primary focus of consultation should be the impact that the changes will have on the delivery of education to students" is not retained in the proposed policy, either in language or idea. He suggested that this phrase be maintained.

Professor Chomsky said that this phrase refers to consultation within units and the policy is not meant to dictate this process, therefore it was removed. However SCC can consider its retention in the new version.

Another senator questioned what consultation really means and what the limits are to the role of faculty. Faculty should be the ones to decide to eliminate, create, or merge departments, but this proposed policy provides only that faculty governance bodies review proposals for reorganization, be consulted, and be informed of decisions that have been made. What is the role of faculty and students in making these decisions?

Q: Why was the definition of academic unit removed from the proposed policy when the term is still used throughout the proposed policy?

A: The definition was removed since it is hard to limit the definition to units that lead to degrees.

Q: How does this policy affect the campuses that have faculty unions?

A: Neither the current or proposed policies apply to unionized campuses since they are not involved in the Senate process.

A senator noted that in the proposed policy, Section 3, the last paragraph refers to a non-departmental academic unit, such as centers. As many centers cross colleges in terms of their mission, why are these changes not being reported to the Senate?

Professor Chomsky asked senators to send them units to test how they would be handled under the proposed policy.

Another senator then stated that the academic unit description is central to the policy so it is helpful if it is clearly defined in the proposed policy.

12. EDUCATIONAL POLICY SUBCOMMITTEE
Policy on Appointments to Graduate Examining Committees
Action by the Faculty Senate

MOTION:

That the Faculty Senate approves the following new policy.

Policy on appointments to graduate examining committees

This policy governs appointments to the following graduate examination committees:

Master's Examination Committees
Ph.D. Preliminary Oral Examination Committees
Ph.D. Final Oral Examination Committees

I. Composition of master's examination committees

- a) Any University of Minnesota (University) tenured or tenure-track faculty member who holds an earned doctorate or designated equivalent in an appropriate field from an accredited institution may serve in any role on master's committees.
- b)
 - i. Other University faculty (including adjunct faculty) or staff who hold an earned doctorate or designated equivalent in an appropriate field from an accredited institution but who do not hold a tenured or tenure-track appointment, may serve on master's committees and act as an advisor.
 - ii. All such appointments must be reviewed individually at the collegiate level according to a review process and criteria specified by the collegiate unit.
 - c) Emeritus faculty and faculty, tenured or non-tenured, who have left the University may continue with committee assignments that were active at the time of their departure, including serving as advisor, if the faculty member and the student both agree to the continuation in writing.
 - d) Outside experts, whether or not they hold faculty appointments elsewhere, may serve on examining committees in any role except as advisor. All such appointments must be reviewed individually at the collegiate level according to a review process and criteria specified by the collegiate unit.
 - e) Individuals having a nonacademic relationship with the candidate may not serve on that candidate's graduate examining committee, as it would create a conflict of interest.
 - f) Individuals working toward a graduate degree at the University may not serve on a graduate examining committee unless an exception has been granted by the Dean of Graduate Education.
 - g) Collegiate deans or their designated representatives at the collegiate level must review and approve all assignments as advisor.

II. Composition of doctoral examination committees

- a) Any University tenured or track-track faculty member who holds an earned doctorate or designated equivalent in an appropriate field from an accredited institution may serve in any role on doctoral committees.

- b) The chair of the Ph.D. final oral examination committee may not be the candidate's advisor or co-advisor.
- c) Every Ph.D. final oral examination committee must include at least two tenure-track or tenured University faculty members who hold earned doctorate degrees or designated equivalents in appropriate fields from an accredited institution. At least one of the faculty members must be tenured. There are no exceptions to this requirement.
- d) Other University faculty (including adjunct faculty) or staff who hold an earned doctorate or designated equivalent in an appropriate field from an accredited institution may serve on doctoral committees. All such appointments must be reviewed individually at the collegiate level according to a review process and criteria specified by the collegiate unit.
- e) Only a faculty member may serve as advisor.
- f) Emeritus faculty and tenured or non-tenured faculty who have left the University may continue with committee assignments that were active at the time of their departure, including serving as advisor, if the faculty member and the student both agree to the continuation in writing.
- g) Outside experts, with or without faculty appointments elsewhere, may serve on examining committees in any role except as advisor or chair of the Ph.D. final oral examination committee. All such appointments must be reviewed individually at the collegiate level according to a review process and criteria specified by the collegiate unit.
- h) Individuals having a nonacademic relationship with the candidate may not serve on that candidate's graduate examining committee, as it creates a conflict of interest.
- i) Individuals working toward a graduate degree at the University may not serve on a graduate examining committee unless an exception has been granted by the Dean of Graduate Education.
- j) Collegiate deans or their designated representatives at the collegiate level must review and approve all assignments as either advisor or chair of the Ph.D. final oral examination committee.

III. Exceptions

Collegiate deans or their designated representatives at the collegiate level may authorize assignments to master's and doctoral committees that do not fully conform to policy statements Ia, Ibi, Ic, IIa, IIe, and IIf.

IV. Documentation

Each college must have a set of publicly available standards and processes for appointments to all roles on graduate examining committees, with special attention to requirements for advisors and for chairs of the Ph.D. final oral examination committee.

Collegiate units may develop more specific local policies so long as they conform to the policy statements listed above.

COMMENT:

The Senate Committee on Educational Policy (SCEP) last year commissioned a committee to assemble and review all policies related to graduate education, and to prepare them for approval through the University's normal policy-review process so they can be placed in the policy library. This is the first such policy, and has been reviewed by SCEP and by the Faculty Consultative Committee. A number of changes were made as a result of the discussions with the two committees, and they endorse it.

**THOMAS BROTHEN, CHAIR
EDUCATIONAL POLICY COMMITTEE**

DISCUSSION:

A motion was then made and seconded to recess the University Senate. This motion was approved. A motion was then made and seconded to convene the Faculty Senate. This motion was approved.

Professor Thomas Brothen, Chair of the Educational Policy Committee (SCEP), reported that with the Graduate School restructuring, there are no policies in place for graduate students. SCEP formed a subcommittee to create these policies. This is the first policy that has been approved by SCEP and the Faculty Consultative Committee (FCC). He then asked Professor Nita Krevans to speak on this policy.

Professor Nita Krevans, Chair of the SCEP Graduate Policy Subcommittee, stated that there were some policies for graduate students that lived in the Graduate School Constitution. While policies that were in the Graduate School catalog could be continued, on an interim basis, through an administrative memo, the policies in the Constitution became void when the Graduate School ceased to be a collegiate unit.

The goal of the Subcommittee is to produce an entire set of policies governing graduate education across the University and build a framework similar to that in place for undergraduates.

The policy before the Faculty Senate today is here because it is necessary to graduate examinations and conferral of graduate degrees. Because it was part of the Constitution, the Subcommittee was asked to fast-track its approval before presenting the larger set of policies spring semester. Currently the University may have no continued legal basis for making appointments to committees and is therefore open to a possible grievance.

This policy has been to the Policy Advisory Committee (PAC) and the President's Policy Committee (PPC), and a few cosmetic changes remain. The largest of these is that for clarity purposes, there are now three sections to the Policy – one for Masters exams, one for Doctoral preliminary exams, and one for Doctoral final oral exams.

A senator stated that as a temporary policy, he has no issue; as permanent policy, he does. The change in the structure of graduate education, if it will be effective in the long-term, needs to allow for the evolution of collegiate policy and procedures. Some of what is in this proposed policy is absurd micro-management, such as approval of appointments by the dean or collegiate-level designate as opposed to colleges being able to determine that this is a function of the DGS. He asked that this policy be temporary and that a date be determined after there will only be minimal University-level policies that allow for more policies at the collegiate level.

Professor Krevans stated that it is mandatory that all policies are reviewed on a regular basis. As the colleges proceed with developing their own graduate faculties, many of the specifics in this policy might become obsolete, but at the moment there are no graduate faculties.

Another faculty member said that the policy has a built-in redundancy by stating tenure and tenure-track faculty with an earned doctorate. There are a number of full professors in his college who have terminal degrees which are not doctorates. They should be qualified to serve on Masters degree committees if not Ph.D. committees as well.

Professor Krevans stated that this provision is covered in the policy.

A senator then questioned certain parts of the policy. There was a bizarre structure with various levels of authority within the current graduate committees which is almost unenforceable and is not in place at other institutions. This document does not address these issues. In terms of certification of people outside the University for expertise, this policy glosses over the review of credentials and the current practice is insulting to many experts outside the University. To be certified by the department faculty, these experts should not have to submit a CV and be vetted by a University body. He hopes that this practice ceases.

Professor Krevans stated that the decision on how to review outside experts has been left to the colleges to determine.

Q: How is participation on graduate committees by outsiders handled?

A: This policy only certifies someone's eligibility to serve. The main distinction in this proposal is that only certain people are eligible to serve as the chair of the doctoral oral final, as they are in charge of a specific procedure.

Another senator appreciated the effort being made to institutionalize this procedure. However, she is also concerned that the dean or college-level representative must approve the advisor. This creates another level of bureaucracy and infringes on academic freedom if the dean will not approve an advisor.

Professor Krevans said that this issue was raised by others but the issue is that the student degree process must be recorded centrally. The University as a whole is also part of a national push to improve the oversight and support for graduate advising. The Subcommittee and the Senate committees which were consulted felt that language was needed to support oversight of advising and collegiate accountability for the quality of advising. As the collegiate units build their graduate faculties, she can imagine that there would be a pre-approved pool of people. However, this provides a mechanism to support good advising, identify problem advisors, and provide help to students assigned to problem advisors.

A motion was made and seconded to amend the policy to remove 'at the collegiate level' from Section II(j). This was not accepted as a friendly amendment. A vote was taken and the amendment was approved.

With no further discussion, a vote was taken and the motion as amended was approved.

APPROVED

A motion was then made and seconded to recess the Faculty Senate. This motion was approved. A motion was then made and seconded to reconvene the University Senate. This motion was then approved.

13. BENEFITS ADVISORY COMMITTEE Health Care Reform

Discussion by the University Senate

The Benefits Advisory Committee is charged with giving advice to the University administration on health and related benefits. The committee includes faculty, professional staff, civil service, and retirees. Bargaining unit members also participate as non-voting members (health benefits are subject to bargaining by these units). Early next year the committee will be considering the plans for 2012 and beyond. Here are some of the issues that will need to be resolved. The Committee would appreciate any comments that members of the Senate or other University employees may have.

1. If the University is unable fully to cover increasing health care costs in 2012, how should we respond:

(a) with across-the-board increases in the employee share of the premium cost:

(b) with substantially higher co-pays or co-insurance.

2. If we impose higher employee premiums, should we cap the amount that an employee must pay for coverage as a percentage of salary, in order to avoid substantial federal financial penalties that would be imposed on the University beginning in 2014?

3. Should we substantially reduce the premiums or co-pays for employees who either (a) have satisfactory biometrics, or (b) are making real progress in improving their biometric results through health improvement activities?

4. Should we offer, as an option, a network that consists only of providers who provide above-average quality of care at below average costs? Such a network might not be available in all locations.

NOTE:

This topic can be brought back at a spring semester meeting for further discussion, if needed.

**GAVIN WATT, CHAIR
BENEFITS ADVISORY COMMITTEE**

**FRED MORRISON, MEMBER
BENEFITS ADVISORY COMMITTEE**

DISCUSSION:

Mr. Gavin Watt, Chair of the Benefits Advisory Committee (BAC), walked senators through a presentation on the four questions posed and the responses that had been received by that morning. He said that the University spent \$212 million on health care in 2009 and this amount is projected to rise by eight percent each year. The BAC has devoted two meetings to these questions and will continue to discuss them. They will also be inviting Vice President Pfutzenreuter to a meeting to learn about the larger budget picture. He then asked senators for their comments.

A senator is concerned about insurance being based on someone's health status. She is concerned about how one would define a healthy person. While she has worked at the University for 25 years, she has been a patient for 35 years due to a poor immune system. This leads to taking multiple medications each day, including one for anti-rejection. While she might look like a healthy person, her doctor has told her this year that this is the healthiest that she has ever been. She questioned how many factors would need to be considered in this definition.

Mr. Watt stated that the key terms being discussed are maintaining healthy, manage health, and improve health. It is not how healthy someone is now, but how healthy they are headed to be.

Another senator asked to correct some misconceptions from the presentation. The first truth is that overweight people live longer and are healthier than ideal weight people. Therefore these people should be paying less than ideal-weight individuals. If biometrics are used, they need to be based on current facts, not conventional wisdom.

A senator said that health care is an important benefit and is one reason that people stay at the University. When she polled her faculty, they were divided in their responses, similar to the results in the presentation. In particular, they asked that there not be a decision simply between across-the-board increases or higher co-pays, but that a combination be considered. Concerns included the impact of higher co-pays, significantly impacting families with children or those with chronic health conditions. Under the second question, all responses supported a cap. For question three, concerns raised included issues of privacy regarding medical records and situations in which people might not have control of their health outcomes. A question was also raised regarding the substantial reduction of costs and whether this would imply a substantial increase in costs for others. For question four, there was again a divided response but the concern was about who would make the decision as to which provider was in or out due to relationships that already exist with providers. She was also asked if someone who has other insurance is able to decline the University insurance.

Mr. Watt stated that currently employees can decline University insurance.

Another senator noted that salary cannot be the variable used in determining health care options but household income must be used. However this is not a figure that the University maintains.

Mr. Watt agreed that this is a major issue to determine.

Q: How does one decide if the University is unable or unwilling. and who makes this decision

A: This is a central administration decision with input from the BAC and the Senate.

A senator noted that biometrics is not a well-defined term and to talk about it as if it was is very misleading.

Q: Will the BAC have a mechanism for other input?

A: Yes. Anyone can talk with their employee class representatives on the BAC.

Q: Has the UPlan been studied to determine if it is providing the benefits as anticipated when it was first created?

A: He is not sure if it has been formally evaluated but BAC views separation from the state as a success.

A motion was made and seconded to extend the time for debate by 15 minutes. This motion was approved.

A senator has received concerns from her constituents and appreciates the opportunity for those concerns to be heard. She urged everyone to be passionate about this issue.

Another senator stated that in addressing this issue, the University should see itself as a national leader and try to be more visionary about the options and consider self-insuring. Regarding

question 4, the only people who would have access to this option are employees at Rochester. She also agreed that if the word 'biometrics' is used, then a clear understanding needs to be developed so people can make appropriate decisions. These issues can stratify by social issues that involve class and these factors need to be remembered. She reminded everyone that an insurance company is supposed to be about shared risk. An insurance company might want to eliminate everyone at high risk but this should not be allowed.

Professor Fred Morrison, another member of the BAC, addressed two issues raised by speakers. First is that the University has been self-insured since 2001 and has been a leader in the field due to this decision. Second is measurement of the current program. UPlan is doing much better than the state plan in terms of cost per person. Another important figure is the medical-loss ratio or how much of the premium pays for medical care versus overhead. Recent coverage has reported that insurance companies are moaning that they will be required to pay 80 percent for medical care and only apply 20 percent to overhead. Under UPlan, the University plays 93-95 percent for medical care, and overhead at the University and within the insurance companies only costs about 5 percent, which is much better than the national average.

A senator said that when he was recruited to the University 11 years ago, he was promised 100 percent health care coverage for himself and a spouse/partner. This was not a small element in his consideration and he interpreted it as a commitment to his productivity as a scholar, researcher, and teacher. This gesture was appreciated. This decade has been one of steady attrition and health concerns are compounded by an increasing engagement with a bureaucratic reality of 21st-century health care. This has costs in terms of the University's ability to maintain a standard of excellence. As future changes are considered, he and his constituents would advocate for changes as emergency measures with the inclusion of a sunset provision.

Another senator noted that the logic of co-pays treats health care like a user fee, similar to movie admission. The idea that good health is its own reward can disappear and people who are heavy users are burdened by increased costs as well as the burden of dealing with a medical condition. The luxury of good health is wonderful and should not be seen as an opportunity to police and punish others. An overwhelming comment among her colleagues is that the use of biometrics is a scary, slippery slope.

A senator then responded to question 4 by noting that there is danger in high-quality, low-cost coverage being a panacea.

Another senator urged senators to reject any proposal that grants rights to the University to engage in the surveillance of employees' bodies, behaviors, or habits that would infringe on personal liberty and privacy.

14. PRESIDENT'S REPORT

President Bruininks began by thanking the Benefits Advisory Committee, which works tirelessly to address health care issues. Since the University separated from the state, the University has kept statistics on issues of quality, access, overhead, and costs. There have been clear advantages to managing its own program. He believes that this is a strong benefit which needs to be maintained but he acknowledged that this will not be an easy task in the next several months.

He then noted that the University has chosen its next president, Eric Kaler. He has spoken with him on several occasions and knows that he has a strong academic record and is a University graduate. He is excited about the future of the University and they will be working to make this a smooth transition as there is much to do.

This will be a challenging year as there has been big political turnover and the governor is still not known. The University will need to navigate a difficult legislative session and work with the state to solve a \$6.1 billion deficit.

He then reviewed some important numbers. Currently, 37 cents of each dollar spent on an employee goes towards fringe benefits. This cost is large and keeps increasing despite the innovations that have been made. This means that everything will need to be examined in the next few months. The state's \$6.1 billion problem does not include any inflation but does include a \$1.8 million accounting shift due to delayed payments to K-12 education. This will need to be adjusted at some point but will likely be removed from consideration this year.

When the legislature adjourned last year, they decided that they had cut enough from higher education and therefore decided to increase the University's budget base by adding \$50 million for the next biennium. The Regents' approved budget argues that the University's base budget includes this \$50 million and the University will fight to keep this base. However, this figure contributes to the state deficit so there will likely be pressure to cut this amount from the base budget.

President Bruininks stated that the University will be releasing an economic-impact return-on-investment study in February that will show the University's value to the state. The continued erosion of state support is short-sighted if the legislature wants to grow the state's economy and quality of life.

He is asked what will be done if the base budget, including the \$50 million, is funded. He asked everyone to make this case to the state. As proposed, \$19.6 million will be used to support students through the restoration of faculty lines in key areas to maintain teaching and research. Another \$19.6 million will be used for direct student support in the form of continuing matching gifts to the Promise of Tomorrow need-based scholarship program and on-campus employment. The balance of \$63 million is to cover 1.5 percent of the inflationary increases for the University for health care, utilities, and infrastructure. Of the \$50 million, 40 percent would be directly invested in issues that are vitally important to the academic quality of the University.

He noted that there have been tough times during his tenure as president. He will be responsible for setting and securing the budget for the first two years under the next president while knowing that 70-80 percent of the cuts will come in FY12. The University needs to address this situation and he will devote his time and energy to it. He noted that courageous decisions have previously been made at the University and each one has been debated in governance committees and the University Senate. This process needs to continue.

In closing he asked everyone to provide a positive case for the University in St. Paul.

15. QUESTIONS TO THE PRESIDENT

Q: P&A will be on furlough later this month but are still being asked to work and account for it. Why is this being required?

A: Only civil service staff and bargaining unit employees are on unpaid furlough; P&A and faculty are not furloughed during these three days and therefore are expected to work or take vacation.

Q: In light of the health care debate, is this the time to seriously consider a campus-wide smoking ban?

A: While he agrees philosophically, this is an urban campus that has many people who come through campus but are not part of the community. He worries about enforcement. This could instead be a strong, moral position of the University and urge people to live up these expectations.

16. UNIVERSITY SENATE OLD BUSINESS

NONE

17. UNIVERSITY SENATE NEW BUSINESS

NONE

18. UNIVERSITY SENATE ADJOURNMENT

A motion was then made and seconded to adjourn the University Senate. This motion was approved at 4:33 pm. A motion was then made and seconded to reconvene the Faculty Senate. This motion was approved at 4:44 pm.

19. FACULTY CONSULTATIVE COMMITTEE REPORT

Professor Kathryn VandenBosch, Chair of the Faculty Consultative Committee (FCC), said that Provost Sullivan was invited to an FCC meeting to discuss and ask questions about "Troubled Waters." At this meeting he voiced his support for academic freedom and the decision to release the film as originally scheduled. FCC has continued to have discussions on this topic with President Bruininks and has identified questions for further study by the Academic Freedom and Tenure Committee in conjunction with the Provost.

A number of senior officials have been welcomed to the committee including, Vice President Kathy O'Brien and Mark Rotenberg to provide an update on light rail and Vice President Karen Himle to discuss plans to enhance internal communications.

FCC has continued to reach out to the coordinate campuses and has a visit scheduled to Rochester next week. The Rochester and Morris chancellors will also be welcomed to an FCC meeting.

Lastly, FCC was pleased to be asked for input into the search for the next president. FCC noted qualities that were important to faculty and was able to visit with Eric Kaler. She noted that Dr. Kaler was interested in the governance processes and voiced support for it. FCC looks forward to engaging with him during the transition and beyond.

20. FACULTY LEGISLATIVE LIAISONS UPDATE

Professor Caroline Hayes, one of the Faculty Legislative Liaison along with Professor Elizabeth Boyle, discussed plans for the upcoming semester in order to achieve some of the University's objections, such as retaining the budget base, reminding legislators of the University's centrality to the state, and protecting the University's autonomy.

Tomorrow, they will be meeting with legislators in leadership positions. The House and Senate Higher Education Committee Chairs have been selected. The House Chair is Bud Nornes and the Senate Chair is Michelle Fishbach. As Ms. Fishbach is new to the committee, it will be important for the Faculty Legislative Liaisons to meet with her and educate her on faculty concerns.

Lastly, she asked senators to consider hosting receptions at their homes with legislators. Anyone who is interested can contact her.

21. FACULTY SENATE RULES AMENDMENT

Absences from Committee Meetings

Action by the Faculty Senate

MOTION:

To amend Article IV, Section 2 of the Faculty Senate Rules as follows (language to be added is underlined; language to be deleted is ~~struck out~~). A simple majority vote is required for approval.

ARTICLE II. RULES FOR COMMITTEES OF THE FACULTY SENATE (Changes to this article are subject to vote only by the Faculty Senate)

...

2. Terms of Membership, Chairing of Committees, and Removal of Members for Absences.

...

~~g. A member of a committee (whether appointed or elected) of the Faculty Senate shall be said to have been absent if the member does not attend a meeting for which notification was given, subject to the provisions of (1) – (6) of this section (f). (1) A non-student member of a committee of the Faculty Senate shall forfeit membership if absent for three consecutive meetings of the committee unless excused by the chair of the committee. A student member of a committee of the Faculty Senate shall forfeit membership if absent for two meetings of the committee unless excused by the chair of the committee. A member of a committee (whether appointed or elected) of the Faculty Senate will be considered absent if the member does not attend a meeting for which notification was given, subject to provisions (i) - (iii) of this section (g). A letter of forfeiture from the chair of Committee on Committees will be sent, but only after the chair of the committee in question has been notified that one of the committee members has forfeited his or her seat. Summer meetings of a committee do not count in tallying consecutive absences from meetings. It is the responsibility of the committee chair, if he or she wishes, to discuss with committee members problems with scheduling before any forfeiture letter is sent. A member whose membership has been forfeited may appeal to the appropriate appointing authority for reinstatement.~~

~~(i) (1) Committee members who have official class teaching responsibilities, class conflicts (students), medical issues, or other serious and uncontrollable factors that prevent their attendance at committee meetings for up to a semester will should be considered given" excused absences" and not have the rule applied to them. If circumstances will prevent someone from attending meetings for more than a semester, the person should be asked to consider resigning and be appointed at a future time when commitments would not preclude participation.~~

~~(ii) This section (g) applies to (2) Before the first meeting of the year (and of spring semester), the chair (or committee members staff on behalf of the chair) should inquire if there are people who are absent from any three consecutive will be unable to attend meetings (non-student members) or two consecutive because of involuntary commitments/circumstances (e.g., teaching), and if there are a number of individuals who will be unable to attend, the chair should consider the possibility of changing the meeting time or rotating committee meeting times so that some members would be able to attend at least some of the meetings (students), whether within one academic year or spanning more than one academic year. Summer meetings of a committee do not count in tallying consecutive absences from meetings.~~

~~(iii). In those instances when a (3) Letters of forfeiture from the chair of Committee on Committees will be sent only after the chair of the committee member makes arrangements to attend a meeting by teleconference or other technological means, and the necessary technology fails to work, that in question has been notified that one of the committee members has forfeited his or her seat. It is the responsibility of the committee chair, if he or she wishes, to discuss with committee members problems with scheduling before any forfeiture letter is sent. will not be considered to be absent from the meeting.~~

~~(4) If the number of excused absences is significant , but moving the meeting time is not appropriate, the committee chair can request of the Committee on Committees to an expansion of the committee size so that there will always be a sufficient number of people able to attend meetings to conduct the committee's business.~~

~~(2) (5) Individuals who are going on leave may wish to take a leave of absence from their committee but resume committee participation upon their return. In that case, the individuals need not be permanently replaced on a committee. Those individuals will be asked to if they can identify someone to serve in their place, preferably from their own department, while they are on leave. Such a nomination must would have to be approved by the Committee on Committees. In the event the individual was unable to find an interim replacement, the Committee on Committees will do so.~~

~~(6) This section (f) applies to committee members who miss any three consecutive meetings (non-student members) or two consecutive meetings (students), whether within one academic year or spanning more than one academic year.~~

~~g. In those instances when a committee member makes arrangements to attend a meeting by teleconference or other technological means, and the necessary technology fails to work, that committee member will not be considered to be absent from the meeting.~~

COMMENT:

There is no substantive change in the Rule; these amendments clarify the intent, especially with respect to unavoidable commitments.

**KATHRYN VANDENBOSCH, CHAIR
FACULTY CONSULTATIVE COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

22. FACULTY SENATE BYLAW AMENDMENT
Faculty Consultative Committee Charge
Action by the Faculty Senate

MOTION:

To amend Article IV, Section 5(H) of the Faculty Senate Bylaws as follows (language to be deleted is ~~struck-out~~). As an amendment to the Faculty Senate Bylaws, the motion requires either a majority of all voting members of the Faculty Senate (84) at one regular or special meeting, or a majority of all voting members of the Faculty Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

H. FACULTY CONSULTATIVE COMMITTEE

...

Membership

The tenured and tenure-track faculty of the Twin Cities campus and those tenured and tenure-track faculty members on the Duluth campus eligible to vote in elections for the Senate shall elect 9 members, and the tenured and tenure-track faculty of the Morris campus shall elect one faculty member. Faculty members shall be nominated and elected by procedures established by each campus faculty, subject to the following provisions:

...

- The Nominating Subcommittee is responsible for identifying Twin Cities faculty candidates for the Faculty Consultative Committee. The Nominating Subcommittee shall consist of the Twin Cities voting members of the Faculty Consultative Committee (except the chair and vice chair), the chairs of Senate committees who are ex officio members of the Faculty Consultative Committee, and the immediate past voting members of the Faculty Consultative Committee. The Nominating Subcommittee shall elect a chair from among its members. The Nominating Subcommittee shall nominate twice as many faculty candidates for the Faculty Consultative Committee, who are confirmed as willing to serve, as are to be elected each year from the Twin Cities campus and from those faculty from the Duluth campus eligible to vote in Senate elections. To achieve balanced representation across the Twin Cities campus, the Nominating Subcommittee may choose to pair candidates. The final slate of candidates shall be announced in the Faculty Senate docket for a spring semester meeting. Additional nominations of eligible faculty, confirmed as willing to serve, may be made by: (1) petition of 12 voting members of the Twin Cities faculty, provided that the petition is in the hands of the clerk of the Senate the day before the Faculty Senate meeting; (2) nomination on the floor of the Faculty Senate by members of the Twin Cities Faculty Delegation when the slate is presented. If the nominees are paired, any additional nomination shall specify against which pair the nominee will run. In the event there are additional nominations, the Twin Cities Faculty Delegation shall by vote in order to reduce the slate to twice the number to be elected. The vote shall be taken by secret ballot in a manner determined by the Twin Cities Faculty Delegation. The clerk of the Senate shall present the final slate the Twin Cities Faculty Delegation for its approval. The slate as approved shall be presented to the faculty for an election, conducted in accordance with the preceding paragraph of the Faculty Senate Bylaws.

...

Duties and Responsibilities

...

Executive

- a. To serve as a deliberative body of the Faculty Senate on all major items it deems necessary and appropriate.
- b. To act on behalf of the Faculty Senate when a decision is required prior to the next scheduled meeting of the Faculty Senate and when a decision is required when it would not be possible to convene a special meeting of the Faculty Senate in a timely fashion; such actions will be reported to the Faculty Senate at its next meeting and the Faculty Senate may then overrule the Faculty Consultative Committee.
- c. To examine any action taken respecting the University by the Board of Regents, the central administration, or by another individual or body having any relationship with the University.
- ~~d. To forward annually to the Twin Cities Faculty Delegation the slate of candidates for the Nominating Committee. The slate of candidates for the Nominating Committee shall contain twice the number of candidates as there are positions to be filled and the candidates shall be paired. The proposed slate will be provided to the Faculty Consultative Committee by the Committee on Committees. In the event that additional nominations are made by members of the Faculty Consultative Committee, the Faculty Consultative Committee shall vote by secret ballot to reduce the slate to twice the number to be elected before forwarding the final slate to the Twin Cities Faculty Delegation.~~
- ~~e. To forward annually to the Twin Cities Faculty Delegation the slate of candidates for the Committee on Committees. The slate of candidates for the Committee on Committees, shall contain the same number of candidates as there are positions to be filled. A proposed slate will be provided to the Faculty Consultative Committee by the Nominating Committee. In the event that additional nominations are made by members of the Faculty Consultative Committee, the Faculty Consultative Committee shall vote by secret ballot to determine the final slate to be forwarded to the Twin Cities Faculty Delegation.~~

...

[The subsequent items will be re-lettered.]

COMMENT:

With the change in the nominating process to be used for candidates for the Faculty Consultative Committee approved by the Faculty Senate in the spring of 2010, the language in sections (d) and (e) is obsolete. (It should have been deleted at the same time the other changes were approved, but simple oversight led to the omission of this change at that time.) The new process appears in the paragraph under "Membership" that identifies the responsibilities of the Nominating Subcommittee.

**KATHRYN VANDENBOSCH, CHAIR
FACULTY CONSULTATIVE COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was not approved with only 81 in favor and none opposed.

NOT APPROVED

**23. CLASSROOM ADVISORY SUBCOMMITTEE
Resolution on Classroom Needs Assessment
Action by the Twin Cities Faculty Delegation**

MOTION:

To approve the following resolution on Classroom Needs Assessment:

For the Twin Cities campus, the administration will report to the Classroom Advisory Subcommittee (1) on the proposals for classroom number, capacity and pedagogical accommodations including technical capabilities for every planned new building or major renovation, and (2) the impact of these proposals on the central classroom inventory.

COMMENT:

One of the University's most important priorities is high-quality learning space for its students, which entails building (1) enough classrooms to have adequate learning space for all of its students, (2) enough classrooms to have sufficient reserve classroom space to allow a normal rotation of classrooms to be taken off-line without disrupting education, and (3) sufficient student informal learning, study, and discussion space into buildings that house classrooms. (2) is important because the Twin Cities campus is now in a bind as it renovates and demolishes buildings.

Accordingly, this resolution seeks to ensure that planning for new Twin Cities buildings and major building renovations addresses (1) the local need for additional classroom and informal student learning space, (2) the requirement for "swing space" to accommodate loss of classrooms and learning spaces taken off-line for renovation, and (3) the pedagogical needs associated with the discipline being housed in the building, both inside and outside the formal classroom space.

The resolution calls for this planning to be done for every relevant new building or major renovation that will involve changes to central/general purpose classrooms and learning spaces.

The report provided by the administration will describe how each new building or major renovation adjusts the classroom inventory to accommodate current and anticipated needs, and how the campus-wide quantity and quality of classrooms and learning spaces will be maintained as rooms and buildings are taken off-line for renovation or demolition. The administration will work with each college to project areas of student growth or significant programmatic changes that would affect classroom usage sufficiently in advance so that the evolving classroom inventory is aligned with upcoming classroom scheduling requirements. Reports on these projections should be submitted to the Classroom Advisory Subcommittee in advance of the registration period for Fall semester of the next academic year so that the Classroom Advisory Subcommittee can provide scheduling advice to the Office of Classroom Management. The Classroom Advisory Committee will report annually to the Senate Committee on Educational Policy and the Senate Committee on Finance and Planning on the classroom proposals that have been made and the adequacy of plans for providing sufficient classroom space.

**SUSAN WICK, CHAIR
CLASSROOM ADVISORY SUBCOMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

**24. ACADEMIC FREEDOM AND TENURE COMMITTEE
Amendment to the Board of Regents Policy: Code of Conduct
Action by the Faculty Senate**

MOTION:

To amend the Board of Regents Policy: Code of Conduct, as follows (language to be added is underlined; language to be deleted is ~~struck out~~):

Subd. 6. Preserve Academic Freedom and Meet Academic Responsibilities. Academic freedom is essential to achieving the University's mission. Community members are expected to:

- promote academic freedom, ~~including the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write as a public citizen without institutional restraint or discipline;~~ which means the freedom without institutional discipline or restraint to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write on matters of public concern as well as on matters related to professional duties and the functioning of the University, and
- meet academic responsibilities, which means to seek ~~and state the~~ truth; to develop and maintain scholarly competence; to foster and defend intellectual honesty and freedom of inquiry and instruction; to respect those with differing views; to submit knowledge and claims to peer review; to work together to foster education of students; and to ~~acknowledge when an individual~~ make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.

COMMENT:

The language in the Board of Regents Policy: *Academic Freedom and Responsibility* appears below between the ***. This amendment to the Code of Conduct seeks to do three things.

1. It presumes that the amendment to the Academic Freedom and Responsibility Policy approved by the Faculty Senate on September 30, moving the phrase "without institutional discipline or restraint" to follow "Academic freedom is the freedom."
2. It aligns the language in the Code of Conduct with the language in the Academic Freedom and Responsibility policy.
3. It amends the academic-responsibility language of the Code of Conduct so that no faculty or staff member is held accountable for stating "the truth." "The truth" is a matter of contention in many disciplines, and the nature of debate in virtually all fields is about what "the truth" is. In some fields, there may be multiple truths. It is reasonable to hold people accountable for seeking truth but not for not speaking "the truth." The Academic Freedom and Tenure Committee, the

Committee on Faculty Affairs, and the Faculty Consultative Committee all endorse this change in the Code of Conduct.

ACADEMIC FREEDOM AND RESPONSIBILITY

SECTION II. ACADEMIC FREEDOM.

Academic freedom is the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write without institutional discipline or restraint on matters of public concern as well as on matters related to professional duties and the functioning of the University.

SECTION III. ACADEMIC RESPONSIBILITY.

Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.

**BARBARA ELLIOTT, CO-CHAIR
ACADEMIC FREEDOM AND TENURE COMMITTEE**

**KAREN MIKSCH, CO-CHAIR
ACADEMIC FREEDOM AND TENURE COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

25. ACADEMIC FREEDOM AND TENURE COMMITTEE Amendment to the Board of Regents Policy: Faculty Tenure Action by the Faculty Senate

MOTION:

To amend the Board of Regents Policy: Faculty Tenure as follows (new language is underlined, language to be deleted is ~~struck-out~~):

FACULTY TENURE

Section 1. Academic Freedom.

1.1 Principles. Every member of the faculty is entitled to due process and academic freedom as established by academic tradition and the constitutions and laws of the United States and the state of Minnesota, and as amplified by resolutions of the Board of Regents. The Board of Regents hereby reaffirms its commitment to academic freedom and tenure as reflected in its resolution of January 28, 1938, and in the statement of December 14, 1963, which are set forth in the appendix to these regulations. The policies of the Board of Regents regarding academic

freedom are currently stated in the board's statement of September 8, 1995, and amended June 12, 2009, and xxxx, which provides:

The Regents of the University of Minnesota reaffirm the principles of academic freedom and responsibility. These are rooted in the belief that the mind is ennobled by the pursuit of understanding and the search for truth and the state well served when instruction is available to all at an institution dedicated to the advancement of learning. These principles are also refreshed by the recollection that there is *commune vinculum omnibus artibus* -- a common bond through all the arts.

Academic freedom is the freedom without institutional discipline or restraint to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write ~~without institutional discipline or restraint~~ on matters of public concern as well as on matters related to professional duties and the functioning of the University. ~~as a public citizen without institutional discipline or restraint.~~

Academic responsibility implies the faithful performance of professional ~~academic~~ duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that ~~the individual is not~~ when one is speaking on matters of public interest, one is not speaking for the institution. ~~in matters of public interest.~~

COMMENT:

These amendments to the Board of Regents policy *Faculty Tenure*, recommended by the Committee on Academic Freedom and Tenure and the Faculty Consultative Committee, make no changes in the tenure code other than to align the quotation from the Board of Regents policy *Academic Freedom and Responsibility* with the actual language of the latter policy as amended as a result of earlier recommendations from the Faculty Senate.

This proposal is one of three designed to make largely editorial corrections to the Board of Regents policies *Faculty Tenure* and *Academic Freedom and Responsibility* as well as editorial and a modest change to the Board policy *Code of Conduct*.

**BARBARA ELLIOTT, CO-CHAIR
ACADEMIC FREEDOM AND TENURE COMMITTEE**

**KAREN MIKSCH, CO-CHAIR
ACADEMIC FREEDOM AND TENURE COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

26. FACULTY SENATE OLD BUSINESS

NONE

27. FACULTY SENATE NEW BUSINESS

NONE

28. FACULTY SENATE ADJOURNMENT

The meeting was adjourned at 4:59 p.m.

Rebecca Hippert
Abstractor