

MEETING OF THE UNIVERSITY SENATE

THURSDAY, MAY 30, 1996

2:00 p.m.

25 Law Building—Twin Cities Campus
305 Selvig Hall—Crookston Campus
323 Kirby Student Center—Duluth Campus
Behmler Hall Conference Room—Morris Campus

The voting membership of the University Senate totals 205, including the President, 160 members of the faculty (including the Faculty Consultative Committee), and 44 students (including the Student Consultative Committee). For a quorum, a majority of the voting membership (103) must be present. Advance notice is required for amendments to the constitution and 137 affirmative votes at one meeting or 103 affirmative votes at each of two meetings, the second of which shall be the next regular meeting. Advance notice is required for amendments to the bylaws and 103 affirmative votes. Other actions require only a simple majority of the members present and voting. Amendments to motions in the printed agenda must be submitted to the Clerk of the Senate at least 48 hours in advance of the meeting to allow for appropriate distribution. Consideration of amendments not received at least 48 hours in advance requires suspension of the rules by a majority of those members present and voting.

Any member of the faculty and any academic professional and student eligible to vote for senators shall be entitled to speak at the discretion of the Senate. Only elected members or alternates, the Senate Consultative Committee and, in case of a tie, the chair, shall be entitled to vote.

Representatives may designate any eligible alternates from their colleges, schools, or student constituencies as the alternates to serve in their places by written notice to the Senate Office prior to the commencement of any meeting of the Senate.

ATTENDANCE RECORD

A roll of elected and ex officio members will be available at each door of the meeting room, and members are asked to sign in. A summary of attendance for the year will be included in the minutes of the last meeting of the year.

RULES

Rules will be available at the door.

I. EDUCATIONAL POLICY COMMITTEE

Policy on Classes, Schedules, and Final Examinations Semester Version Information

A copy of the proposed policy is being mailed to Senate members for information. It will be brought to the Senate for action in the Fall.

II. EDUCATIONAL POLICY COMMITTEE

Policy on Horace T. Morse-Minnesota Alumni Association Award for Outstanding Contributions to Undergraduate Education Action (5 minutes)

MOTION:

That the Senate adopt the following policy:

Policy on Horace T. Morse-Minnesota Alumni Association

Award for Outstanding Contributions to Undergraduate Education

Preamble

The Horace T. Morse-Minnesota Alumni Association Awards for Outstanding Contributions to Undergraduate Education are granted annually to faculty members nominated by the colleges. The honor is awarded to exceptional candidates and reflects the University's emphasis on the importance of high quality undergraduate education. It also contributes to the improvement of undergraduate education at the University by publicizing the work of the award-winners to serve as a resource for the whole faculty.

Policy

1. The Committee on Educational Policy shall appoint annually a nominating committee that shall (1) review nominees for the Morse-Alumni award and (2) recommend to the Committee on Educational Policy those individuals whom should receive the award. The number of recipients will be dependent on the funding available.
2. Each recipient of the Morse-Alumni award shall receive a continuous augmentation in their salary, the amount to be recommended by the Committee on Educational Policy and approved by the President.
3. The department of each recipient of the Morse-Alumni award shall be provided funding for three years for the use of the award recipient for the development of teaching materials and training in order to promote excellence in teaching among all of the faculty.
4. A standing group chosen from the Morse-Alumni winners shall serve as a resource and advisory group to the University about excellence in undergraduate education. The Committee on Educational Policy and the President will be responsible for the appointment and charge to this advisory group.

5. The Committee on Educational Policy shall have the authority to establish operational details associated with the granting of the Morse-Alumni awards and shall report annually on those details to the Senate for information.

Operational Guidelines

1. The salary of each Morse Alumni award winner shall be increased by a continuous augmentation of \$1,500.
2. The annual award ceremony shall be a large public event to which the students and colleagues of the winners will be invited. This event would be in addition to a smaller event with the President and the Alumni.
3. The award shall include, for each winner, an appropriate, well-publicized lecture, seminar, or exhibition in the individual's specialty.
4. At least every ten years, beginning with the 1995 30th anniversary year, a special recognition event will be held for all of the winners over all of the years of the award and a special memento, such as a lapel pin, will be designed and given to the award winners.
5. The standing advisory group of Morse-Alumni winners shall consist of 20 individuals appointed for staggered three-year terms. The group and its chair shall be appointed by the President, on recommendation of the Committee on Educational Policy, and shall meet at the call of the President, any of the senior officers of the University, the Committee on Educational Policy, or on its own initiative. The chair shall make an annual oral report to the University Senate about the group's activities.
6. All faculty who have been awarded Morse-Amoco or Morse-Alumni teaching awards shall be designated throughout their careers at the University of Minnesota as "Morse-Alumni Distinguished Teaching Professor of [field]." This title can be used in correspondence, on business cards, and wherever else appropriate.
7. Any faculty member who has received the Morse-Alumni award shall be designated by an asterisk and accompanying footnote in the appropriate college catalogues and bulletins for the duration of the recipient's academic career at the University of Minnesota.

COMMENT

This policy is intended to consolidate the various statements that have been adopted by the Senate over the years and to codify the practices that have been adopted to facilitate the granting of the awards. If adopted, this policy would replace all previous Senate statements regarding the award.

SCEP considered this policy over several meetings during the last year, and unanimously recommends it to the Senate for adoption.

LAURA COFFIN KOCH, Chair

III. SENATE CONSULTATIVE COMMITTEE

University Reorganization Action (5 minutes)

A proposed resolution concerning University reorganization will be distributed to senators in advance of the meeting.

IV. PRESIDENT'S REPORT

(10 minutes)

V. QUESTIONS TO THE PRESIDENT

(5 minutes)

VI. SENATE CONSULTATIVE COMMITTEE REPORT

(5 minutes)

VII. OLD BUSINESS

VIII. NEW BUSINESS

IX. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY

FACULTY

Basil Furgala
1931-1996

X. ADJOURNMENT

MEETING OF THE FACULTY SENATE

THURSDAY, MAY 30, 1996

(Immediately following the Twin Cities Campus Assembly Meeting)

25 Law Building—Twin Cities Campus
305 Selvig Hall—Crookston Campus
323 Kirby Student Center—Duluth Campus
Behmler Hall Conference Room—Morris Campus

The Senate constitution provides that eligible academic professionals and all members of the faculty who hold regular appointments as defined in the Regulations Concerning Faculty Tenure may be present at Faculty Senate meetings and shall be entitled to speak and to offer motions for Faculty Senate action. Only elected faculty members and academic professionals (or their designated alternates) shall be entitled to vote. For a quorum, a majority of the voting membership (81) must be present. Actions require a simple majority of the members present and voting.

Amendments to motions in the printed agenda must be submitted to the Clerk of the Senate at least 48 hours in advance of the meeting to allow for appropriate distribution. Consideration of amendments not received at least 48 hours in advance requires suspension of the rules by a majority of those members present and voting.

I. FACULTY AFFAIRS COMMITTEE JUDICIAL COMMITTEE TENURE SUBCOMMITTEE

Regulations Concerning Faculty Tenure Action (60 minutes)

PREAMBLE TO MOTION A:

The following proposed amendments are considered to be "housekeeping" in nature. The 1985 Tenure Regulations provided that the Senior Vice President for Academic Affairs would be the final decision-maker on most individual cases relating to tenure. The 1995 reorganization of the University administration split that authority among the several chancellors and provosts, although the Vice President retains authority with respect to the units that report directly to him. The amendments in Motion

A accommodate that reorganization, but do so in a way that will permit future presidents of the University to create new administrative structures. It allows the President to appoint one or more "senior administrative officers," who will have final authority regarding the granting of tenure, and to define the scope of their authority (one or more colleges, campuses, etc.) In the present structure these officers would be the three chancellors, the three provosts, and (for University Libraries and a few other special cases) the Vice President for Academic Affairs. The Vice President for Academic Affairs will, however, retain University-wide authority for the development of tenure policy, although not for its administration in individual cases. If approved by the Faculty Senate and accepted by the Board of Regents, these amendments will replace the current interpretation of this topic which expires June 30, 1996.

MOTION A:

To amend the Regulations Concerning Faculty Tenure as follows: (new language is in CAPS; language to be deleted is in [brackets])

PLEASE NOTE: Additional amendments to Section 3 are being proposed; only the "housekeeping" amendments are included under Motion A.

Section 3. Faculty Ranks and Types of Appointments

3.3 Non-regular Appointments. A non-regular appointment is date-specific; that is, the appointment terminates at the end of a period specified in the appointment without further notice to the appointee. The [Vice President] SENIOR ADMINISTRATIVE OFFICER FOR THE CAMPUS OR AREA (footnote 3) must give every person appointed to a non-regular faculty position a statement in writing setting forth the conditions of the non-regular appointment, including the fact that it terminates without further notice.

3.4 Limitation on Use of Non-Regular Appointments.

(j) A regular faculty member on a probationary appointment may transfer to non-regular status during enrollment in such a program if the faculty member and the [Vice President] SENIOR ACADEMIC ADMINISTRATOR agree. . . .

3.6 Special Contracts

. . . . It must be signed by the faculty member concerned, by the dean of the collegiate unit in which the faculty member will be employed and by the [Vice President] SENIOR ACADEMIC ADMINISTRATOR and must be authorized by the Board of Regents or its expressly authorized delegate. In addition, the [Vice President] SENIOR ACADEMIC ADMINISTRATOR will annually report to the Tenure Committee the terms of all special contracts and the reasons for their use.

Section 7. Personnel Decisions Concerning Probationary Faculty

7.12 Departmental Statement

. . . . Each such document is subject to review by the dean or other appropriate academic administrator, by the [Vice President] SENIOR ACADEMIC ADMINISTRATOR AND BY THE SENIOR VICE PRESIDENT FOR ACADEMIC AFFAIRS. . . .

7.63 Final Administrative Action

The University may not act contrary to the recommendation of the academic unit which made the initial recommendation except for substantive reasons which must be stated in writing by the [Vice President (or a person designated by the Vice President)] SENIOR ACADEMIC ADMINISTRATOR to the faculty member The [Vice President] SENIOR ACADEMIC ADMINISTRATOR takes the steps necessary to make the necessary appointment or to give notice of termination.

Section 11. Fiscal Emergency

11.53 Allocation of Shortfall

. . . . The colleges and campuses return their plans to the [Vice President] SENIOR VICE PRESIDENT FOR ACADEMIC AFFAIRS, who prepares a comprehensive plan for the University The recommendations of the Senates and the SENIOR Vice President's plan will be presented to the President and the Board of Regents for action.

11.62 Priorities

(b) The SENIOR Vice President FOR ACADEMIC AFFAIRS must insure that for the University as a whole the plan which is submitted does not reduce the proportion of appointments with indefinite tenure held by women and minorities entitled to affirmative action,

Section 13. Judicial Committee

13.2 Procedures

. . . . In every case before the Judicial Committee the [Vice President] SENIOR ACADEMIC ADMINISTRATOR may designate the academic administrator who will represent the University as respondent. IF THE CASE INVOLVES TWO OR MORE CAMPUSES OR AREAS, THE PRESIDENT OR THE SENIOR VICE PRESIDENT FOR ACADEMIC AFFAIRS MAY DESIGNATE THE RESPONDENT.

Section 15. Appeals to the Judicial Committee

15.2 Procedure for Securing Review

. . . . Within 30 days of filing, the Chair of the Judicial Committee must send copies of the request to the head of the academic unit concerned and to the senior [Vice President] ACADEMIC ADMINISTRATOR.

15.6 Actions Requiring Reconsideration

. . . . If the Judicial Committee recommends reconsideration of an action, that reconsideration will be undertaken under the supervision of the [Vice President] SENIOR ACADEMIC ADMINISTRATOR, unless otherwise specified.

15.7 Recommendations for Changes in University Policies and Procedures

. . . . As a result of Judicial Committee proceedings, the Judicial Committee, the Tenure Committee or the SENIOR Vice President FOR ACADEMIC AFFAIRS may initiate steps to clarify or improve the University rules or policies involved. . . .

Section 16. Tenure Committee

16.1 Membership

The [Tenure Committee] TENURE SUBCOMMITTEE OF THE SENATE FACULTY AFFAIRS COMMITTEE (REFERRED TO ELSEWHERE IN THESE REGULATIONS AS THE TENURE COMMITTEE) is composed of at least seven members of the faculty and such other persons as the University Senate Bylaws shall provide. . . .

16.2 Interpretations

The SENIOR Vice President FOR ACADEMIC AFFAIRS and the Tenure Committee may propose formal interpretations of these regulations, consistent with their terms.

16.3 Procedures

The SENIOR Vice President FOR ACADEMIC AFFAIRS and the Tenure Committee may jointly adopt the procedures provided by Sections 7.4 and 7.61.

FOOTNOTES

2 . . The "academic administrator" or "dean" of a collegiate unit is a dean[, provost,] or similar officer.

3 [As used in these Regulations, "Vice President" means the Vice President for Academic Affairs.] A "SENIOR ACADEMIC ADMINISTRATOR" IS AN OFFICER WHO HAS FINAL REVIEW AUTHORITY ON ACADEMIC PERSONNEL DECISIONS, AND WHO REPORTS DIRECTLY TO THE PRESIDENT AND REGENTS, SUCH AS A VICE PRESIDENT, CHANCELLOR OR PROVOST. THE PRESIDENT WILL DESIGNATE ONE OR MORE SENIOR ACADEMIC ADMINISTRATORS TO HAVE RESPONSIBILITY FOR ACADEMIC MATTERS FOR ALL OR PART OF THE UNIVERSITY, AND WILL DEFINE THEIR RESPECTIVE JURISDICTIONS.

10 Because of the special mission of the Crookston [and Waseca] campus[es], disciplined inquiry in [their] ITS field of endeavor may be substituted for research in appraising faculty members there.

COMMITTEE ACTION

Approved by the: Tenure Subcommittee—May 3, 1996
Faculty Affairs Committee—May 9, 1996
Judicial Committee—May 11, 1996

(NOTE: JUDICIAL COMMITTEE APPROVAL IS SUBJECT TO REVIEW BY MEMBERS WHO WERE UNABLE TO ATTEND THE MAY 11 MEETING.)

Footnote 3: Revised by the Tenure Subcommittee—May 17, 1996

PREAMBLE TO MOTIONS B-G:

The Subsequent motions are presented to you on the assumption that Motion A is approved. If it is not, the words "vice president" should be reinserted in the appropriate places.

MOTION B:

To amend section 1.1 as follows: (new language is in CAPS; language to be deleted is in [brackets])

Section 1. Academic Freedom

1 **1.1 Principles.** Every member of the faculty is entitled to due
2 process and academic freedom as established by academic tradition and the
3 Constitutions and laws of the United States and the State of Minnesota and
4 as amplified by Resolutions of the Board of Regents. The Board of Regents
5 hereby reaffirms its [policies concerning] COMMITMENT TO academic freedom
6 and tenure AS REFLECTED [announced] in its resolution of January 28, 1938,
7 and IN the statement of December 14, 1963, which are set forth in the
8 Appendix to these regulations. THE POLICIES OF THE BOARD OF REGENTS
9 REGARDING ACADEMIC FREEDOM ARE CURRENTLY STATED IN THE BOARD'S
10 STATEMENT OF SEPTEMBER 8, 1995, WHICH PROVIDES:

11 THE REGENTS OF THE UNIVERSITY OF MINNESOTA REAFFIRM THE
12 PRINCIPLES OF ACADEMIC FREEDOM AND RESPONSIBILITY. THESE ARE
13 ROOTED IN THE BELIEF THAT THE MIND IS ENNOBLED BY THE PURSUIT OF
14 UNDERSTANDING AND THE SEARCH FOR TRUTH AND THE STATE WELL
15 SERVED WHEN INSTRUCTION IS AVAILABLE TO ALL AT AN INSTITUTION
16 DEDICATED TO THE ADVANCEMENT OF LEARNING. THESE PRINCIPLES ARE
17 ALSO REFRESHED BY THE RECOLLECTION THAT THERE IS COMMUNE
18 VINCULUM OMNIBUS ARTIBUS—A COMMON BOND THROUGH ALL THE ARTS.

19 ACADEMIC FREEDOM IS THE FREEDOM TO DISCUSS ALL RELEVANT
20 MATTERS IN THE CLASSROOM, TO EXPLORE ALL AVENUES OF
21 SCHOLARSHIP, RESEARCH AND CREATIVE EXPRESSION AND TO SPEAK OR
22 WRITE AS A PUBLIC CITIZEN WITHOUT INSTITUTIONAL DISCIPLINE OR
23 RESTRAINT. ACADEMIC RESPONSIBILITY IMPLIES THE FAITHFUL
24 PERFORMANCE OF ACADEMIC DUTIES AND OBLIGATIONS, THE
25 RECOGNITION OF THE DEMANDS OF THE SCHOLARLY ENTERPRISE
26 AND THE CANDOR TO MAKE IT CLEAR THAT THE INDIVIDUAL IS NOT
27 SPEAKING FOR THE INSTITUTION IN MATTERS OF PUBLIC INTEREST.

COMMENT

This item incorporates into the Tenure Code the most recent statement of the Board of Regents with regard to academic freedom. The statements of 1938 and 1963 are retained in the appendix because of their importance in the interpretation of academic freedom at the University.

COMMITTEE ACTION

Approved by the: Tenure Subcommittee—May 3, 1996
Faculty Affairs Committee—May 9, 1996
Judicial Committee—May 11, 1996 (See note to Motion A)

Comment: Revised by the Tenure Subcommittee, May 17, 1996

MOTION C:

To amend sections 3 and 8 of the Tenure Regulations (new language is in CAPS; language to be deleted is in [brackets])

Amend section 3 of the Tenure Regulations to read as follows:

Section 3. Faculty Ranks and Types of Appointments.

1 **3.1 In General.** The faculty ranks are Professor, Associate
2 Professor, Assistant Professor, and Instructor. FACULTY APPOINTMENT IS
3 APPROPRIATE ONLY IF THE INDIVIDUAL IS ENGAGED IN TEACHING OR
4 RESEARCH AS DEFINED IN SECTION 7.11. Appointment at these ranks are
5 either regular TENURED OR TENURE-TRACK APPOINTMENTS or [non-regular]
6 TERM APPOINTMENTS. An appointment must be designated AS A regular or
7 [non-regular] A TERM APPOINTMENT when it is made.

8 **3.2 Regular TENURED OR TENURE-TRACK Appointments.** A regular
9 appointment is either with indefinite tenure or is probationary leading to
10 a decision concerning indefinite tenure within a specified period of time.
11 A faculty member with indefinite tenure is entitled to retain that position
12 until retirement in accordance with University regulations or until the
13 appointment is terminated pursuant to the provisions of Sections 10 or 11.
14 A faculty member on probationary appointment (a) is entitled to
15 consideration for indefinite tenure, and (b) is entitled to timely notice
16 of termination in accordance with Section 6. A regular appointment may
17 only be held in an academic unit(footnote 1) of a degree-granting
18 college(footnote 2), or similar unit. A regular appointment must be for
19 two-thirds time or more over the academic year.

20 **3.3 [Non-regular] TERM Appointments.** A [non-regular] TERM
21 appointment is date-specific: that is, the appointment terminates at the
22 end of a period specified in the notice of appointment without further
23 notice to the appointee. The [Vice President] SENIOR ACADEMIC
24 ADMINISTRATOR FOR THE CAMPUS OR AREA (FOOTNOTE 3) must give every
25 person appointed to a [non-regular] TERM faculty position a statement in writing
26 setting forth the conditions of the [non-regular] appointment, including
27 the fact that it terminates without further notice. No number of renewals
28 of a [non-regular] TERM appointment creates a right to further renewals or
29 to a decision concerning tenure. Every renewal of a [non-regular] TERM
30 appointment for the seventh or succeeding year must be reported to the
31 Tenure Committee with a justification of the reasons for [non-regular] THE
32 CONTINUATION OF TERM status.

33 **3.4 [Limitation on Use of Non-Regular Appointments.] APPROPRIATE
34 USES OF TERM APPOINTMENTS.** [Faculty appointments must be regular (either
35 probationary or with indefinite tenure) unless one or more of the following
36 conditions is met, in which case the appointment may be classified as non-
37 regular] TERM APPOINTMENTS ARE APPROPRIATE AND MAY BE USED
38 PROVIDED ONE OR MORE OF THE FOLLOWING CONDITIONS IS MET:

- 39 (a) The duration, the percentage of time, or both require less than
40 service for two-thirds time for the academic year.
41 (b) The appointment is designated as a Visiting appointment because
42 the faculty member is from another educational institution or is
43 a qualified professional from a government or private agency on a
44 leave of absence to accept a temporary assignment at this University.
45 (c) The appointment is designated a Clinical appointment because the
46 faculty member is a clinician in the community who gives service
47 to the University part-time;
48 (D) THE APPOINTMENT CONCERNS A FACULTY MEMBER WHO
49 PRINCIPALLY IS ENGAGED IN AND PRIMARILY IS SUPPORTED BY
50 CLINICAL ACTIVITIES OR BY DISCIPLINE-RELATED SERVICE
51 (new footnote *)
52 [(d)](E) The appointment is designated an Adjunct appointment because the
53 faculty member's primary employment is outside the University or
54 is in another unit of the University.
55 [(e)](F) The appointment extends courtesy faculty rank without salary.
56 [(f)](G) The position is subject to the joint control of the University
57 and another institution.
58 [(g)](H) The specific funding for the position is subject to the
59 discretion of another agency.
60 [(h)](I) The funding for the position is for a limited time.

61 [(i)](J) The appointment is in a unit or program that is experimental or
62 otherwise restricted in duration.
63 [(j)](K) The person is enrolled in a University of Minnesota degree
64 program. A regular faculty member on a probationary appointment
65 may transfer to [non-regular] TERM status during enrollment in
66 such a program if the faculty member and the [Vice President]
67 SENIOR ACADEMIC ADMINISTRATOR agree. This transfer suspends
68 the running of the maximum period of probationary service, but the
69 faculty member retains other rights of regular appointment,
70 including annual review, the right to timely notice and a
71 terminal appointment period as provided in Section 6.

72 **3.5 Administrators' Appointments.** Academic administrators may hold
73 regular or [non-regular] TERM faculty appointments. Administrative titles
74 and duties are distinct and severable from such individual faculty
75 appointments. Removal from an administrative position does not impair any
76 rights the individual holds as a faculty member. UPON LEAVING AN
77 ADMINISTRATIVE POSITION, THE INDIVIDUAL RETURNS TO FACULTY
78 STATUS, WITH SALARY AND TERM OF APPOINTMENT REDUCED BY THE
79 AMOUNT OF THE ADMINISTRATIVE AUGMENTATION, IF ANY.

FOOTNOTES

- (1) As used in these Regulations, "academic unit" means a department or other basic unit in which tenure is held. It may be a division, school, or college which is not further subdivided. The "head" of an academic unit is the academic administrator immediately responsible for it, such as a chair, head, or director.
- (2) As used in these Regulations, "collegiate unit" or "college" means a major academic entity of the University. It may be a college, school, institute or campus. The "academic administrator" or "dean" of a collegiate unit is a dean [, provost,] or similar officer.
- (3) [As used in these regulations, "Vice President" means the Vice President for Academic Affairs.] THE PRESIDENT WILL DESIGNATE ONE OR MORE SENIOR ACADEMIC ADMINISTRATORS (VICE PRESIDENTS, CHANCELLORS, PROVOSTS, ETC.) TO HAVE RESPONSIBILITY FOR ACADEMIC MATTERS FOR ALL OR PART OF THE UNIVERSITY, AND WILL DEFINE THEIR RESPECTIVE JURISDICTIONS.
- (*) NEW FOOTNOTE TO ITEM 3.4(D): "SERVICE" MEANS PERFORMANCE WITHIN THE FACULTY MEMBER'S EXPERTISE, OTHER THAN TEACHING AND RESEARCH AS DEFINED IN SECTION 7.11.

And amend the title and introductory language of section 8 as follows:

Section 8. Improper Refusal of a New Appointment to a [Non-Regular] TERM Faculty Member.

1 A person holding a [non-regular] TERM faculty appointment who has
2 been refused a renewal of that appointment or has applied for and been
3 refused a regular or a different [non-regular] TERM faculty appointment
4 within six months of the end of that appointment may petition the Judicial
5 Committee to review the refusal, but only on the ground that the decision
6 was based in significant degree on one or more of the following: . . .
7 [remainder of text unchanged]

COMMENT

This proposal changes terminology in the Tenure regulations and also permits the University to employ clinical faculty on term contracts.

Many have felt that the terminology "nonregular" appointment carried a derogatory connotation. In order to eliminate that implication, the word "nonregular" has been changed to "term" throughout the Regulations. Term appointments are those which have a fixed duration and do not lead to probationary or tenured appointments.

Section 3(d) permits such appointments to be made for faculty whose principal commitment is to clinical or service duties and who are primarily supported by funds generated by those activities. This recognizes the variable funding of such clinical activities and does not commit the University to maintaining the income of future clinicians if the clinical revenues will not support them.

This section is prospective only. Faculty currently holding tenured or tenure-track appointments cannot be shifted to term appointments without their consent.

COMMITTEE ACTION

Approved by the: Tenure Subcommittee—May 3, 1996
Faculty Affairs Committee—May 9, 1996
Judicial Committee—May 11, 1996 (See note to Motion A)

Section 3.4: Revised by the Tenure Subcommittee—May 17, 1996

MOTION D:

To amend sections 4.1 and 4.3 and add a section 4.4, as follows: (new language is in CAPS; language to be deleted is in [brackets])

Amend section 4.1 as follows:

Section 4. Terms of Faculty Employment

1 **4.1 Written notice of appointment.** Each faculty appointment or
2 change of status is specified in a written notice of appointment issued by
3 or on behalf of the Board of Regents. The notice must specify the
4 following:
5 (1) whether the appointment is regular or [non-regular] TERM;
6 (2) whether it is full or part-time and the percentage of time
7 involved;
8 (3) if for a fixed term, its expiration date;
9 (4) if regular, whether it is probationary or with indefinite tenure;
10 (5) whether it is on a twelve-month, academic year or other specified
11 annual basis;
12 (6) the rank of appointment;
13 (7) the academic unit or units to which the individual is being
14 appointed; [and]
15 (8) the BASE salary; AND
16 (9) OTHER COMPENSATION OR AUGMENTATION AS DESCRIBED IN SECTION 4.4.

Amend section 4.3 as follows:

1 **4.3 Changes in Terms of Appointments.** Except for raises in rank or
2 BASE salary and except for action expressly authorized by these regulations, no
3 changes of [any of the] items (1) THROUGH (8) listed in Subsection 4.1 may
4 be made during the term of an appointment except with the agreement of the
5 faculty member and the Board of Regents or its authorized delegate.

Add a new subsection 4.4 to read as follows:

1 **4.4 FACULTY COMPENSATION.** EACH FACULTY MEMBER SHALL
2 RECEIVE A BASE SALARY, WHICH SHALL NOT BE DECREASED EXCEPT AS
3 EXPRESSLY AUTHORIZED IN THESE REGULATIONS. THE BASE SALARY
4 SHALL CONSIST OF THE INITIAL BASE SALARY PLUS ANY SUBSEQUENT
5 INCREASE IN BASE SALARY. IN GENERAL, IT IS EXPECTED THAT SALARY
6 INCREASES WILL BE ADDED TO THE BASE. THE UNIVERSITY MAY
7 ALSO PROVIDE A FACULTY MEMBER WITH ADDITIONAL COMPENSATION
8 THAT IS NOT PART OF THE BASE SALARY. THE ADDITIONAL
9 COMPENSATION MAY BE FOR SPECIAL AWARDS OR FOR ACTIVITIES IN
10 ADDITION TO REGULAR FACULTY RESPONSIBILITIES SUCH AS CLINICAL
11 PRACTICE, ADMINISTRATIVE SERVICE, OVERLOAD DUTIES, SUMMER
12 SCHOOL TEACHING, AND SUMMER RESEARCH SUPPORT. THE FACULTY

13 MEMBER DOES NOT HAVE A RIGHT TO CONTINUATION OF THIS
14 ADDITIONAL COMPENSATION BEYOND THE TIME FOR WHICH IT IS GRANTED.

15 AT THE TIME AN APPOINTMENT IS MADE, THE OFFER AND WRITTEN
16 NOTICE OF APPOINTMENT SHALL SEPARATELY STATE THE BASE SALARY
17 AND ANY ADDITIONAL COMPENSATION, AS DESCRIBED ABOVE, THAT THE
18 FACULTY MEMBER WILL RECEIVE. (FOR FACULTY MEMBERS EMPLOYED
19 AT THE TIME THIS SECTION TAKES EFFECT, THE INITIAL BASE SALARY
20 SHALL BE THE SALARY GUARANTEED UNDER THESE REGULATIONS AT
21 THE TIME THIS AMENDMENT TAKES EFFECT.) IN EACH SUBSEQUENT
22 YEAR, THE FACULTY MEMBER SHALL BE PROVIDED WITH A WRITTEN
23 NOTICE SEPARATELY STATING ANY INCREASE IN BASE SALARY AND ANY
24 CHANGES IN THE ADDITIONAL COMPENSATION FOR THE FOLLOWING
25 ACADEMIC YEAR. INCREASES WILL BE PRESUMED TO BE IN BASE SALARY
26 UNLESS OTHERWISE IDENTIFIED.

COMMENT

Each faculty member will receive a base salary, but may be given additional incentive sums to reward temporary assignments, such as overload teaching, summer school, administrative service. Clinical compensation will also be outside of the base salary. While the base salary will be guaranteed from year to year, the additional payments will be subject to review and adjustment. Apart from raises, adjustments in base pay may be made only voluntarily or as provided in other sections of the Regulations.

Base salary will be identified in annual appointment documents for each faculty member. Base salary may only be changed as expressly provided in these Regulations. Other provisions permit reduction of base salary in case of financial exigency or disciplinary action.

Tenured or tenure-track faculty whose appointments are partially supported by grant funds will continue to hold their full base salaries.

The current base salary of faculty members will be guaranteed under this system. Salary increases would be either permanent (added to base) or temporary (for one year or a period of years only), as is already permissible. The change simply clarifies this practice and provides official language to describe it. New faculty members would have base and temporary elements of their salaries identified in the letter of offer and in the initial appointment documents.

The appropriate Senate committees will annually review the methods used to allocate salary increases between additions to base and temporary increases and will make necessary recommendations to the Senate and administration.

COMMITTEE ACTION

Approved by the: Tenure Subcommittee—May 3, 1996
Faculty Affairs Committee—May 9, 1996
Judicial Committee—May 11, 1996 (See note to Motion A)

Sections 4.3 and 4.4: Revised by the Tenure Subcommittee, May 17, 1996

MOTION E:

To amend section 5.1 as follows: (new language is in CAPS; language to be deleted is in [brackets])

Section 5. Maximum Period of Probationary Service

1 **5.1 General rule.** To give the University ample opportunity to
2 determine the qualification of those faculty members whom it is considering
3 for regular appointment with indefinite tenure, the maximum period of
4 probationary service of a faculty member is NORMALLY six academic years,
5 whether consecutive or not. THE FACULTY ASSEMBLY OF A COLLEGIATE UNIT
6 MAY PROPOSE TO ALTER THE MAXIMUM PROBATIONARY PERIOD FOR ALL
7 OF THAT COLLEGE OR FOR CERTAIN UNITS WITHIN IT, TO NO MORE THAN
8 NINE YEARS. THE TENURED FACULTY OF A COLLEGE, BY SIMPLE
9 MAJORITY VOTE TAKEN BY SECRET BALLOT, MAY ADOPT SUCH A CHANGE,
10 WITH THE APPROVAL OF THE DEAN AND OF THE SENIOR ACADEMIC
11 ADMINISTRATOR. ANY SUCH CHANGE IN THE MAXIMUM PROBATIONARY
12 PERIOD APPLIES TO ALL PROBATIONARY FACULTY HIRED IN THAT
13 COLLEGE (OR THOSE UNITS) AFTER THE DECISION, BUT ANY INCUMBENT
14 PROBATIONARY FACULTY MEMBER MAY CHOOSE TO BE CONSIDERED
15 UNDER THE NEW RULE. At the end of this [six-year] PROBATIONARY period,
16 the faculty member must either be given a regular appointment with indefinite
17 tenure or a one-year terminal appointment.

COMMENT

The amendment would formally permit collegiate units to extend the probationary period from six to nine years by general rule. Many colleges will wish to retain the current six-year maximum, while others may see advantages in a longer probationary period. It would thus recognize officially a practice which has been allowed by special interpretation of the Tenure Committee in the past few years. This recognizes the problems in some units of the University in which the ability to obtain external research support is a major consideration in the research element of the tenure decision. The design of research projects for which the probationary professor is to be a principal investigator and procurement of funding for them sometimes requires several years. The six-year probationary period is felt by many in those colleges to cut short the effective time for evaluation of the candidate's performance. The extension of time is believed to be necessary to permit full consideration of the candidates' qualifications.

A proposal to extend the probationary period would be made by the faculty assembly or similar body, and would require approval by the tenured faculty of the college, by its dean, and by the provost (or equivalent official). Current probationary faculty members could decide to be governed by the old or by the new rule.

A college could later decide to return to the general six-year pattern, following the same procedures. Again, incumbent probationary faculty could choose to be governed by the old system or the new one.

Other provisions of the current Tenure Regulations for "stopping the tenure clock," would not be affected. In those cases, the probationary faculty member would have an addition to the maximum probationary period for the collegiate unit as established under this section.

COMMITTEE ACTION

Approved by the: Tenure Subcommittee—May 3, 1996
Faculty Affairs Committee—May 9, 1996
Judicial Committee—May 11, 1996
(See note to Motion A)

Section 5.1 and Comment: Revised by the Tenure Subcommittee, May 17, 1996

MOTION F:

To add a new section 13.5 as follows: (entire text is new)

Section 13. Judicial Committee

1 **13.5 LEGAL OFFICER.** THE JUDICIAL COMMITTEE SHALL HAVE ITS
2 OWN LEGAL OFFICER, APPOINTED BY THE JUDICIAL COMMITTEE IN
3 CONSULTATION WITH THE PRESIDENT OR THE PRESIDENT'S DELEGATE.
4 THE LEGAL OFFICER MAY NOT BE A MEMBER OF THE UNIVERSITY
5 GENERAL COUNSEL'S OFFICE. THE LEGAL OFFICER ASSISTS THE
6 JUDICIAL COMMITTEE IN THE EFFICIENT CONDUCT OF ITS WORK AND IN
7 THE PREPARATION OF ITS REPORTS AND PERFORMS ADDITIONAL
8 FUNCTIONS AS AUTHORIZED BY THE JUDICIAL COMMITTEE. THE LEGAL
9 OFFICER MAY BE PRESENT AND PARTICIPATE IN THE DELIBERATION OF
10 A PANEL, BUT SHALL HAVE NO VOTE. IN THE CASE OF THE ABSENCE OR
11 DISQUALIFICATION OF THE LEGAL OFFICER, A DEPUTY MAY PERFORM
12 THE FUNCTIONS OF THE OFFICE.

COMMENT

Over the past two decades, parties before the Judicial Committee have increasingly been represented by attorneys. As a result, the Committee has consulted with independent counsel to assist it in carrying out its functions. This amendment recognizes the position of a Legal Officer to assist the Judicial Committee in its work.

The Legal Officer gives legal advice to the Committee, independent of the legal advice supplied by the University's General Counsel Office to administrative officers in the proceedings. At the Committee's discretion, the Legal Officer may preside at hearings and perform other functions. The Committee will appoint a Deputy Legal Officer in case of the absence or disqualification of the Legal Officer.

The amendment makes clear that the Legal Officer does not vote and that decisions are made by members of the Committee. The function of the Legal Officer is to advise the Committee in making proceedings fair and efficient.

COMMITTEE ACTION

Approved by the: Tenure Subcommittee—May 3, 1996
Faculty Affairs Committee—May 9, 1996
Judicial Committee—May 11, 1996

MOTION G:

Amend sections 14.1 through 14.5 as follows: (new language is in CAPS; language to be deleted is in [brackets])

Section 14. Procedures in Cases of Unrequested Leave of Absence or Termination or Suspension of a Faculty Appointment for Cause.

1 **14.1 Preliminary Proceedings.** Only a dean (new footnote **) or an academic
2 administrator specially designated by the SENIOR Vice President FOR
3 ACADEMIC AFFAIRS OR BY THE SENIOR ACADEMIC ADMINISTRATOR may
4 initiate proceedings leading to unrequested leave of absence or to suspension or
5 removal OR TO TEMPORARY OR PERMANENT REDUCTION IN SALARY OR
6 RANK. The [administrator] DEAN must first attempt to discuss and resolve the
7 matter with the faculty member involved.

8 The [administrator] DEAN must then submit the matter to the tenured faculty
9 of the academic unit involved for their recommendation. [(The tenured faculty may
10 decide to submit the issue to the entire faculty of the unit.)]

11 If the SENIOR Vice President FOR ACADEMIC AFFAIRS and the Faculty
12 Senate have expressly approved the submission of allegations of the
13 violation of a specified policy to another body for preliminary
14 recommendation in place of submission to the tenured faculty of the
15 academic unit, the [administrator] DEAN must submit the matter to that
16 body for its recommendation.

17 Both the [administrator] DEAN and the faculty member may submit their
18 views, in person or in writing, to the body making the recommendation, but
19 neither of them may participate in the deliberation or vote. The body
20 making the recommendation DOES SO BY SECRET BALLOT AND makes a written
21 report to the [administrator] DEAN within 40 days of the submission of the
22 issue to it, indicating the number of votes for and against the proposed
23 action and the reasons articulated. [Within 15 days after receiving the
24 report, the administrator makes a written recommendation to the Vice
25 President. After receiving the report the administrator makes a written
26 recommendation to the Vice President. The recommendation must include a
27 copy of the report of the panel or of the tenured faculty, as the case may
28 be.] A copy of the report must be sent to the SENIOR ACADEMIC
29 ADMINISTRATOR AND TO THE faculty member.

30 **14.2 Formal action.** [After receiving the administrator's
31 recommendation and giving the faculty member an opportunity to comment,
32 the Vice President will decide whether to proceed.] WITHIN 40 DAYS AFTER
33 RECEIVING THE RECOMMENDATION OF THE TENURED FACULTY OR OTHER
34 BODY, THE DEAN WILL DECIDE WHETHER TO PROCEED WITH FORMAL
35 ACTION. BEFORE TAKING FORMAL ACTION, THE DEAN WILL CONSULT
36 WITH THE SENIOR ACADEMIC ADMINISTRATOR. If the [Vice President]
37 DEAN does not proceed within 40 days, the charges are dropped and the
38 faculty member and the academic unit are so notified in writing. If the [Vice
39 President] DEAN decides to proceed with formal action, the [Vice President]
40 DEAN must give written notice to the faculty member. The notice must specify
41 the action proposed, identify the specific grounds upon which it has been taken,
42 and summarize the evidence in support. It must inform the faculty member of the
43 right to request a hearing before the Judicial Committee and advise the faculty
44 member of the applicable time limit for making such a request. President may take
45 the action proposed in the [Vice President's] DEAN'S notice, without further right
46 to a hearing.

47 **14.3 Judicial Committee Hearing.** The faculty member may request a
48 hearing before the Judicial Committee by written request to the Secretary
49 of the Committee, filed within 30 days of the notice. The Judicial
50 Committee may extend the 30 day period for good cause. The [Vice
51 President] designates the administrator who] DEAN will [present] BE
52 RESPONSIBLE FOR PRESENTING the case. The [administrator] DEAN has the
53 burden of proving the case for the proposed action by clear and convincing
54 evidence and also has the burden of demonstrating the appropriateness of
55 the proposed action, rather than some lesser measure.

56 The Judicial Committee makes written findings of fact, conclusions,
57 and a recommendation for the disposition of the case. If the Committee
58 finds that action is warranted, it may recommend action [which] THAT is
59 less severe than that requested in the written notice, INCLUDING, BUT NOT
60 LIMITED TO, PERMANENT OR TEMPORARY REDUCTION IN SALARY OR
61 RANK [including action which does not involve the termination or suspension
62 of an appointment]. It may not recommend more severe measures than
63 those proposed in the [Vice President's] DEAN'S notice.

64 The Judicial Committee sends its report to the President with copies
65 to the faculty member [and the administrator], THE DEAN AND THE SENIOR
66 ACADEMIC ADMINISTRATOR.

67 **14.4 Action by the President.** The President must give the faculty
68 member and the [administrator] DEAN the opportunity to submit written
69 comments on the report [and to make oral presentations]. In determining
70 what action to take, the President may consult privately with any
71 administrators, including attorneys, who have had no previous
72 responsibility for the decision at issue in the case and have not
73 participated in the presentation of the matter to the Judicial Committee.
74 The President may not discuss the case with any administrator who was
75 responsible for the decision at issue or who participated in the
76 presentation of the matter to the Judicial Committee. Such administrators
77 may communicate with the President in writing, but only if the full text
78 of the communication is given to the faculty member and the faculty member
79 is given a reasonable opportunity to respond to it.

80 The President shall not take action materially different from that
81 recommended by the panel unless, prior to the action, the President has
82 consulted with the committee. The parties and their representatives shall
83 not be present at any meeting between the president and the committee nor
84 shall their consent be required for such meeting.

85 In addition, the President may request the Judicial Committee to make
86 further findings of fact, to clarify its recommendations or to reconsider
87 its interpretation. The reconsideration will be made by those who have
88 heard all of the evidence in the case, but the full Judicial Committee may
89 consult with them on questions of general policy.

90 The President may impose the action recommended by the Committee, or
91 any lesser measure which appears to be appropriate. The President may
92 impose action less favorable to the faculty member only for compelling
93 reasons, which must be stated in writing, with specific detailed reference
94 to the report of the Judicial Committee, the evidence presented, and the
95 policies involved. The President's written statement must be given to the
96 faculty member and to the Judicial Committee. Unless the faculty member
97 requests confidentiality, its full text must be published in the next
98 docket of the Faculty Senate; if the faculty member requests
99 confidentiality a summary of the relevant considerations must be so
100 published without identification of the faculty member.

101 **14.5 [Appeal] REPORT to the Board of Regents.** THE PRESIDENT SHALL
102 REPORT ANY ACTION WHICH INVOLVES THE TERMINATION OR
103 SUSPENSION OF AN APPOINTMENT FOR CAUSE OR AN UNREQUESTED
104 LEAVE OF ABSENCE TO THE BOARD OF REGENTS, AND SHALL INCLUDE
105 THE REPORT OF THE JUDICIAL COMMITTEE. [If the action involves removal
106 or if the action involves a sanction more severe than that recommended by
107 the Judicial Committee, the faculty member may appeal to the Board of Regents.
108 In cases in which the President imposes a sanction more severe than
109 that recommended by the Judicial Committee, the faculty member and the
110 President may present to the Board evidence with respect to issues on which the
111 President differs from the recommendation of the Judicial Committee. The
112 request for a hearing must be made to the Secretary of the Board within 10 days
113 of the President's action.]

FOOTNOTE

(**) NEW FOOTNOTE TO ITEM SECTION 14.1: THROUGHOUT THIS SECTION THE WORD "DEAN" MEANS THE DEAN OF THE COLLEGIATE UNIT OR OTHER EQUIVALENT OFFICER OR AN ACADEMIC ADMINISTRATOR SPECIALLY DESIGNATED FOR THIS PURPOSE BY THE SENIOR ACADEMIC ADMINISTRATOR OR BY THE SENIOR VICE PRESIDENT FOR ACADEMIC AFFAIRS.

COMMENT

This amendment is intended to simplify proceedings for unrequested leaves of absence, suspensions, or terminations. Many believe that these proceedings are unduly time-consuming and cumbersome as presently designed.

Under the present policy, before a dean's decision to seek termination or suspension of a faculty member can be made effective, that decision must be reviewed by (1) the tenured faculty of the department, (2) the Vice President (in the future: the Provost or Chancellor), (3) by the Judicial Committee, (4) by the President, and finally (5) by the Board of Regents. This five-step procedure builds so many safeguards into the process that serious cases may be jeopardized.

This proposal eliminates steps (2) and (5).

The new version retains the processes which we believe to be most important: (1) review of the proposal by the tenured faculty of the unit, (2) review by the Judicial Committee and all-University panel of tenured faculty who will hear all of the evidence, and (3) final action by the President. We believe that three steps of review is sufficient within the University system. Both of the steps that have been deleted simply contributed to unnecessary delay.

The new version places administrative responsibility for pursuing the case in the hands of the dean. While retaining overall responsibility for the conduct of the case, the dean may delegate to others the duty of presenting it before the tenured faculty and the Judicial Committee.

The new version also clarifies the authority of the Judicial Committee to recommend sanctions less severe than suspension or removal, if it finds that a faculty member charged with misconduct is culpable, but that the extreme sanctions of removal or suspension are disproportionate to the offense.

COMMITTEE ACTION

Approved by the: Tenure Subcommittee—May 3, 1996
Faculty Affairs Committee—May 9, 1996
Judicial Committee—May 11, 1996 (See note to Motion A)

Section 14.1 and Comment: Revised by the Tenure Subcommittee, May 17, 1996

INTERPRETATION 1:

The Tenure Subcommittee proposes to adopt the following formal Interpretation of Section 10.2. It does not require formal Faculty Senate action. (the entire text is new)

1 FACULTY MEMBERS ARE FREE TO CHOOSE TOPICS FOR
2 RESEARCH OR OUTREACH AND TO DISCUSS ALL RELEVANT MATTERS
3 IN THE CLASSROOM, IN ACCORDANCE WITH THE PRINCIPLES OF
4 ACADEMIC FREEDOM AND RESPONSIBILITY. THE HEAD OF THE
5 ACADEMIC UNIT WILL ASSIGN INDIVIDUAL FACULTY MEMBERS TO
6 TEACH SPECIFIC COURSES IN ACCORDANCE WITH THE ACADEMIC
7 WORKLOAD STATEMENT AND OTHER POLICIES ADOPTED BY THE
8 FACULTY OF THAT UNIT. A FACULTY MEMBER MAY CHALLENGE AN
9 ASSIGNMENT BY SHOWING THAT IT IS UNREASONABLE. AN
10 ASSIGNMENT IS UNREASONABLE IF: (A) TAKEN AS A WHOLE, IT
11 EXCEEDS THE WORKLOAD EXPECTED IN THE WORKLOAD STATEMENT
12 OF THAT UNIT, (B) THE FACULTY MEMBER LACKS THE BASIC
13 QUALIFICATIONS TO TEACH THE COURSE, OR (C) THE ASSIGNMENT
14 WAS MADE IN VIOLATION OF THE FACULTY MEMBER'S ACADEMIC
15 FREEDOM OR IN VIOLATION OF ANOTHER SPECIFIC UNIVERSITY
16 POLICY. THE FACULTY MEMBER SHOULD CARRY OUT THE TEACHING
17 ASSIGNMENT PENDING RESOLUTION OF ANY GRIEVANCE, UNLESS
18 THE RESPONSIBLE GRIEVANCE OF HEARING OFFICER OR PANEL
19 INDICATES THAT PROVISIONAL MEASURES ARE APPROPRIATE.

COMMENT

This interpretation is intended to reinforce the common understanding that faculty members must cooperate in the ongoing work of the department or other academic unit. The department head (or equivalent officer) has the responsibility to assign faculty members to particular teaching assignments. In doing so the skills, experience, and interest of faculty members should be taken into account, but the department head has the duty and responsibility to distribute equitably the workload among all faculty members in accordance with the policies formally adopted in the unit. A faculty member has the obligation to teach the courses assigned, as long as the assignment is reasonable.

Disagreements about assignment should be resolved informally, if possible. Otherwise, a formal grievance may be filed. The faculty member should carry out the assigned duty pending resolution of that grievance, unless provisional measures are indicated.

II. FACULTY AFFAIRS COMMITTEE JUDICIAL COMMITTEE TENURE SUBCOMMITTEE Regulations Concerning Faculty Tenure Discussion (60 minutes)

Proposed amendments for discussion on May 30 will be distributed to all faculty via email no later than May 28 (hopefully on May 24, before the holiday weekend). Individuals wanting a paper copy may contact the Senate Office, 612-625-9369, senate@mailbox.mail.umn.edu. **NO action will be taken on any of these items on May 30. Action is expected to be taken on them at the June 6 Faculty Senate meeting.**

III. OLD BUSINESS

IV. NEW BUSINESS

V. ADJOURNMENT

MEETING OF THE TWIN CITIES CAMPUS ASSEMBLY

THURSDAY, MAY 30, 1996

(immediately following the University Senate Meeting)
25 Law Building, Minneapolis Campus

The voting membership of the Twin Cities Campus Assembly totals 186, including the President, 148 members of the faculty (including the Faculty Steering Committee), and 37 students (including the Student Steering Committee). For a quorum, a majority of the voting membership (94) must be present. Advance notice is required for amendments to the constitution and 124 affirmative votes at one meeting or 94 affirmative votes at each of two meetings, the second of which shall be the next regular meeting. Advance notice is required for amendments to the bylaws and 94 affirmative votes. Other actions require only a simple majority of the members present and voting. Amendments to motions in the printed agenda must be submitted to the Clerk of the Assembly at least 48 hours in advance of the meeting to allow for appropriate distribution. Consideration of amendments not received at least 48 hours in advance requires suspension of the rules by a majority of those members present and voting.

Any member of the faculty and any academic professional and student eligible to vote for members of the Assembly shall be entitled to speak at the discretion of the Assembly. Only elected members or alternates, the Steering Committee, and, in case of a tie, the Chair, shall be entitled to vote.

Representatives may designate any eligible alternates from their colleges, schools, and student constituencies as the alternates to serve in their places by written notice to the Senate Office prior to the commencement of any meeting of the Assembly.

ATTENDANCE RECORD

A roll of elected and ex officio members will be available at each door of the meeting room, and members are asked to sign in. A summary of attendance for the year will be included in the minutes of the last meeting of the year.

RULES

Rules will be available at the door.

I. EDUCATIONAL POLICY COMMITTEE

Twin Cities Undergraduate Course and Curriculum Committee Action (20 minutes)

MOTION:

To amend Article III of the Bylaws of the Twin Cities Campus Assembly to add a new Bylaw 9, as follows:

9. UNDERGRADUATE COURSE AND CURRICULUM COMMITTEE

The Undergraduate Course and Curriculum Committee shall establish guidelines and procedures, within the framework of the educational policies adopted by the Senate and Twin Cities Assembly, to review all undergraduate course proposals that have been approved by the appropriate college curriculum committee in order to consider factors that would affect curriculum and policies across collegiate units and across the campus as a whole.

Membership

The Undergraduate Course and Curriculum Committee shall be jointly appointed by the Twin Cities Assembly Committee on Committees and the Provosts of the Twin Cities campus and shall be composed of tenured or tenure-track faculty and students. It shall have 13 members: 6 faculty (appointed by the Committee on Committees), 3 deans (or their designees) appointed by the provosts (two from Arts, Sciences, and Engineering and one from Professional Studies), 3 undergraduate students (appointed by the Committee on Committees), and ex officio representation as specified by vote of the Assembly.

The chair shall be a tenured faculty member, shall be appointed by the Provost for Arts, Sciences, and Engineering, and shall serve as an ex officio member of the Educational Policy Committee. Until September 1, 2000, the position of the chair shall be a 50-percent time funded appointment.

Duties and Responsibilities

- To develop guidelines for use by college curriculum committees. The criteria for course approval shall include policies adopted by the University Senate and the Twin Cities Campus Assembly, including but not limited to those that govern the relationship between credits and contact time, the relationship between credit and student academic effort, time constraints for completion of a degree program, and the number of credits necessary for graduation.
- To review all new undergraduate majors and program proposals. This includes reviewing the overall undergraduate curriculum of the Twin Cities campus, includ-

ing programs offered, the breadth and sufficiency of course offerings, and the requirements of the programs (including those established by the Council on Liberal Education).

- To review courses for possible duplication that have been approved by college curriculum committees and proposed for the change to semesters. This includes consideration of the similarity between and among courses that are offered in more than one college; the committee will determine, with consultation from the college curriculum committees, faculty proposing the courses, and college administrators, the necessity of offering similar courses and whether one or several courses shall be offered.
- To settle disputes between and among colleges involving a course or courses.
- To establish timelines for submission of course proposals to the committee.
- To report to the Assembly Committee on Educational Policy and the Twin Cities campus provosts.
- To recommend to the Committee on Educational Policy such actions or policies it deems appropriate.
- To submit an annual report to the provosts and to the Assembly.

COMMENT:

The Assembly Committee on Educational Policy (ACEP) received a suggestion from the Change to Semesters Coordinating Group that it should consider recommending the establishment of a Twin Cities campus undergraduate course and curriculum committee. ACEP, after discussing it, was persuaded that there are several reasons that such a committee should be established.

Following comments at the Assembly meeting of May 2, ACEP revised the charge to the committee and now presents it for action by the Assembly.

(1) All courses proposed for the semester system should be reviewed to ensure adherence to the Semester Conversion Standards, other Senate policies, and to guard as much as possible against course duplication and overlap.

(2) The committee would review majors and programs for the semester system.

(3) The committee would establish guidelines for use by the college curriculum committees in the approval of semester courses.

(3) Once semester courses have been established, the committee would be responsible for adjudicating disputes between colleges about curriculum and course offerings.

(4) The committee would NOT duplicate the work of college curriculum committees, nor would it, except in rare instances, review the substantive content of courses. (For example, an exception might be when two colleges appear to be offering courses with the same content.)

This proposal goes beyond the change to semesters to issues of the University's financial environment and the belief of ACEP that the Twin Cities campus needs to be financially responsible.

The temporary funding for the chair's position, staff and general support, and summer salary supplements for (1997) for the membership, will be provided by central administration.

LAURA COFFIN KOCH, Chair

II. OLD BUSINESS

III. NEW BUSINESS

IV. ADJOURNMENT

June 3, 1996

To: All Faculty

From: Mary E. Dempsey
Chair, Tenure Subcommittee
Senate Committee on Faculty Affairs

Re: Final Five Amendments to the Tenure Code for Action at the
Faculty Senate Meeting on June 6, 1996

There are five more amendments to the Regulations Concerning Faculty Tenure. These amendments [H-L] are scheduled for action by the Faculty Senate on June 6, and they accompany this memo. Unfortunately, printing deadlines made it necessary for the amendments to be distributed via e-mail rather than appearing in the printed agenda that was published in the Minnesota Daily on May 31. The amendments are also available in paper copy from the Senate office, 612-625-9369.

Amendments H - K were discussed at the Faculty Senate Meeting on May 30 and were modified by the Tenure Subcommittee in response to comments and questions. [You will note that amendment H, concerning procedures of peer review of faculty performance, has undergone considerable revision.] Amendment L is an additional "housekeeping" amendment which adds a footnote to new section 4.4 [Motion D approved by the Senate on May 30th.] This footnote indicates the sections in the Code where the possibility of a salary reduction are discussed. Finally, Interpretation 2, which was also discussed at the Faculty Senate meeting on May 30, was given final approval by the Subcommittee on May 31, and is included with this memo for your information.

Again, many thanks to Professor Fred Morrison, the members of the Tenure, Faculty Affairs and Judicial Committees, other faculty members and the Senate Office staff for their outstanding contributions to this Code revision process!

Best Regards!

Mary

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MOTION H. To add a new section 7A and amend Section 15.1, as follows:
----- (New language is in CAPS)

1 SECTION 7A. PEER REVIEW OF FACULTY PERFORMANCE

2 **7A.1. GOALS AND EXPECTATIONS.** THE FACULTY OF EACH ACADEMIC UNIT
3 ESTABLISHES GOALS AND EXPECTATIONS FOR ALL FACULTY MEMBERS, INCLUDING
4 GOALS AND EXPECTATIONS REGARDING TEACHING, SCHOLARLY PRODUCTIVITY, AND
5 CONTRIBUTIONS TO THE SERVICE AND OUTREACH FUNCTIONS OF THE UNIT. THE
6 FACTORS TO BE CONSIDERED WILL PARALLEL THOSE USED BY THE UNIT IN THE
7 GRANTING OF TENURE, BUT WILL TAKE INTO ACCOUNT THE DIFFERENT STAGES OF
8 PROFESSIONAL DEVELOPMENT OF FACULTY. THE GOALS AND EXPECTATIONS WILL BE
9 ESTABLISHED IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE UNIVERSITY
10 SENATE. THEY CAN PROVIDE FOR FLEXIBILITY, SO THAT SOME FACULTY MEMBERS CAN
11 CONTRIBUTE MORE HEAVILY TO THE ACCOMPLISHMENT OF ONE MISSION OF THE UNIT
12 AND OTHERS TO THE ACCOMPLISHMENT OF OTHER MISSIONS. THE GOALS AND
13 EXPECTATIONS MAY NOT VIOLATE THE INDIVIDUAL FACULTY MEMBER'S ACADEMIC
14 FREEDOM IN INSTRUCTION OR IN THE SELECTION OF TOPICS OR METHODS FOR
15 RESEARCH. THEY SHOULD INCLUDE REASONABLE INDICES OF ACCEPTABLE
16 PERFORMANCE IN EACH OF THE AREAS (E.G., TEACHING CONTRIBUTIONS AND
17 EVALUATIONS, SCHOLARLY PRODUCTIVITY, SERVICE AND OUTREACH ACTIVITIES).
18 THE DEAN REVIEWS THE GOALS AND EXPECTATIONS OF EACH UNIT AND MAY REQUEST
19 CHANGES TO MEET THE STANDARDS OF THE UNIVERSITY AND OF THE COLLEGIATE
20 UNIT.

21 **7A.2. ANNUAL REVIEW.** EACH ACADEMIC UNIT, THROUGH ITS MERIT REVIEW
22 PROCESS (ESTABLISHED IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE
23 SENATE), ANNUALLY REVIEWS WITH EACH FACULTY MEMBER THE PERFORMANCE OF THAT
24 FACULTY MEMBER IN LIGHT OF THE GOALS AND EXPECTATIONS OF THE ACADEMIC UNIT
25 ESTABLISHED UNDER SECTION 7A.1. THIS REVIEW IS USED FOR SALARY ADJUSTMENT
26 AND FACULTY DEVELOPMENT. THE FACULTY MEMBER WILL BE ADVISED OF ANY STEPS
27 THAT SHOULD BE TAKEN TO IMPROVE PERFORMANCE AND WILL BE PROVIDED
28 ASSISTANCE IN THAT EFFORT.

29 IF THE HEAD OF THE UNIT AND AN ELECTED PEER MERIT REVIEW COMMITTEE
30 WITHIN THAT UNIT BOTH FIND A FACULTY MEMBER'S PERFORMANCE TO BE
31 SUBSTANTIALLY BELOW THE GOALS AND EXPECTATIONS ADOPTED BY THAT UNIT, THEY
32 SHALL ADVISE THE FACULTY MEMBER IN WRITING, INCLUDING SUGGESTIONS FOR
33 IMPROVING PERFORMANCE, AND ESTABLISH A TIME PERIOD (OF AT LEAST ONE YEAR)
34 WITHIN WHICH IMPROVEMENT SHOULD BE DEMONSTRATED.

35 **7A.3. SPECIAL PEER REVIEW IN CASES OF ALLEGED SUBSTANDARD**
36 **PERFORMANCE BY TENURED FACULTY.** IF, AT THE END OF THE TIME PERIOD FOR
37 IMPROVEMENT DESCRIBED IN THE PREVIOUS PARAGRAPH, A TENURED FACULTY
38 MEMBER'S PERFORMANCE CONTINUES TO BE SUBSTANTIALLY BELOW THE GOALS AND
39 EXPECTATIONS OF THE UNIT AND THERE HAS NOT BEEN A SUFFICIENT IMPROVEMENT
40 OF PERFORMANCE, THE HEAD OF THE ACADEMIC UNIT AND THE ELECTED PEER MERIT
41 REVIEW COMMITTEE MAY JOINTLY REQUEST THE DEAN TO INITIATE A SPECIAL PEER
42 REVIEW OF THAT FACULTY MEMBER. BEFORE DOING SO, THE DEAN SHALL
43 INDEPENDENTLY REVIEW THE FILE TO DETERMINE THAT SPECIAL PEER REVIEW IS
44 WARRANTED.

45 THE SPECIAL PEER REVIEW SHALL BE CONDUCTED BY A PANEL OF FIVE TENURED
46 FACULTY MEMBERS OF EQUAL OR HIGHER RANK, SELECTED TO REVIEW THAT
47 INDIVIDUAL. THE FACULTY MEMBER UNDER REVIEW SHALL HAVE THE OPTION TO
48 APPROVE ONE MEMBER. THE REMAINING MEMBERS SHALL BE ELECTED BY SECRET
49 BALLOT BY THE TENURED FACULTY OF THE UNIT. THE MEMBERS OF THE SPECIAL

50 REVIEW PANEL NEED NOT BE MEMBERS OF THE ACADEMIC UNIT. THE SPECIAL REVIEW
51 PANEL SHALL PROVIDE ADEQUATE OPPORTUNITY FOR THE FACULTY MEMBER TO
52 PARTICIPATE IN THE REVIEW PROCESS AND SHALL CONSIDER ALTERNATIVE MEASURES
53 THAT WOULD ASSIST THE FACULTY MEMBER TO IMPROVE PERFORMANCE. THE TENURE
54 SUBCOMMITTEE MAY ADOPT RULES AND PROCEDURES REGULATING THE CONDUCT OF SUCH
55 REVIEWS.

56 THE SPECIAL REVIEW PANEL SHALL PREPARE A REPORT ON THE TEACHING,
57 SCHOLARSHIP, SERVICE, AND (WHEN APPROPRIATE) OUTREACH PERFORMANCE OF THE
58 FACULTY MEMBER. IT WILL ALSO IDENTIFY ANY SUPPORTING SERVICE OR
59 ACCOMMODATION THAT THE UNIVERSITY SHOULD PROVIDE TO ENABLE THE FACULTY
60 MEMBER TO IMPROVE PERFORMANCE. DEPENDING ON ITS FINDINGS, THE PANEL MAY
61 RECOMMEND:

- 62 (A) THAT THE PERFORMANCE IS ADEQUATE TO MEET STANDARDS AND THAT THE
63 REVIEW BE CONCLUDED;
- 64 (B) THAT THE ALLOCATION OF THE FACULTY MEMBER'S EXPECTED EFFORT
65 AMONG THE TEACHING, RESEARCH AND SERVICE FUNCTIONS OF THE UNIT
66 BE ALTERED IN LIGHT OF THE FACULTY MEMBER'S STRENGTHS AND
67 INTERESTS SO AS TO MAXIMIZE THE FACULTY MEMBER'S CONTRIBUTION
68 TO THE MISSION OF THE UNIVERSITY;
- 69 (C) THAT THE FACULTY MEMBER UNDERTAKE SPECIFIED STEPS TO IMPROVE
70 PERFORMANCE, SUBJECT ONLY TO FUTURE REGULAR ANNUAL REVIEWS AS
71 PROVIDED IN SECTION 7A.2.;
- 72 (D) THAT THE FACULTY MEMBER UNDERTAKE SPECIFIED STEPS TO IMPROVE
73 PERFORMANCE SUBJECT TO A SUBSEQUENT SPECIAL REVIEW UNDER SECTION
74 7A.3, TO BE CONDUCTED AT A SPECIFIED FUTURE TIME;
- 75 (E) THAT THE FACULTY MEMBER'S PERFORMANCE IS SO INADEQUATE AS TO
76 JUSTIFY LIMITED REDUCTIONS OF SALARY, AS PROVIDED IN SECTION
77 7A.4.;
- 78 (F) THAT THE FACULTY MEMBER'S PERFORMANCE IS SO INADEQUATE THAT THE
79 DEAN SHOULD COMMENCE FORMAL PROCEEDINGS FOR TERMINATION OR
80 INVOLUNTARY LEAVE OF ABSENCE AS PROVIDED IN SECTIONS 10 AND 14;
81 OR
- 82 (G) SOME COMBINATION OF THESE MEASURES.

83 THE PANEL WILL SEND ITS REPORT TO THE DEAN, THE HEAD OF THE ACADEMIC UNIT,
84 AND THE FACULTY MEMBER. WITHIN 30 WORK DAYS OF RECEIVING THE REPORT, THE
85 FACULTY MEMBER MAY APPEAL TO THE JUDICIAL COMMITTEE, WHICH SHALL REVIEW IT
86 IN A MANNER ANALOGOUS TO THE REVIEW OF TENURE DECISIONS (SEE SECTION 7.7).

87 **7A.4. SALARY REDUCTIONS.** IF THE SPECIAL REVIEW PANEL RECOMMENDS
88 THAT THE FACULTY MEMBER'S PERFORMANCE IS SO INADEQUATE AS TO JUSTIFY
89 LIMITED REDUCTIONS OF BASE SALARY, THE HEAD OF THE ACADEMIC UNIT, WITH THE
90 APPROVAL OF THE DEAN, MAY REDUCE THE FACULTY MEMBER'S BASE PAY, SUBJECT TO
91 THE FOLLOWING LIMITATIONS:

- 92 (A) THE AMOUNT OF THE DECREASE WILL NOT EXCEED 10% OF THE FACULTY
93 MEMBER'S BASE SALARY ON THE BASIS OF ANY ONE SPECIAL REVIEW;
- 94 (B) BASE SALARY MAY NOT BE REDUCED BY MORE THAN 25% FROM THE
95 HIGHEST LEVEL OF BASE PAY EVER HELD BY THE FACULTY MEMBER;
- 96 (C) AT LEAST SIX MONTHS' NOTICE OF THE DECREASE MUST BE GIVEN;
- 97 (D) ANY DECREASE IN SALARY MAY BE RESTORED BY THE ANNUAL REVIEW
98 PROCESS AS PROVIDED IN SECTION 7A.2.

99 WITHIN 30 WORK DAYS OF NOTICE OF THE DECREASE, THE FACULTY MEMBER MAY
100 APPEAL THIS ACTION TO THE JUDICIAL COMMITTEE, WHICH SHALL REVIEW IT IN A
101 MANNER ANALOGOUS TO THE REVIEW OF TENURE DECISIONS (SEE SECTION 7.7).
102 THIS REVIEW MAY NOT RECONSIDER MATTERS ALREADY DECIDED BY THE JUDICIAL
103 COMMITTEE UNDER SECTION 7A.3.

104 ANY DECREASE IN BASE PAY BEYOND THE LIMITS SPECIFIED IN THIS
105 SUBSECTION CAN ONLY BE IMPOSED PURSUANT TO SECTIONS 10 AND 14.

Section 15. Appeals to the Judicial Committee

15.1. Right to Review. Any faculty member who claims that his or her rights or status under these regulations have been adversely affected without his or her consent may seek review before the Judicial Committee. Cases arising under Sections 7, 7A (new), 10, or 11 may be brought directly to the Judicial Committee. In other cases the faculty member must exhaust all other available University remedies before bringing the case to the Judicial Committee; the Judicial Committee will not proceed with such a case until the appropriate University body has either decided it or has refused to consider it.

Comment

This amendment makes formal provision for review of faculty performance. The section provides for two forms of review: annual review of every faculty member and special review of faculty members whose performance is substantially below the goals and expectations adopted by the faculty of the department.

This system of post-tenure review builds on the existing system of annual. That review involves establishment of departmental standards by the faculty of the unit and annual review of individual faculty members. This system of annual review may be further elaborated by the Senate and University administration. It is a critical element of this process and must be carefully followed in all units.

Under this proposal, this regular annual review will be the basic post-tenure review. More intensive special reviews will be reserved for those instances in which the regular review process reveals serious deficiencies in the faculty member's performance and the deficiencies are not corrected. If those deficiencies continue, the department can ask the dean to initiate special review. Before doing so, the dean will independently review the case.

If such special review is necessary, the faculty member will be notified and given an opportunity to name a member of the review panel and to participate in the review. The review will be conducted by a panel of faculty elected by the tenured faculty of the unit, together with one member selected by the faculty member under review. The Tenure Subcommittee can establish more detailed procedural guidelines for such special review committees. The review could reaffirm the quality of the faculty member's performance or could identify shortcomings which the faculty member ought to address. It may also identify assistance or accommodation that may be necessary to enable the faculty member to provide the best service possible to the University. The review is intended as a positive and proactive measure that can assist faculty members in realizing their full potential.

This form of review is intended to deal primarily with cases of substandard, but not totally inadequate, performance. In cases of substandard performance, the post-tenure review could lead to a salary reduction for the individual, subject to some limitations. In response to a special review recommendation, the department could begin proceedings to terminate the appointment for "failure to perform reasonably assigned duties adequately" as provided in sections 10 and 14. This provision does not, however, limit the

direct applicability of sections 10 and 14 without resorting to special review, if the facts justify that action.

The regularity of the review is subject to appeal to the Judicial Committee under section 15. As in tenure denial cases, the Judicial Committee will review the proceedings to ensure procedural regularity, absence of discrimination, and the protection of academic freedom, but will not substitute its judgment on the merits.

Committee action

Approved by the: Tenure Subcommittee--May 17, 1996
 Faculty Affairs Committee--May 23, 1996
 Judicial Committee--May 23, 1996

Comment: Revised by the Tenure Subcommittee--May 31, 1996

MOTION I. To amend section 7.11 as follows:
=====

(New language is in CAPS; language to be deleted is in [brackets]. Footnotes will be renumbered to conform to the remainder of the Regulations.)

Section 7. Personnel Decisions Concerning Probationary Faculty

1 **7.11 General Criteria.** The basis for awarding indefinite tenure is
2 the determination that the achievements of an individual have demonstrated
3 the individual's potential to continue to contribute significantly to the
4 mission of the University (FOOTNOTE 1) and to its programs of teaching,
5 research, and service, over the course of the faculty member's academic
6 career. (footnote 2) The primary (footnote 3) criteria for demonstrating
7 this potential are effectiveness in teaching (footnote 4) and professional
8 distinction in research (footnote 5); outstanding discipline-related
9 service (footnote 6) [contributions] will also be taken into account where
10 they are an integral part of the mission of the academic unit. The
11 relative importance of the criteria may vary in different academic units,
12 but each of the criteria must be considered in every decision.(footnote 7)

13 The individual's participation in the governance of the institution
14 and other services to the University and service to the academic unit may
15 be taken into consideration, but are not themselves bases for awarding
16 tenure.

17 Indefinite tenure may be granted at any time when the candidate has
18 satisfied the requirements. A probationary appointment must be terminated
19 when the appointee fails to satisfy the criteria in the last year of
20 probationary service and may be terminated earlier if it appears that the
21 appointee is not making satisfactory progress toward meeting the criteria
22 within that period.

Footnotes

-
- (1) THE MISSION OF THE UNIVERSITY INCLUDES, WHERE APPROPRIATE, OUTREACH ACTIVITY THAT EXTENDS A FACULTY MEMBER'S TEACHING, RESEARCH AND SERVICE BEYOND THE CAMPUS OR TO NONTRADITIONAL GROUPS OF STUDENTS AND CITIZENS. NOT EVERY FACULTY MEMBER WILL HAVE OUTREACH RESPONSIBILITIES.
 - (2) For interpretation and possible applications, see the interpretative comment that will be provided in accordance with the provisions of Section 16.2.
 - (3) Criteria other than those expressly listed in this sentence must be explicitly stated and justified in terms of the mission of the University. Such additional criteria may not impinge upon the academic freedom of the probationary faculty member.
 - (4) "Teaching" is not limited to credit-producing classroom instruction. It encompasses other forms of communication of knowledge (both to students registered in the University and to other persons in the community) as well as the supervision or advising of individual graduate or undergraduate students.
 - (5) "Research" is not limited to the publication of scholarly works. It includes activities which lead to the public availability of products or practices which have a significance to society, such as artistic production or the development of new technology or scientific procedures.
 - (6) "Service" means performance within the faculty member's academic expertise and the mission of the academic unit. It does not include performance of quasi-administrative functions such as membership on faculty or Senate committees or other similar activities; those activities are relevant only to the limited extent set forth in the following paragraph OF THE TEXT.

Where service is not an integral part of the mission of the academic unit, a faculty member's service may be considered, but is not a prerequisite to the awarding of tenure.
 - (7) Because of the special mission of the Crookston [and Waseca campuses] CAMPUS, disciplined inquiry in their field of endeavor may be substituted for research in appraising faculty members there.

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

Comment

This amendment formally recognizes the outreach mission of the University and includes it in the qualifications for tenure. As the footnote indicates, outreach can be part of the teaching, research, or service functions of the University. It is important to note that our mission is not only campus-based, nor is it limited to our traditional academic environments, but can also involve communication of teaching, research, and service throughout the community that we serve.

While this amendment recognizes the outreach mission of the University, it does not require any faculty member to add outreach to other functions performed. Many faculty members have outreach activities and will continue to do so; others will continue to function entirely in more traditional teaching, research, and service.

Committee action

Approved by the: Tenure Subcommittee--May 17, 1996
 Faculty Affairs Committee--May 23, 1996
 Judicial Committee--May 23, 1996

Section 7.11 and Footnote 1: Revised by the Tenure Subcommittee--May 31, 1996

MOTION J. To add the following paragraphs at the beginning of the document:
===== (The entire item is new.)

1

PREAMBLE

2 THE BOARD OF REGENTS ADOPTS THESE REGULATIONS WITH THE CONVICTION THAT
3 A WELL-DEFINED STATEMENT OF RULES IS ESSENTIAL TO THE PROTECTION OF
4 ACADEMIC FREEDOM AND TO THE PROMOTION OF EXCELLENCE IN THIS UNIVERSITY. A
5 WELL DESIGNED PROMOTION AND TENURE SYSTEM ENSURES THAT CONSIDERATIONS OF
6 ACADEMIC QUALITY WILL BE THE BASIS FOR ACADEMIC PERSONNEL DECISIONS, AND
7 THUS PROVIDES THE FOUNDATION FOR ACADEMIC EXCELLENCE.

8 TENURE IS THE KEYSTONE FOR ACADEMIC FREEDOM; IT IS ESSENTIAL FOR
9 SAFEGUARDING THE RIGHT OF FREE EXPRESSION AND FOR ENCOURAGING RISK-TAKING
10 INQUIRY AT THE FRONTIERS OF KNOWLEDGE. BOTH TENURE AND ACADEMIC FREEDOM
11 ARE PART OF AN IMPLICIT SOCIAL COMPACT, WHICH RECOGNIZES THAT TENURE SERVES
12 IMPORTANT PUBLIC PURPOSES AND BENEFITS SOCIETY. THE PEOPLE OF MINNESOTA
13 ARE BEST SERVED WHEN FACULTY ARE FREE TO TEACH, CONDUCT RESEARCH, AND
14 PROVIDE SERVICE WITHOUT FEAR OF REPRISAL AND TO PURSUE THOSE ACTIVITIES
15 WITH REGARD FOR LONG TERM BENEFITS TO SOCIETY RATHER THAN SHORT TERM
16 REWARDS. IN RETURN, FACULTY HAVE THE RESPONSIBILITY OF FURTHERING THE
17 INSTITUTION'S PROGRAMS OF RESEARCH, TEACHING, AND SERVICE, AND ARE
18 ACCOUNTABLE FOR THEIR PERFORMANCE OF THESE RESPONSIBILITIES. ADDITIONALLY,
19 A WELL-DESIGNED TENURE SYSTEM ATTRACTS CAPABLE AND HIGHLY QUALIFIED
20 INDIVIDUALS AS FACULTY MEMBERS, STRENGTHENS INSTITUTIONAL STABILITY BY
21 ENHANCING FACULTY MEMBERS' INSTITUTIONAL LOYALTY, AND ENCOURAGES ACADEMIC
22 EXCELLENCE BY RETAINING AND REWARDING THE MOST ABLE PEOPLE. TENURE AND
23 PROMOTION IMPLY SELECTIVITY AND CHOICE; THEY ARE AWARDED FOR ACADEMIC AND
24 PROFESSIONAL MERIT, NOT FOR SENIORITY. THE LENGTH AND INTENSITY OF THE
25 REVIEW LEADING TO THE GRANT OF TENURE ENSURES THE RETENTION ONLY OF WELL-
26 QUALIFIED FACULTY COMMITTED TO THE UNIVERSITY'S MISSION.

27 THE IDEAL ATTRIBUTES OF THE COLLECTIVE FACULTY OF ANY UNIT ARE
28 SCHOLARLY CREATIVITY, PROFESSIONAL COMPETENCE AND LEADERSHIP, INTELLECTUAL
29 DIVERSITY, THE ABILITY AND DESIRE TO TEACH EFFECTIVELY AND THE WILLINGNESS
30 TO COOPERATE WITH OTHER UNITS IN PROMOTING THE WORK AND WELFARE OF THE
31 UNIVERSITY AS A WHOLE. THE ADMINISTRATION AND FACULTY SHOULD ENSURE, WITHIN

32 EACH UNIT, NOT ONLY A PROPER BALANCE AMONG THESE ACTIVITIES BUT ALSO THE
33 MAINTENANCE OF EACH AT THE HIGHEST LEVEL, TOGETHER WITH ACCOUNTABILITY AND
34 SUITABLE RECOGNITION OF INDIVIDUAL ACHIEVEMENT AND SERVICE.
35 THE TENURE REGULATIONS PROVIDE A COMPREHENSIVE SET OF POLICIES DEALING
36 WITH THE RELATIONSHIP BETWEEN THE UNIVERSITY AND ITS FACULTY. THE
37 REGULATIONS CLASSIFY THE FACULTY AS TENURED, PROBATIONARY AND TERM. THEY
38 PROVIDE FOR ANNUAL PERFORMANCE REVIEWS OF ALL FACULTY, AS WELL AS
39 ESPECIALLY THOROUGH REVIEWS BEFORE THE GRANTING OF TENURE, ON PROMOTION IN
40 RANK, AND WHEN THE PERFORMANCE OF A TENURED FACULTY MEMBER IS ALLEGED TO BE
41 SUBSTANDARD. THEY PROVIDE FOR THE REASSIGNMENT OF FACULTY IN CASE OF THE
42 REORGANIZATION OF THE UNIVERSITY OR CHANGES IN ITS SCHOLARLY DIRECTION, AND
43 FOR DISCIPLINE WHEN A FACULTY MEMBER FAILS TO MEET PRESCRIBED STANDARDS OF
44 CONDUCT.

Comment

This amendment adds a preamble to the Tenure Regulations. The preamble sets forth, in general terms, the purposes and benefits of tenure. This provides a general introduction to the Regulations and provides members of the public who read those Regulations with an understanding of the importance of this institution. (We have heard from many sources that members of the public do not understand that purpose at present.)

The first two paragraphs of the proposal are drawn from ideas articulated in the Tenure Regulations of Penn State University; the third paragraph is adapted from the MIT Code. The final paragraph provides an introduction and description for these University of Minnesota Tenure Regulations.

Committee Action

Approved by the: Tenure Subcommittee--May 17, 1996
Faculty Affairs Committee--May 23, 1996
Judicial Committee--pending

Preamble: Revised by the Tenure Subcommittee--May 31, 1996

MOTION K. To add a new section 2.3 and delete current footnotes 1, 2, 3 (as
===== amended) and 11, as follows: (New language is in CAPS; language to
be deleted is in [brackets])

Section 2. Applicability of Regulations and Continuity of Appointments

- 1 **SECTION 2.3 DEFINITIONS.** AS USED IN THESE REGULATIONS,
2 (A) AN "ACADEMIC UNIT" IS A DEPARTMENT, OR A DIVISION, SCHOOL OR
3 COLLEGE THAT IS NOT FURTHER SUBDIVIDED.
4 (B) THE "HEAD" OF AN ACADEMIC UNIT IS THE ACADEMIC ADMINISTRATOR

- 5 IMMEDIATELY RESPONSIBLE FOR IT, SUCH AS A CHAIR, HEAD OR DIRECTOR.
6 (C) A "COLLEGIATE UNIT" OR "COLLEGE" IS A MAJOR ACADEMIC ENTITY OF THE
7 UNIVERSITY. IT MAY BE A COLLEGE, SCHOOL, INSTITUTE OR CAMPUS.
8 (D) THE "DEAN" OF A COLLEGIATE UNIT IS THE ACADEMIC ADMINISTRATOR
9 IMMEDIATELY RESPONSIBLE FOR IT, SUCH AS A DEAN OR DIRECTOR OR (ON A
10 CAMPUS THAT IS NOT SUBDIVIDED INTO COLLEGES) A VICE-CHANCELLOR.
- 11 (E) A "SENIOR ACADEMIC ADMINISTRATOR" IS AN OFFICER WHO HAS FINAL
12 ADMINISTRATIVE REVIEW AUTHORITY ON ACADEMIC PERSONNEL DECISIONS,
13 AND WHO REPORTS DIRECTLY TO THE PRESIDENT AND REGENTS, SUCH AS A
14 VICE PRESIDENT, CHANCELLOR, OR PROVOST. THE PRESIDENT WILL
15 DESIGNATE ONE OR MORE SENIOR ACADEMIC ADMINISTRATORS AND DEFINE
16 THEIR RESPECTIVE JURISDICTIONS.
- 17 (F) THE "SENIOR VICE PRESIDENT FOR ACADEMIC AFFAIRS" IS THE OFFICER (OF
18 WHATEVER TITLE) HOLDING PRIMARY RESPONSIBILITY FOR THE DEVELOPMENT
19 OF UNIVERSITY-WIDE ACADEMIC POLICY. THIS OFFICER MAY ALSO SERVE AS
20 SENIOR ACADEMIC ADMINISTRATOR FOR SOME OR ALL OF THE UNIVERSITY, IF
21 SO DESIGNATED BY THE PRESIDENT.
- 22 (G) "TENURED FACULTY" ARE THOSE FACULTY WHO HOLD INDEFINITE TENURE.

Footnotes

- [1 As used in these Regulations, "academic unit" means a department or other basic unit in which tenure is held. It may be a division, school, or college which is not further subdivided. The "head" of an academic unit is the academic administrator immediately responsible for it, such as a chair, head or director.
- 2 As used in these Regulations, "collegiate unit" or "college" means a major academic entity of the University. It may be a college, school, institute or campus. The "academic administrator" or "dean" of a collegiate unit is a dean, provost, or similar officer.
- 3 A "Senior Academic Administrator" is an officer who has final review authority on academic personnel decisions, and who reports directly to the president and Regents, such as a vice president, chancellor or provost. The president will designate one or more senior academic administrators to have responsibility for academic matters for all or part of the University, and will define their respective jurisdictions.
- 11 As used in these Regulations, "tenured faculty" means those members of the faculty who hold indefinite tenure.]

Comment

This housekeeping amendment places the definitions in the text, close to the beginning of the Regulations, rather than in footnotes. This should make it easier for readers to understand the Regulations.

Committee action

Approved by the: Tenure Subcommittee--May 17, 1996
 Faculty Affairs Committee--May 23, 1996
 Judicial Committee--pending

Section 2.3: Revised by the Tenure Subcommittee--May 31, 1996

MOTION L. To add the following footnote at the end of the first sentence of
===== new section 4.4 approved by the Faculty Senate on May 30, 1996:
 (new language is in CAPS.)

1 **4.4 FACULTY COMPENSATION.** Each faculty member shall receive a base
2 salary, which shall not be decreased except as expressly authorized in
3 these regulations. (FOOTNOTE *) The base salary shall consist of the
4 initial base salary plus any subsequent increase in base salary. In
5 general, it is expected that salary increases will be added to the base.
6 The University may also provide a faculty member with additional
7 compensation that is not part of the base salary. The additional
8 compensation may be for special awards or for activities in addition to
9 regular faculty responsibilities such as clinical practice, administrative
10 service, overload duties, summer school teaching, and summer research
11 support. The faculty member does not have a right to continuation of this
12 additional compensation beyond the time for which it is granted.
13 At the time an appointment is made, the offer and written notice of
14 appointment shall separately state the base salary and any additional
15 compensation, as described above, that the faculty member will receive.
16 (For faculty members employed at the time this amendment takes effect, the
17 initial base salary shall be the salary guaranteed under these regulations
18 at the time this amendment takes effect.) In each subsequent year, the
19 faculty member shall be provided with a written notice separately stating
20 any increase in base salary and any changes in the additional compensation
21 for the following academic year. Increases will be presumed to be in base
22 salary unless otherwise identified.

Footnotes

(*) SEE SECTIONS 7A.3 (SALARY REDUCTION FOR PERFORMANCE SUBSTANTIALLY BELOW GOALS AND EXPECTATIONS), 11.4 (FORMULA REDUCTION OR POSTPONEMENT OF SALARY IN CASE OF FISCAL EMERGENCY), AND 14 (DISCIPLINARY ACTIONS WITH JUDICIAL COMMITTEE REVIEW).

Committee action

Approved by the: Tenure Subcommittee--May 31, 1996

INTERPRETATION 2. The Tenure Committee proposes to adopt the following
===== Interpretation of Section 12: (The entire text is new.)

1 SECTION 12.2 OF THE TENURE REGULATIONS RECORDS AN UNDERSTANDING THAT,
2 IN CASE OF PROGRAMMATIC CHANGE, "THE UNIVERSITY RECOGNIZES ITS OBLIGATION
3 TO CONTINUE THE EMPLOYMENT OF REGULAR FACULTY IN ACCORDANCE WITH THE TERMS
4 OF THEIR EMPLOYMENT" AND "REGULAR FACULTY MEMBERS WHO ARE SO RETAINED HAVE
5 THE RESPONSIBILITY TO ACCEPT TEACHING OR OTHER ASSIGNMENTS FOR WHICH THEY
6 ARE QUALIFIED." THIS INTERPRETATION CLARIFIES THE PROCESSES TO BE FOLLOWED
7 TO EFFECTUATE SECTION 12.2.

8 IN CASE OF PROGRAMMATIC CHANGE THAT LEADS TO THE DISCONTINUATION OF A
9 PROGRAM, THE ASSIGNMENT OF NEW RESPONSIBILITIES WILL BE MADE BY A
10 UNIVERSITY OFFICER DESIGNATED BY THE PRESIDENT. THE OFFICER WILL CONSULT
11 WITH THE FACULTY MEMBER AND THE POTENTIAL RECEIVING UNIT AND WILL
12 SEEK A MUTUALLY SATISFACTORY ASSIGNMENT.

13 IF AGREEMENT CANNOT BE REACHED, THE UNIVERSITY OFFICER WILL ASSIGN NEW
14 RESPONSIBILITIES AFTER CONSULTATION WITH THE INDIVIDUAL. THE ASSIGNMENT
15 WILL BE AS CLOSELY RELATED TO THE ORIGINAL APPOINTMENT AS PRACTICABLE. THE
16 FORMAL ASSIGNMENT WILL BE IN WRITING AND WILL INDICATE THE CONTINUING
17 NATURE OF THE FACULTY MEMBER'S TENURE.

18 FOR FIVE YEARS AFTER THE REASSIGNMENT, THE FACULTY MEMBER WILL BE
19 INFORMED OF VACANCIES IN HIS/HER ORIGINAL DEPARTMENT (OR IN SUCCESSOR OR
20 RELATED DEPARTMENTS) AND WILL BE GIVEN PREFERENCE IN FILLING ANY SUCH
21 POSITIONS FOR WHICH HE/SHE IS QUALIFIED.

22 EVERY EFFORT SHOULD BE MADE TO SEEK A SATISFACTORY PERMANENT
23 ASSIGNMENT. IF THIS CANNOT BE ACCOMPLISHED, TEMPORARY ASSIGNMENTS CAN BE
24 MADE.

25 AS PROVIDED IN SECTION 12.2, THE UNIVERSITY MAY GIVE THE FACULTY
26 MEMBER "OTHER ASSIGNMENTS" ONLY IF ASSIGNMENTS TO TEACHING IN THE FACULTY
27 MEMBER'S DISCIPLINE ARE NOT FEASIBLE. FOR EXAMPLE, FACULTY MIGHT BE
28 ASSIGNED

29 --TO TEACH IN ANOTHER FIELD IN WHICH THE INDIVIDUAL IS QUALIFIED,
30 BUT WHICH IS NOT WITHIN THE AREA OF ORIGINAL TENURE.

31 --TO PERFORM PROFESSIONAL OR ADMINISTRATIVE DUTIES, INCLUDING
32 PROFESSIONAL PRACTICE IN A FIELD IN WHICH THE INDIVIDUAL IS
33 QUALIFIED.

34 --TO TRANSFER EFFORT BY ASSIGNMENT IN A SUITABLE PROFESSIONAL
35 CAPACITY AT ANOTHER EDUCATIONAL INSTITUTION OR SIMILAR ENTITY,
36 WHILE RETAINING UNIVERSITY TENURE, COMPENSATION, AND BENEFITS.

37 --TO UNDERTAKE EDUCATIONAL OR TRAINING PROGRAMS TO DEVELOP OR
38 REFINE SKILLS THAT LATER MAY BE USEFUL TO THE UNIVERSITY; THE COSTS
39 OF SUCH PROGRAMS WILL BE BORNE BY THE UNIVERSITY.

40 IF SUCH ASSIGNMENTS ARE MADE, THE UNIVERSITY WILL PROVIDE AN OPPORTUNITY
41 FOR THE FACULTY MEMBER TO CONTINUE RESEARCH IN THE ORIGINAL FIELD.

42 IT WILL NOT ALWAYS BE POSSIBLE TO IDENTIFY MUTUALLY AGREEABLE
43 ASSIGNMENTS. IF THE FACULTY MEMBER BELIEVES (I) THAT HE OR SHE IS UNABLE
44 TO PERFORM THE ASSIGNED DUTIES OR (II) THAT HE OR SHE IS QUALIFIED FOR SOME
45 OTHER OPEN POSITION THAT IS MORE CLOSELY RELATED TO HIS OR HER ORIGINAL
46 APPOINTMENT, THE FACULTY MEMBER SHOULD INFORM IN WRITING THE UNIVERSITY
47 OFFICER MAKING THE ASSIGNMENT. IF THEY CANNOT REACH AGREEMENT, THE FACULTY
48 MEMBER MAY FILE A FORMAL GRIEVANCE ON THESE ISSUES.

49 IF THE ASSIGNED RESPONSIBILITIES ARE LOCATED A SUBSTANTIAL DISTANCE
50 AWAY FROM THE PREVIOUS WORK LOCATION, THE UNIVERSITY WILL PROVIDE FOR
51 TRAVEL EXPENSES (IF TEMPORARY) OR MOVING EXPENSES (IF PERMANENT).

52 THE UNIVERSITY MAY ALSO OFFER INDUCEMENTS TO FACULTY MEMBERS TO SEEK
53 THEIR VOLUNTARY SEPARATION FROM THE UNIVERSITY. THESE MAY INCLUDE:

54 --EARLY RETIREMENT PACKAGES;

55 --REDUCED TIME APPOINTMENTS;
56 --SEVERANCE AGREEMENTS, INCLUDING CONTINUATION OF BENEFITS.
57 THE UNIVERSITY MAY MAKE THESE OPTIONS AVAILABLE ON A SELECTIVE BASIS, AND
58 NEED NOT EXTEND THE SAME OFFER TO ALL MEMBERS OF THE FACULTY.

Comment

This interpretation clarifies the consequences of the understanding recorded in section 12.2 of the Tenure Regulations. Faculty members make extensive and long-term commitments to the development of their academic disciplines. In order to encourage that commitment, the University makes a similar long-term commitment to the faculty members. Both of them recognize that scientific and social changes may lead to changes in the programs that the University can offer. In order to increase the benefit for both parties, the University agrees to offer other appropriate employment to faculty members whose programs are discontinued, and the faculty members agree to be flexible in accepting alternative assignments.

This issue was extensively considered by the Board of Regents when the Tenure Regulations were adopted. The Board then accepted the importance of guaranteeing tenure appointments.

This solution presents neither the extreme of abandoning by lay-offs individuals who have invested heavily in the development of the academic stature of the University nor the opposite extreme of lifetime employment in an unwanted field. Rather, it seeks an intermediate solution in which both parties seek in good faith to accommodate their mutual expectations to changing circumstances.

The interpretation seeks to clarify the procedures that will be used to make reassignments of faculty effort in cases of programmatic change.

FACULTY SENATE

June 6, 1996

MOTION H

Editorial/typographical amendments:

Line 29: replace "an elected peer merit review committee" with "a peer merit review committee elected for annual merit review."

Line 44: add: "(In the case of an academic unit that is also a collegiate unit, the request shall be made to and the review conducted by the responsible senior academic administrator.)"

Line 48: replace "approve" with "appoint".

Line 85: replace "it" with "the report"

Line 88: strike out the word "as"

Line 100: replace "it" with "the action and the recommendation leading to it."

Comment, second paragraph: add the word "reviews at the end of the first sentence.

Comment, third paragraph: the first sentence should read "Under this proposal, there will be a regular annual merit review of each faculty member.

Proposed amendment:

Professor Don Browne, CLA, will move to amend line 29-30 (as amended above) to read:

"If the head of the unit and a peer merit review committee elected or randomly or rotationally selected from that unit both find a faculty member's performance to be . . ."

MOTION J

Line 11: delete the comma.

Comment, second paragraph: delete the stray "J" in "PennJState"

MOTION K

Lines 2-3: replace the current text with the following:

(A) an "academic unit" is a department or similar unit. A school, college or division that is not further subdivided is also an academic unit.

May 24, 1996

To: All Faculty

From: Mary E. Dempsey
Chair, Tenure Subcommittee
Senate Committee on Faculty Affairs

Re: Additional Proposed Amendments to the Tenure Code for
Discussion at the Faculty Senate Meeting on May 30, 1996

As you know there are seven amendments to the Regulations Concerning Faculty Tenure that are scheduled for action by the Faculty Senate on May 30, and which appeared in the printed agenda published in the May 23 edition of the Minnesota Daily. These amendments were approved by the Tenure Subcommittee, Faculty Affairs Committee, and Judicial Committee. They were discussed at the Faculty Senate meeting on May 16 and modified by the Subcommittee in response to comments and questions.

Following are four additional proposed amendments to the Tenure Code and a formal Interpretation of Section 12.2. The Interpretation clarifies the rights and duties of faculty members in the event of programmatic changes. It has been approved by the Tenure Subcommittee. With regard to the amendments:

AMENDMENT H concerns procedures for peer review of faculty performance;

AMENDMENT I includes "outreach" among the criteria for awarding tenure;

AMENDMENT J adds a new introduction or preamble to the Code;

AMENDMENT K is a "housekeeping" amendment containing the pertinent definitions of terms used extensively in the Code. This information is now contained in footnotes; the proposed change in location should make the Code easier to understand.

These four amendments [H - K] have been approved by the Tenure Subcommittee and Faculty Affairs Committee. The Judicial Committee has approved some of the amendments and its approval of the others is pending. They will serve as the agenda for the discussion period designated in the Faculty Senate docket for Thursday, May 30. These amendments will be modified in response to comments by senators and presented for action at the Faculty Senate meeting scheduled for June 6. Unfortunately, the printing deadlines will make it necessary for the motions to be distributed via email rather than appearing in the printed agenda. Therefore, revisions made in response to the comments at the May 30 Faculty Senate meeting will be circulated to faculty by email and will be available in paper copy from the Senate Office, 612-625-9369, by Monday, June 3.

Once again, many thanks are due Professor Fred Morrison for his generous assistance in preparing the drafts of these amendments and interpretations. It is most important to thank the members of the Tenure, Faculty Affairs, and Judicial Committees and the staff of the Senate Office for their dedication and numerous contributions to this process. Finally, thanks are due to the many faculty members who offered comments and suggestions regarding the amendments and interpretations. This truly has been an all faculty effort!

Best Regards!

Mary

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MOTION H. To add a new section 7A and amend Section 15.1, as follows:
===== (New language is in CAPS)

1 SECTION 7A. PEER REVIEW OF FACULTY PERFORMANCE

2 **7A.1. GOALS AND EXPECTATIONS.** THE FACULTY OF EACH ACADEMIC UNIT
3 ESTABLISHES GOALS AND EXPECTATIONS FOR ALL FACULTY MEMBERS, INCLUDING GOALS
4 AND EXPECTATIONS REGARDING TEACHING, SCHOLARLY PRODUCTIVITY, AND
5 CONTRIBUTIONS TO THE SERVICE AND OUTREACH FUNCTIONS OF THE UNIT. THE
6 FACTORS TO BE CONSIDERED WILL PARALLEL THOSE USED BY THE UNIT IN THE
7 GRANTING OF TENURE, BUT WILL TAKE INTO ACCOUNT THE DIFFERENT STAGES OF
8 PROFESSIONAL DEVELOPMENT OF FACULTY. THE GOALS AND EXPECTATIONS WILL BE
9 ESTABLISHED IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE UNIVERSITY
10 SENATE. THEY CAN PROVIDE FOR FLEXIBILITY, SO THAT SOME FACULTY MEMBERS CAN
11 CONTRIBUTE MORE HEAVILY TO THE ACCOMPLISHMENT OF ONE MISSION OF THE UNIT
12 AND OTHERS TO THE ACCOMPLISHMENT OF OTHER MISSIONS. THE GOALS AND
13 EXPECTATIONS MAY NOT VIOLATE THE INDIVIDUAL FACULTY MEMBER'S ACADEMIC
14 FREEDOM IN INSTRUCTION OR IN THE SELECTION OF TOPICS FOR RESEARCH. THEY
15 SHOULD INCLUDE REASONABLE INDICES OF ACCEPTABLE PERFORMANCE IN EACH OF THE
16 AREAS (E.G., TEACHING CONTRIBUTIONS AND EVALUATIONS, SCHOLARLY
17 PRODUCTIVITY, SERVICE AND OUTREACH ACTIVITIES). THE DEAN REVIEWS THE GOALS
18 AND EXPECTATIONS OF EACH UNIT AND MAY REQUEST CHANGES TO MEET THE STANDARDS
19 OF THE UNIVERSITY AND OF THE COLLEGIATE UNIT.

20 **7A.2. ANNUAL REVIEW.** EACH ACADEMIC UNIT, THROUGH ITS MERIT REVIEW
21 PROCESS (ESTABLISHED IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE
22 SENATE), ANNUALLY REVIEWS WITH EACH FACULTY MEMBER THE PERFORMANCE OF THAT
23 FACULTY MEMBER IN LIGHT OF THE GOALS AND EXPECTATIONS OF THE ACADEMIC UNIT.
24 THIS REVIEW IS USED FOR SALARY ADJUSTMENT, PROMOTION, AND OTHER DECISIONS
25 WITHIN THE UNIT. THE FACULTY MEMBER WILL BE ADVISED OF ANY STEPS THAT
26 SHOULD BE TAKEN TO IMPROVE PERFORMANCE TO MEET EXPECTATIONS AND WILL BE
27 PROVIDED ASSISTANCE IN THAT EFFORT. IF THE HEAD OF THE UNIT AND AN ELECTED
28 PEER MERIT REVIEW BODY BOTH FIND THE FACULTY MEMBER'S PERFORMANCE TO BE
29 SUBSTANTIALLY BELOW EXPECTATIONS, THEY SHALL ADVISE THE FACULTY MEMBER IN
30 WRITING, INCLUDING SUGGESTIONS FOR IMPROVING PERFORMANCE.

31 **7A.3. SPECIAL PEER REVIEW IN CASES OF ALLEGED SUBSTANDARD**
32 **PERFORMANCE.** IF A FACULTY MEMBER'S PERFORMANCE IS SUBSTANTIALLY BELOW THE
33 GOALS AND EXPECTATIONS ESTABLISHED AS PROVIDED IN SECTION 7A.2, AND THERE
34 HAS NOT BEEN A SUFFICIENT IMPROVEMENT IN PERFORMANCE WITHIN THE NEXT
35 ACADEMIC YEAR, THE HEAD OF THE ACADEMIC UNIT AND THE PEER REVIEW BODY OF
36 THE UNIT MAY JOINTLY INITIATE A SPECIAL REVIEW OF THE FACULTY MEMBER'S
37 CONTINUING PERFORMANCE. THE SPECIAL REVIEW SHALL BE CONDUCTED BY A
38 COMMITTEE CONSISTING OF FOUR TENURED FACULTY MEMBERS ELECTED BY
39 SECRET BALLOT BY THE TENURED FACULTY OF THE UNIT TO REVIEW THAT INDIVIDUAL
40 AND ONE TENURED MEMBER SELECTED BY THE FACULTY MEMBER UNDER REVIEW, IF THE
41 FACULTY MEMBER SO CHOOSES. THE MEMBERS OF THE SPECIAL REVIEW COMMITTEE
42 MUST BE OF EQUIVALENT RANK OR HIGHER, BUT NEED NOT BE MEMBERS OF THE UNIT.
43 THE SPECIAL REVIEW COMMITTEE SHALL PROVIDE ADEQUATE OPPORTUNITY FOR THE
44 FACULTY MEMBER TO PARTICIPATE IN THE REVIEW PROCESS, AND SHALL CONSIDER
45 ALTERNATIVE MEASURES THAT WOULD ASSIST THE FACULTY MEMBER TO IMPROVE
46 PERFORMANCE. THE SPECIAL REVIEW BODY SHALL PREPARE A REPORT ON THE
47 TEACHING, SCHOLARSHIP, SERVICE AND OUTREACH PERFORMANCE OF THE FACULTY
48 MEMBER. IT WILL ALSO IDENTIFY ANY SUPPORTING SERVICE OR ACCOMMODATION THAT
49 THE ACADEMIC UNIT SHOULD PROVIDE TO ENABLE THE FACULTY MEMBER TO IMPROVE
50 PERFORMANCE. IT WILL SEND THE REPORT TO THE HEAD OF THE ACADEMIC UNIT AND
51 TO THE FACULTY MEMBER. DEPENDING ON ITS FINDINGS, THE COMMITTEE MAY
52 RECOMMEND (A) THAT THE PERFORMANCE IS ADEQUATE TO MEET STANDARDS AND THAT
53 THE REVIEW BE CONCLUDED, (B) THAT THE FACULTY MEMBER UNDERTAKE CERTAIN
54 STEPS TO IMPROVE PERFORMANCE SUBJECT ONLY TO FUTURE REGULAR ANNUAL REVIEWS,
55 (C) THAT THE FACULTY MEMBER UNDERTAKE CERTAIN STEPS TO IMPROVE PERFORMANCE,
56 SUBJECT TO A SUBSEQUENT SPECIAL REVIEW TO BE CONDUCTED AT A SPECIFIED TIME,
57 (D) THAT THE PERFORMANCE IS SO INADEQUATE AS TO JUSTIFY LIMITED REDUCTIONS
58 OF SALARY (AS PROVIDED IN SECTION 7A.4), OR (E) THAT THE PERFORMANCE IS SO
59 INADEQUATE THAT THE UNIT ADMINISTRATOR SHOULD REQUEST THE COMMENCEMENT OF
60 FORMAL PROCEEDINGS AS PROVIDED IN SECTIONS 10 AND 14. WITHIN 30 WORK DAYS
61 OF RECEIVING THE REPORT, THE FACULTY MEMBER MAY APPEAL TO THE JUDICIAL
62 COMMITTEE WHICH SHALL REVIEW IT IN A MANNER ANALOGOUS TO THE REVIEW OF
63 TENURE DECISIONS (SEE SECTION 17).

64 **7A.4. SALARY REDUCTIONS.** IF THE SPECIAL REVIEW PANEL RECOMMENDS
65 THAT THE FACULTY MEMBER'S PERFORMANCE IS SO INADEQUATE AS TO JUSTIFY
66 LIMITED REDUCTIONS OF BASE SALARY, THE HEAD OF THE ACADEMIC UNIT, WITH THE
67 APPROVAL OF THE DEAN, MAY REDUCE THE FACULTY MEMBER'S BASE PAY, SUBJECT TO
68 THE FOLLOWING LIMITATIONS:

- 69 (A) THE AMOUNT OF THE DECREASE WILL NOT EXCEED 10% OF THE FACULTY
70 MEMBER'S BASE SALARY ON THE BASIS OF ANY ONE SPECIAL REVIEW;
71 (B) BASE SALARY MAY NOT BE REDUCED BY MORE THAN 25% FROM THE
72 HIGHEST LEVEL OF BASE PAY EVER HELD BY THE FACULTY MEMBER;
73 (C) AT LEAST SIX MONTHS' NOTICE OF THE DECREASE MUST BE GIVEN.
74 (D) ANY DECREASE IN SALARY MAY BE RESTORED BY THE ANNUAL REVIEW
75 PROCESS AS PROVIDED IN SECTION 7A.2.

76 WITHIN 30 WORK DAYS OF NOTICE OF THE DECREASE, THE FACULTY MEMBER MAY
77 APPEAL THIS ACTION TO THE JUDICIAL COMMITTEE, WHICH SHALL REVIEW IT IN A
78 MANNER ANALOGOUS TO THE REVIEW OF TENURE DECISIONS (SEE SECTION 7.7). THIS
79 REVIEW MAY NOT RECONSIDER MATTERS ALREADY DECIDED BY THE JUDICIAL COMMITTEE
80 UNDER SECTION 7A.3.

81 ANY DECREASE IN BASE PAY BEYOND THE LIMITS SPECIFIED IN THIS
82 SUBSECTION CAN ONLY BE IMPOSED PURSUANT TO SECTIONS 10 AND 14.

Section 15. Appeals to the Judicial Committee

15.1. Right to Review. Any faculty member who claims that his or her rights or status under these regulations have been adversely affected without his or her consent may seek review before the Judicial Committee. Cases arising under Sections 7, 7A (new), 10, or 11 may be brought directly to the Judicial Committee. In other cases the faculty member must exhaust all other available University remedies before bringing the case to the Judicial Committee; the Judicial Committee will not proceed with such a case until the appropriate University body has either decided it or has refused to consider it.

Comment

This amendment makes formal provision for review of faculty performance. The section provides for two forms of review: annual review of every faculty member and special review of faculty members whose performance is substantially below the goals and expectations adopted by the faculty of the department.

This system of post-tenure review builds on the existing system of peer review described in the current Compensation Policy. That review involves establishment of departmental standards by the faculty of the unit and peer review of individual faculty members in conjunction with the head of the unit. This system of annual review may be further elaborated by the Senate and University administration. It is a critical element of this process and must be carefully followed in all units.

Under this proposal, this regular annual review will be the basic post-tenure review. More intensive special reviews will be reserved for those instances in which - the regular review process reveals serious deficiencies in the faculty member's performance and the deficiencies are not corrected.

If such special review is necessary, the faculty member will be notified and given an opportunity to name a member of the review panel and to participate in the review. The review will be conducted by a panel of faculty elected by the tenured faculty of the unit, together with one member selected by the faculty member under review. Appropriate Senate committees can establish more detailed procedural guidelines for such special review committees. The review could reaffirm the quality of the faculty member's performance or could identify shortcomings which the faculty member ought to address. It may also identify assistance or accommodation that may be necessary to enable the faculty member to provide the best service possible to the University. The review is intended as a positive and proactive measure that can assist faculty members in realizing their full potential.

This form of review is intended to deal primarily with cases of substandard, but not totally inadequate, performance. In cases of substandard performance, the post-tenure review could lead to a salary reduction for the individual, subject to some limitations. In response to a special review recommendation, the department could begin proceedings to terminate the appointment for "failure to perform reasonably assigned duties adequately" as provided in sections 10 and 14. This provision does not, however, limit the direct applicability of sections 10 and 14 without resorting to special review, if the facts justify that action.

The regularity of the review is subject to appeal to the Judicial Committee under section 15. As in tenure denial cases, the Judicial Committee will review the proceedings to ensure procedural regularity, absence of discrimination, and the protection of academic freedom, but will not substitute its judgment on the merits.

Committee action

Approved by the: Tenure Subcommittee--May 17, 1996
 Faculty Affairs Committee--May 23, 1996
 Judicial Committee--May 23, 1996

MOTION I. To amend section 7.11 as follows:

=====

(New language is in CAPS; language to be deleted is in [brackets]. Footnotes will be renumbered to conform to the remainder of the Regulations.)

Section 7. Personnel Decisions Concerning Probationary Faculty

1 **7.11 General Criteria.** The basis for awarding indefinite tenure is
2 the determination that the achievements of an individual have demonstrated
3 the individual's potential to continue to contribute significantly to the
4 mission of the University, INCLUDING OUTREACH (FOOTNOTE 1), and to its
5 programs of teaching, research, and service, over the course of
6 the faculty member's academic career. (footnote 2) The primary (footnote
7 3) criteria for demonstrating this potential are effectiveness in teaching
8 (footnote 4) and professional distinction in research (footnote 5);
9 outstanding discipline-related service (footnote 6) [contributions] will
10 also be taken into account where they are an integral part of the mission
11 of the academic unit. The relative importance of the criteria may vary in
12 different academic units, but each of the criteria must be considered in
13 every decision. (footnote 7)

14 The individual's participation in the governance of the institution
15 and other services to the University and service to the academic unit may
16 be taken into consideration, but are not themselves bases for awarding
17 tenure.

18 Indefinite tenure may be granted at any time when the candidate has
19 satisfied the requirements. A probationary appointment must be terminated
20 when the appointee fails to satisfy the criteria in the last year of
21 probationary service and may be terminated earlier if it appears that the
22 appointee is not making satisfactory progress toward meeting the criteria
23 within that period.

Footnotes

- (1) "OUTREACH" IS AN ACTIVITY THAT EXTENDS FACULTY MEMBER'S TEACHING, RESEARCH AND SERVICE BEYOND THE CAMPUS OR TO NONTRADITIONAL GROUPS OF STUDENTS AND CITIZENS. NOT EVERY FACULTY MEMBER WILL HAVE OUTREACH ACTIVITIES.
- (2) For interpretation and possible applications, see the interpretative comment that will be provided in accordance with the provisions of Section 16.2.
- (3) Criteria other than those expressly listed in this sentence must be explicitly stated and justified in terms of the mission of the University. Such additional criteria may not impinge upon the academic freedom of the probationary faculty member.
- (4) "Teaching" is not limited to credit-producing classroom instruction. It encompasses other forms of communication of knowledge (both to students registered in the University and to other persons in the community) as well as the supervision or advising of individual graduate or undergraduate students.
- (5) "Research" is not limited to the publication of scholarly works. It includes activities which lead to the public availability of products or practices which have a significance to society, such as artistic production or the development of new technology or scientific procedures.
- (6) "Service" means performance within the faculty member's academic expertise and the mission of the academic unit. It does not include performance of quasi-administrative functions such as membership on faculty or Senate committees or other similar activities; those activities are relevant only to the limited extent set forth in the following paragraph OF THE TEXT.

Where service is not an integral part of the mission of the academic unit, a faculty member's service may be considered, but is not a prerequisite to the awarding of tenure.
- (7) Because of the special mission of the Crookston [and Waseca campuses] CAMPUS, disciplined inquiry in their field of endeavor may be substituted for research in appraising faculty members there.

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

Comment

This amendment formally recognizes the outreach mission of the University and includes it in the qualifications for tenure. As the footnote indicates, outreach can be part of the teaching, research, or service functions of the University. It is important to note that our mission is not only campus-based, nor is it limited to our traditional academic environments, but can also involve communication of teaching, research, and service throughout the community that we serve.

While this amendment recognizes the outreach mission of the University, it does not require any faculty member to add outreach to other functions performed. Many faculty members have outreach activities and will continue to do so; others will continue to function entirely in more traditional teaching, research, and service.

Committee action

Approved by the: Tenure Subcommittee--May 17, 1996
 Faculty Affairs Committee--May 23, 1996
 Judicial Committee--May 23, 1996

MOTION J. To add the following paragraphs at the beginning of the document:
===== (The entire item is new.)

1

PREAMBLE

2 THE BOARD OF REGENTS ADOPTS THESE REGULATIONS WITH THE CONVICTION THAT
3 A WELL-DEFINED STATEMENT OF RULES IS ESSENTIAL TO THE PROTECTION OF
4 ACADEMIC FREEDOM AND TO THE PROMOTION OF EXCELLENCE IN THIS UNIVERSITY. A
5 WELL DESIGNED PROMOTION AND TENURE SYSTEM ENSURES THAT CONSIDERATIONS OF
6 ACADEMIC QUALITY WILL BE THE BASIS FOR ACADEMIC PERSONNEL DECISIONS, AND
7 THUS PROVIDES THE FOUNDATION FOR ACADEMIC EXCELLENCE.

8 TENURE IS THE KEYSTONE FOR ACADEMIC FREEDOM; IT IS ESSENTIAL FOR
9 SAFEGUARDING THE RIGHT OF FREE EXPRESSION AND FOR ENCOURAGING RISK-TAKING
10 INQUIRY AT THE FRONTIERS OF KNOWLEDGE. BOTH TENURE AND ACADEMIC FREEDOM
11 ARE PART OF AN IMPLICIT SOCIAL COMPACT, WHICH RECOGNIZES THAT TENURE SERVES
12 IMPORTANT PUBLIC PURPOSES AND BENEFITS SOCIETY. THE PEOPLE OF MINNESOTA
13 ARE BEST SERVED WHEN FACULTY ARE FREE TO TEACH, CONDUCT RESEARCH, AND
14 PROVIDE SERVICE WITHOUT FEAR OF REPRISAL AND TO PURSUE THOSE ACTIVITIES
15 WITH REGARD FOR LONG TERM BENEFITS TO SOCIETY RATHER THAN SHORT TERM
16 REWARDS. IN RETURN, FACULTY HAVE THE RESPONSIBILITY OF FURTHERING THE
17 INSTITUTION'S PROGRAMS OF RESEARCH, TEACHING, AND SERVICE, AND ARE
18 ACCOUNTABLE FOR THEIR PERFORMANCE OF THESE RESPONSIBILITIES. ADDITIONALLY,
19 A WELL-DESIGNED TENURE SYSTEM ATTRACTS CAPABLE AND HIGHLY QUALIFIED
20 INDIVIDUALS AS FACULTY MEMBERS, STRENGTHENS INSTITUTIONAL STABILITY BY
21 ENHANCING FACULTY MEMBERS' INSTITUTIONAL LOYALTY, AND ENCOURAGES ACADEMIC
22 EXCELLENCE BY RETAINING AND REWARDING THE MOST ABLE PEOPLE. TENURE AND
23 PROMOTION IMPLY SELECTIVITY AND CHOICE; THEY ARE AWARDED FOR ACADEMIC AND
24 PROFESSIONAL MERIT, NOT FOR SENIORITY. THE LENGTH AND INTENSITY OF THE
25 REVIEW LEADING TO THE GRANT OF TENURE ENSURES THE RETENTION ONLY OF WELL-
26 QUALIFIED FACULTY COMMITTED TO THE UNIVERSITY'S MISSION.

27 THE IDEAL ATTRIBUTES OF THE COLLECTIVE FACULTY OF ANY UNIT ARE
28 SCHOLARLY CREATIVITY, PROFESSIONAL COMPETENCE AND LEADERSHIP, INTELLECTUAL
29 DIVERSITY, THE ABILITY AND DESIRE TO TEACH EFFECTIVELY AND THE WILLINGNESS
30 TO COOPERATE WITH OTHER UNITS IN PROMOTING THE WORK AND WELFARE OF THE
31 UNIVERSITY AS A WHOLE. THE ADMINISTRATION AND FACULTY SHOULD ENSURE, WITHIN
32 EACH UNIT, NOT ONLY A PROPER BALANCE AMONG THESE ACTIVITIES BUT ALSO THE
33 MAINTENANCE OF EACH AT THE HIGHEST LEVEL, TOGETHER WITH ACCOUNTABILITY AND
34 SUITABLE RECOGNITION OF INDIVIDUAL ACHIEVEMENT AND SERVICE.

35 THE TENURE REGULATIONS PROVIDE A COMPREHENSIVE SET OF POLICIES DEALING
36 WITH THE RELATIONSHIP BETWEEN THE UNIVERSITY AND ITS FACULTY. THE
37 REGULATIONS CLASSIFY THE FACULTY AS TENURED, PROBATIONARY AND TERM
38 CATEGORIES. THEY PROVIDE FOR ANNUAL PERFORMANCE REVIEWS OF ALL FACULTY, AS
39 WELL AS ESPECIALLY THOROUGH REVIEWS BEFORE THE GRANTING OF TENURE, ON
40 PROMOTION IN RANK, AND WHEN THE PERFORMANCE OF A TENURED FACULTY MEMBER
41 IS ALLEGED TO BE SUBSTANDARD. THEY PROVIDE FOR THE REASSIGNMENT OF FACULTY
42 IN CASE OF THE REORGANIZATION OF THE UNIVERSITY OR CHANGES IN ITS SCHOLARLY
43 DIRECTION, AND FOR DISCIPLINE WHEN A FACULTY MEMBER FAILS TO MEET
44 PRESCRIBED STANDARDS OF CONDUCT.

Comment

This amendment adds a preamble to the Tenure Regulations. The preamble sets forth, in general terms, the purposes and benefits of tenure. This provides a general introduction to the Regulations and provides members of the public who read those Regulations with an understanding of the importance of this institution. (We have heard from many sources that members of the public do not understand that purpose at present.)

The first two paragraphs of the proposal are drawn from ideas articulated in the Tenure Regulations of Penn State University; the third paragraph is adapted from the MIT Code. The final paragraph provides an introduction and description for these University of Minnesota Tenure Regulations.

Committee Action

Approved by the: Tenure Subcommittee--May 17, 1996
 Faculty Affairs Committee--May 23, 1996
 Judicial Committee--pending

MOTION K. To add a new section 2.3 and delete current footnotes 1, 2, 3 (as
----- amended) and 11, as follows: (New language is in CAPS; language to
 be deleted is in [brackets])

Section 2. Applicability of Regulations and Continuity of Appointments

1 **SECTION 2.3 DEFINITIONS.** AS USED IN THESE REGULATIONS,
2 (A) AN "ACADEMIC UNIT" IS A DEPARTMENT OR OTHER BASIC UNIT IN WHICH
3 TENURE IS GRANTED. IT MAY BE A DIVISION, SCHOOL OR COLLEGE WHICH
4 IS NOT FURTHER SUBDIVIDED.
5 (B) THE "HEAD" OF AN ACADEMIC UNIT IS THE ACADEMIC ADMINISTRATOR
6 IMMEDIATELY RESPONSIBLE FOR IT, SUCH AS A CHAIR, HEAD OR DIRECTOR.
7 (C) A "COLLEGIATE UNIT" OR "COLLEGE" IS A MAJOR ACADEMIC ENTITY OF THE
8 UNIVERSITY. IT MAY BE A COLLEGE, SCHOOL, INSTITUTE OR CAMPUS.
9 (D) THE "DEAN" OF A COLLEGIATE UNIT IS THE ACADEMIC ADMINISTRATOR
10 IMMEDIATELY RESPONSIBLE FOR IT, SUCH AS A DEAN OR DIRECTOR OR (ON A
11 CAMPUS THAT IS NOT SUBDIVIDED INTO COLLEGES) A VICE-CHANCELLOR.

INTERPRETATION 2. To adopt the following Interpretation of Section 12:
===== (The entire text is new.)

1 SECTION 12.2 OF THE TENURE REGULATIONS RECORDS AN UNDERSTANDING THAT
2 BETWEEN THE UNIVERSITY AND THE FACULTY UNDER WHICH, IN CASE OF PROGRAMMATIC
3 CHANGE, "THE UNIVERSITY RECOGNIZES ITS OBLIGATION TO CONTINUE THE
4 EMPLOYMENT OF REGULAR FACULTY IN ACCORDANCE WITH THE TERMS OF THEIR
5 EMPLOYMENT" AND "REGULAR FACULTY MEMBERS WHO ARE SO RETAINED HAVE THE
6 RESPONSIBILITY TO ACCEPT TEACHING OR OTHER ASSIGNMENTS FOR WHICH THEY ARE
7 QUALIFIED." THIS INTERPRETATION CLARIFIES THE PROCESSES TO BE FOLLOWED TO
8 EFFECTUATE SECTION 12.2.

9 IN CASE OF PROGRAMMATIC CHANGE THAT LEADS TO THE DISCONTINUATION OF A
10 PROGRAM, THE ASSIGNMENT OF NEW RESPONSIBILITIES WILL BE MADE BY A
11 UNIVERSITY OFFICER DESIGNATED BY THE PRESIDENT. THE OFFICER WILL CONSULT
12 WITH THE FACULTY MEMBER AND THE POTENTIAL RECEIVING UNIT AND WILL
13 SEEK A MUTUALLY SATISFACTORY ASSIGNMENT.

14 IF AGREEMENT CANNOT BE REACHED, THE UNIVERSITY OFFICER WILL ASSIGN NEW
15 RESPONSIBILITIES AFTER CONSULTATION WITH THE INDIVIDUAL. THE ASSIGNMENT
16 WILL BE AS CLOSELY RELATED TO THE ORIGINAL APPOINTMENT AS PRACTICABLE. THE
17 FORMAL ASSIGNMENT WILL BE IN WRITING AND WILL INDICATE THE CONTINUING
18 NATURE OF THE FACULTY MEMBER'S TENURE.

19 FOR FIVE YEARS AFTER THE REASSIGNMENT, THE FACULTY MEMBER WILL BE
20 INFORMED OF VACANCIES IN HIS/HER ORIGINAL DEPARTMENT (OR IN SUCCESSOR OR
21 RELATED DEPARTMENTS) AND WILL BE GIVEN PREFERENCE IN FILLING ANY SUCH
22 POSITIONS FOR WHICH HE/SHE IS QUALIFIED.

23 EVERY EFFORT SHOULD BE MADE TO SEEK A SATISFACTORY PERMANENT
24 ASSIGNMENT. IF THIS CANNOT BE ACCOMPLISHED, TEMPORARY ASSIGNMENTS CAN BE
25 MADE.

26 AS PROVIDED IN SECTION 12.2, THE UNIVERSITY MAY GIVE THE FACULTY
27 MEMBER "OTHER ASSIGNMENTS" ONLY IF ASSIGNMENTS TO TEACHING IN THE FACULTY
28 MEMBER'S DISCIPLINE ARE NOT FEASIBLE. FOR EXAMPLE, FACULTY MIGHT BE
29 ASSIGNED

30 --TO TEACH IN ANOTHER FIELD IN WHICH THE INDIVIDUAL IS QUALIFIED,
31 BUT WHICH IS NOT WITHIN THE AREA OF ORIGINAL TENURE.

32 --TO PERFORM PROFESSIONAL OR ADMINISTRATIVE DUTIES, INCLUDING
33 PROFESSIONAL PRACTICE IN A FIELD IN WHICH THE INDIVIDUAL IS
34 QUALIFIED.

35 --TO TRANSFER EFFORT BY ASSIGNMENT IN A SUITABLE PROFESSIONAL
36 CAPACITY AT ANOTHER EDUCATIONAL INSTITUTION OR SIMILAR ENTITY,
37 WHILE RETAINING UNIVERSITY TENURE, COMPENSATION, AND BENEFITS.

38 --TO UNDERTAKE EDUCATIONAL OR TRAINING PROGRAMS TO DEVELOP OR
39 REFINE SKILLS THAT LATER MAY BE USEFUL TO THE UNIVERSITY; THE COSTS
40 OF SUCH PROGRAMS WILL BE BORNE BY THE UNIVERSITY.

41 IF SUCH ASSIGNMENTS ARE MADE, THE UNIVERSITY WILL PROVIDE AN OPPORTUNITY
42 FOR THE FACULTY MEMBER TO CONTINUE RESEARCH IN THE ORIGINAL FIELD.

43 IT WILL NOT ALWAYS BE POSSIBLE TO IDENTIFY MUTUALLY AGREEABLE
44 ASSIGNMENTS. IF THE FACULTY MEMBER BELIEVES (I) THAT HE OR SHE IS UNABLE
45 TO PERFORM THE ASSIGNED DUTIES OR (II) THAT HE OR SHE IS QUALIFIED FOR SOME
46 OTHER OPEN POSITION THAT IS MORE CLOSELY RELATED TO HIS OR HER ORIGINAL
47 APPOINTMENT, THE FACULTY MEMBER SHOULD INFORM IN WRITING THE UNIVERSITY
48 OFFICER MAKING THE ASSIGNMENT. IF THEY CANNOT REACH AGREEMENT, THE FACULTY
49 MEMBER MAY FILE A FORMAL GRIEVANCE ON THESE ISSUES.

50 IF THE ASSIGNED RESPONSIBILITIES ARE LOCATED A SUBSTANTIAL DISTANCE
51 AWAY FROM THE PREVIOUS WORK LOCATION, THE UNIVERSITY WILL PROVIDE FOR
52 TRAVEL EXPENSES (IF TEMPORARY) OR MOVING EXPENSES (IF PERMANENT).

53 THE UNIVERSITY MAY ALSO OFFER INDUCEMENTS TO FACULTY MEMBERS TO SEEK
54 THEIR VOLUNTARY SEPARATION FROM THE UNIVERSITY. THESE MAY INCLUDE:
55 --EARLY RETIREMENT PACKAGES;
56 --REDUCED TIME APPOINTMENTS;
57 --SEVERANCE AGREEMENTS, INCLUDING CONTINUATION OF BENEFITS.
58 THE UNIVERSITY MAY MAKE THESE OPTIONS AVAILABLE ON A SELECTIVE BASIS, AND
59 NEED NOT EXTEND THE SAME OFFER TO ALL MEMBERS OF THE FACULTY.

Comment

This interpretation clarifies the consequences of the understanding recorded in section 12.2 of the Tenure Regulations. Faculty members make extensive and long-term commitments to the development of their academic disciplines. In order to encourage that commitment, the University makes a similar long-term commitment to the faculty members. Both of them recognize that scientific and social changes may lead to changes in the programs that the University can offer. In order to increase the benefit for both parties, the University agrees to offer other appropriate employment to faculty members whose programs are discontinued, and the faculty members agree to be flexible in accepting alternative assignments.

This issue was extensively considered by the Board of Regents when the Tenure Regulations were adopted. The Board then accepted the importance of guaranteeing tenure appointments.

This solution presents neither the extreme of abandoning by lay-offs individuals who have invested heavily in the development of the academic stature of the University nor the opposite extreme of lifetime employment in an unwanted field. Rather, it seeks an intermediate solution in which both parties seek in good faith to accommodate their mutual expectations to changing circumstances.

The interpretation seeks to clarify the procedures that will be used to make reassignments of faculty effort in cases of programmatic change.

The following proposed policy is distributed for information as indicated under Item I. on the University Senate agenda of May 30, 1996.

POLICY ON CLASSES, SCHEDULES, AND FINAL EXAMINATIONS

Semester Version

In order for students to advance their educational programs, plan their class schedules in a rational manner, and be certain of the final examination schedule, the Senate adopts the following policy governing classes, schedules, and final examinations.

TWIN CITIES CAMPUS ASSEMBLY

1. Standard Class Schedule and Period

A) Day School and Extension

Twin Cities campuses (Minneapolis and St. Paul) shall follow the same class schedule. The first class of the day shall start at 8:00 am. The standard class period will be 55 minutes with a 15-minute change period between. Classes meeting for more than 55 minutes must still begin at the regular starting times for all classes (i.e., 8:00, 9:10, 10:20, etc.)

Classes designed exclusively for graduate or professional students are exempt from these requirements if held during "off peak" hours and if the campus scheduling office is consulted regarding the availability of classrooms.

For the purposes of this policy, regular day school is considered to run from 8:00 a.m. to 3:55 p.m. Classes offered through University College that begin after 3:55 p.m., on weekends, or off-campus will follow the schedule as set by University College.

B) Summer School

Summer sessions are generally considered to be a more concentrated form of the regular day session, but alternative arrangements, specialty classes, etc., may also be offered. Classes may meet during the intersession, first or second term, or may extend across two or all three terms.

Intersession and summer classes must meet the Senate standards governing academic work per credit and contact hours per credit. Class duration is at the discretion of the department offering the class, but the minimum class period shall be 65 minutes, with a 15-minute change period. The first class hour shall begin at 8:00 a.m.

Discussion: This action repeals the Senate policy adopted November 8, 1951, calling for classes on the Minneapolis campus to begin at 8:30 and on the St. Paul campus at 8:00, and repeals the Assembly policy of April 14, 1988, setting the 50-minute class hour. With respect to the first policy, the practice has been reversed (St. Paul classes start at 8:30), and as a result has reduced by one the number of class hours available for St. Paul. Recognizing this inequity, the majority of St. Paul colleges requested a change to put the two campuses on the same schedule. Inasmuch as it has become apparent

that the 30-minute change period between campuses was insufficient to permit students to take back-to-back classes, one in Minneapolis and one in St. Paul, SCEP recommends operation under a uniform schedule rather than increasing the between-class period and (thereby) lengthening the day.

UNIVERSITY SENATE

2. Overlapping Classes. (Proposed New Policy)

No student shall be permitted to register for classes that overlap. Classes that have any common meeting time or that have fewer than 15 minutes between them are considered to be overlapping. Only under extenuating circumstances shall petitions for overrides for such conflicts be permitted, and shall require the signatures of all faculty members involved. The decision to approve or disapprove such a petition for override is entirely discretionary with each faculty member involved.

Discussion: This is proposed as new policy. As a result of the discussions surrounding class scheduling, an associated problem became apparent to SCEP: with the self-registration system now in place, students are notified that class times overlap but are not prevented from registering for such classes. As a matter of sound educational policy, students should not be permitted to do so.

The Registrar's office informed SCEP that this restriction will be a relatively simple addition to the registration system.

UNIVERSITY SENATE

3. Final Examinations (revision of existing policy)

A) All classes that normally permit undergraduates to enroll shall follow a standard examination schedule. The final examination period for day school and extension at the close of each session is to be extended over a five or six-day period, beginning on the second day after classes end, with the day after classes designated as a study day. In the event classes end on a Friday, final examinations shall not start until the following Monday.

Instructors are not permitted to hold their final examinations ahead of the regularly scheduled time except under such unusual circumstances as may be approved by the Senate Committee on Educational Policy.

There shall be no other exceptions from the University final examination schedule unless (1) proposed by the instructor, (2) with the unanimous consent, via written secret ballot, of the students, and (3) with the concurrence of the department chair. The appropriate campus scheduling office shall be notified of any change. This prohibition precludes moving a final examination from a scheduled time to study day or to the last or earlier meetings of the class (with the exception of [1] laboratory practicums, which may be given during the final week of classes during the normal lab period, and [2] take-home or other out-of-class finals, which may be distributed prior to the final exam week but which may not be due before the scheduled final exam for that course).

All requests for adjustment of final examination hours must be made on the form provided by the scheduling office and submitted at least a month before the beginning of the examination period.

B) Final examinations for summer session shall be scheduled during the regular meeting time of the course on the last day.

C) Until such time as the University can schedule classes and finals so that no conflicts in the final examination schedule occur, students should be encouraged to avoid registering for classes with overlapping final exam times.

Discussion: As soon as the Registrar is able to incorporate appropriate software, students will be notified of overlapping finals at registration and faculty will be notified via class lists.

D) Students with final examination conflicts, or with three (or more) final examinations in one calendar day, or who have agreed to reschedule a final (in accord with the provisions of section A, above) will be expected to make the appropriate rescheduling arrangements with the instructors by the end of the second week of the term so that conflicts will be eliminated. Instructors must agree to give an alternative final examination to any student having examination conflicts or three (or more) examinations in one calendar day.

UNIVERSITY SENATE

4. Classes and Events during the Study Day/Finals Week Period (New policy)

A) No classes will be permitted after the last day of instruction for any course that normally includes undergraduate students.

B) No University-sponsored extra-curricular events which require the participation of students may be scheduled from the beginning of Study Day to the end of Finals Week. Exceptions to this policy may ONLY be granted by the Senate Committee on Educational Policy through whatever procedure it determines most feasible. The Senate also advises all faculty members that any exemption granted pursuant to this policy shall be honored and that students who are unable to complete course requirements during Finals Week as a result of that exemption shall be provided an alternative and timely opportunity to do so. (current Senate policy, adopted 4/16/92)

C) Athletic Events during Study Day and Finals Week: In those instances where post-season competitive events occur during Study Day or Finals Week (either of Day School or of Extension Classes), the Senate Committee on Educational Policy will consider them approved (that is, without requiring explicit action on the part of the Committee) subject to the following conditions:

1) The event is in logical progression in the sport, leading from in-season competition to conference or regional championships and then to national championship competition; and

2) The coach or other staff member in the athletic program can demonstrate to whomever is responsible for counseling in the intercollegiate athletics program that satisfactory alternative academic arrangements have been made; and

3) The event is conducted under the aegis of the NCAA or the appropriate national sport governing body if it is not the NCAA.

The chair of the Senate Committee on Educational Policy will receive, on an annual basis, a

report from the Director of Academic Counseling (on the Twin Cities campus) or the appropriate individual (on the Crookston, Duluth, and Morris campuses) on the arrangements that are made pursuant to paragraph 2, above.

The Athletic Directors will annually report to the Senate Committee on Educational Policy, early in the Fall SESSION, on the number of student-athletes who missed any Study Day or any part of Final Examinations during the preceding year and on the academic performance of those student-athletes. These may be written reports.

Post-season or other athletic events THAT are invitational in nature, rather than a natural progression to a championship, and which would take place during Study Day or Finals Week, require the specific approval of the Senate Committee on Educational Policy before participation may occur.

Subject only to the exception noted in this policy, no travel or competition is permitted from the period beginning with, and including, Study Day and ending with the last day of Final Examinations. Home events may be scheduled in the evening of the last day of Final Examinations if the examination schedule is concluded by 6:00 p.m. (current Assembly policy, adopted 2/20/92)

Discussion: Most of the provisions of Section 3 replace by modification previous policies governing final examinations (adopted February 19, 1931 and February 20, 1992). An issue related to the user-friendliness of the University and to graduation rates is the matter of final examinations. Conflicts in scheduled final examinations need to be minimized and these changes should help achieve that end. Also brought to SCEP's attention was the related issue of faculty holding a regular lecture during examination week (which in some cases interfered with students' other exams) or holding a lecture during the first hour of the examination period and then conducting the final examination during the remaining hour(s). Both practices seemed to SCEP to be unfair to the students and are now prohibited. SCEP also incorporated into this policy two other policies already on the books relating to events during study day and finals week and competition in athletic events during study day and finals week (sections 4 [B] and [C]; these provisions are not new.

All three of these policy revisions are recommended in recognition of the University's attempts to become more user-friendly and in recognition of the need by students to have scheduling standardized.

For consideration under Item III. of the University Senate agenda--May 30, 1996

**III. SENATE CONSULTATIVE COMMITTEE
University Reorganization
Action (5 minutes)**

MOTION:

To approve the following Resolution:

RESOLUTION

WHEREAS recent announcements concerning structural reorganizations within the University preceded broad discussions with students, faculty and staff in colleges and provostries, and

WHEREAS the members of the University Senate believe procedures must be followed to ensure such consultation,

THEREFORE BE IT RESOLVED THAT the Senate requests that the University administration develop and follow a policy whereby both preliminary and final proposals for collegiate, campus, or provostal restructuring shall be brought to the appropriate Senate bodies and committees, including, but not limited to, Educational Policy, Finance and Planning, and the Student Senate for discussion by students, faculty and staff prior to announcement or formal presentations to the Board of Regents, and

BE IT FURTHER RESOLVED THAT all proposals be brought forth in a way that allows the committees adequate time for thoughtful discussion, and

BE IT FURTHER RESOLVED THAT such proposals shall be brought to the full University Senate for endorsement.

COMMENT

The Senate Committee on Educational Policy believes that the schedule for reorganizations of colleges is moving too quickly for thoughtful consultation and discussion. Furthermore, consultation and discussion cannot take place without proposals. At this time, the Senate on Educational Policy does not have enough information to determine what effect, if any, the mergers and reorganization might have on educational processes. The Senate Committee on Educational Policy therefore requests that final decisions be delayed until proper consultation can occur.

CARL ADAMS, Chair

May 30, 1996

To: Faculty Senate Members

From: Martha Kvanbeck

The following proposed Resolution was received in the Senate Office this morning and I understand will be submitted for consideration at the Faculty Senate meeting this afternoon.

RESOLUTION

INTRODUCTION

Nils Hasselmo will retire as President of the University of Minnesota on June 30, 1997. The Board of Regents has proposed an eleven-member Presidential Search Advisory Committee composed of a student, three faculty, one dean, and one representative of each of the following: Governor Arne Carlson; the state legislature; the business community; organized labor; the Alumni Association; the Minnesota Foundation. The three faculty members are to be selected from a list of nine, chosen by the Faculty Consultative Committee, and submitted to a subcommittee of the Board of Regents consisting of Regents Wendell Anderson, Jean Keffeler, and Stan Sahlstrom.

RESOLUTION

The Faculty Senate notes that the composition of the committee represents a significant departure from past Presidential Search Advisory Committees in which representatives of the faculty constituted a significantly larger proportion of the committee and in which a faculty member was designated as the Advisory Committee Chair.

The Faculty Senate is concerned that this departure from past practice may have the following adverse consequences to the University:

--The proposed composition of the Presidential Search Advisory Committee will convey to potential applicants that the Board of Regents does not view academic values and leadership to be pre-eminent considerations in the choice of the next President and, as a consequence, as a consequence, many candidates possessing these qualities may decline to be considered.

--The slate of presidential candidates chosen to be presented to the Board of Regents thus may not include an individual of the quality essential to lead the University into the 21st century and to halt its decline as a major national research university.

--In the absence of more than the proposed symbolic faculty participation in the Presidential Search, the Board of Regents reduces assurance of faculty support for their presidential choice.

Therefore, the Faculty Senate respectfully requests the Board of Regents to reconsider the proposed composition of the University of Minnesota Presidential Search Advisory Committee to reflect the preeminent role that academic values traditionally play in the selection of presidents of major national research universities and the substantial role that University of Minnesota faculty have played in the choice of past University presidents.