

UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate Consultative Committee

5-257 Millard Hall
435 Delaware St., S.E.
Minneapolis, Minn. 55455

Telephone: (612) 373-3226

Senate Facilitative Committee Meeting of October 25, 1979

Agenda Item 3. Report of the Chair

A. It is anticipated that items 1-6 will not take more than a half-hour, and that the remainder of the time can be spent on item 7 by those committee chairpersons who will have major responsibilities for them.

The Outreach Report will be the topic of the special Senate meeting on November first. As the deadline for publishing the agenda neared, concerns over the Outreach Report, and over the Senate's method of handling it have escalated, prompting a general concern.

In the past several years, the University has had descend on it several rather important and controversial documents, all of these products of the University Administration's specifically designated task forces. While the task forces did have faculty representation, the faculty were not necessarily chosen from Senate Committee ranks. Task forces tended to work rather independently of the Senate, and at the conclusion of their missions, the reports were forwarded to the Senate for 'consultation.' Examples include the Brown Committee Report and early Planning Council efforts, the Outreach Report, the task force report on University Access, the 'E' document and the ad-hoc task force on Grievances (I've probably left out two or three others).

It seems to be coming particularly clear--and the Outreach Report is a prime example--that the task force approach has many problems in it when isolated from the Senate machinery. First of all, these reports are concerned with educational policy and/or collegial governance or even faculty contracts, and therefore constitutionally require Senate action. Second, most of these reports are not written or structured in a manner that allows the Senate easy access to writing enabling or implementing legislation for them. They usually require the scrutiny of from three to ten different Senate Committees, all of which must "tool-up" from scratch and are without the background work experience that the task forces acquired in

the process of drafting their reports. Third, since the task forces are creatures of the administration, jurisdictional disputes tend to break out over whether Senate action is even needed to implement certain parts and if so, how much. Fourth, the time delays that ensue as a result of numbers two and three above lead to de facto adoption in whole or in part and to the document's being independently presented to the Regents before or simultaneously with its presentation to the Senate. Finally, the result tends to produce alienation between the task forces and the Senate Committees and charges that the Senate is negative, unwilling and unable to prosecute its constitutionally mandated business.

I don't believe the fault lies so much at the Senate's doors as the critics would have it, for the circumstances of the ad-hoc administrative task force approach implicitly structure the ground rules for this result. While Senate reorganization may help, fundamentally the business of educational policy and collegial governance should start within the Senate rather than outside. Over the preceding spring, summer and part of this fall, the Consultative Committee has persuaded the President to at least partially agree with this thesis. The remainder of the year will have to see much activity by the Senate in battling with pending task force business, but at the same time the President has decided to forward one group of issues to the Senate related to women's concerns, rather than appoint an ad-hoc task force on women's concerns. It is both the Consultative Committee's and President Magrath's hope that the Senate will take up these issues, put together whatever additional subcommittee machinery is necessary to deal with them, and come up with a report structured for Senate action by the end of the academic year. If we can do so, we will be able to shorten the time needed to deal with the issues by at least a year. (Usually task forces take that much time to begin with, and Senate reaction then takes another year or two.) Further, we will have demonstrated that the Senate can work, and will hopefully restore some morale to collegial governance. Central to this effort should be the Facilitative Committee's work to organize paper communication and coordination of the Senate business.

B. The Consultative Committee will have met the week previous to our meeting, and any new business arising from that will be orally reported. Minutes of the Consultative Committee meeting of September 20 should be in your possession and minutes of the meetings of September 27 are enclosed herewith.

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DRAFT

Approved 11/29/79

MINUTES OF THE SENATE FACILITATIVE COMMITTEE

The second meeting of the 1979-80 academic year of the Facilitative Committee of the University Senate was called to order at 10:10 a.m. on October 25, 1979, by Chairman Richard Purple, in the Dale Shepard Room of Coffman Memorial Union on the Minneapolis Campus of the University of Minnesota. Members present included also Josef Altholz, Virginia Fredericks, Isabel Harris, Fred Morrison, James Terwilliger, Arthur Williams, Charles Wolfram (for Roger Park), and Frank Wood. Visitors present included Professors Shirley Clark, Carol Pazandak and Karen N. Hoyle.

1. A motion to fix the agenda passed without dissent.
2. A motion to approve the minutes, as corrected, of the September 21 meeting passed without dissent.
3. Report of the Chair.

Professor Purple referred to his written comments on the issue of task forces in general and the perennial Senate posture of reacting to task force reports.

Regarding the November 1 Senate meeting, he cited the motion on the agenda of a specially-convened TCCA meeting to consider disciplinary proceedings against two TCSA members who are also SCC members. Professor Altholz stated his opinion that the TCSA motion is too direct, i.e., "We hereby appoint a committee to try..." etc. He will move at the TCCA meeting to amend the motion to state that what is to be appointed is a committee to deal with the cases and determine if there is need for a trial and, if there is, to conduct it and report their finding back to TCCA. Professor Purple explained that in the opinion of the Senate parliamentarian the TCSA motion was in order, so it will be made. He will give copies immediately of the parliamentarian's explanation of the order of business to the two subjects of the disciplinary proceeding, as well as to the TCCA members upon entering the meeting.

Professor Purple noted that the election of a new vice-chair for the Senate will also take place at the November 1 Senate meeting.

4. Senate Reorganization.

Professor Purple gave a brief report on behalf of Chairman Don Spring. As newly constituted, the subcommittee consists of Professors Spring and Robert Brasted from SCC, Josef Altholz from Business and Rules, Benjamin Bayman from the Committee on Committees, Betty Robinett, ex-officio, and students John Weis and Rich Kottke.

Professor Purple thanked the several Senate committee chairpersons for the open meeting statements which have come in.

5. Senate Newsletter.

Professor Purple asked whether there are Senate committees which currently would like to use the space reserved in the Daily. There was no response at the meeting.

6. Committee Reports.

a. UCBRBR. Professor Morrison reports there is a slight "slippage" in the University's planning-budgeting schedule. Aside from UCBRBR, the Senate Committee on Resources and Planning (SCRAP) will be the most involved. The February 15 meeting of the Senate is targeted as a public meeting on the biennial request. That date is about two weeks after publication of the President's proposal for distribution. System-wide items will not be known at that time but departmental allotments for the coming two years should be known then. UCBRBR will sit in a middle position in the consulting process, receiving committee responses to the proposals and composing its own report to forward with them to the SCC. In March and April the figures for faculty salaries and supply and expense will be up for consultation.

b. Committee on Social Concerns. Chairman Frank Wood reported that the Subcommittee on Social Responsibility in Investments is currently reorganizing along lines of regular subcommittee procedure, as instructed by the SCC.

c. SCFA. Professor Williams noted that SCFA has never looked at the 'E' track question and starts from a basis of no previous acquaintance. He inquired whether all the Senate committees should address every issue on the Grievance and Legal Concerns subcommittee list. The question led to the next agenda item.

7. Grievances and Legal Concerns.

a. The 'E' document. Professor Purple distributed the preliminary report from the SCC Subcommittee on Grievances and Legal Concerns recommending a resolution to the Senate. He elaborated on each point and emphasized the issue that there be faculty review of the categorizing and recategorizing process. Professor Morrison added that, as the SCC has discussed, the resolution should state explicitly that there be "no undue inducement" to persons to change categories. He further recommended strengthening the wording of #5 to import that procedures and protections should always be of concern to faculty. He recommended striking the second sentence of #6. And he noted that, overall, there are implications which flow from the fact that certain positions are staff rather than faculty.

Professor Altholz noted, regarding the question of 'E'-track employees participating in University governance, that it is possible to later on allow for a new unit within the University Senate.

Professor Altholz stated that the University will probably find it essential to set up an academic freedom provision for 'E' employees. Some of these persons will be of scholarly background and require and deserve such protection.

The subcommittee and the SCC are recommending that the Tenure Committee make the determination on the breadth of the 'E' category. The Tenure Committee will report, in its usual way, through SCFA.

The 'E' question is being prepared for the agenda of the November 29 Senate meeting. No one present took issue with the process recommended but there were the several questions noted above on some aspects of content.

b. Women's concerns. Professor Purple distributed the subcommittee's report on women's concerns with its charge to SCFA to name a subcommittee on the matter. Professor Purple noted that Senate committees have been set up to ensure due process to faculty members and that they are not necessarily equipped to serve students who believe they have suffered sexual harassment.

Professor Morrison posed the question of administrative responsibility on the matter. Is any faculty member obliged to respond to any student charge in a lengthy judicial proceeding, or will there be a preliminary administrative investigation of a charge to determine if there is reason for a hearing? He acknowledged that the latter lays a heavy responsibility on administration.

Professor Williams indicated that SCFA would assume responsibility for appointing and overseeing a subcommittee as recommended by the SCC. He noted that SCFA would then attempt to maintain liaison with the other committees concerned (Tenure, Judicial, Appeals, Social Concerns, and possibly the Student Affairs Campus Assembly Committee). Professor Purple indicated that the SCC subcommittee would assist where it could in providing liaison with the administration's deliberations in this area.

The meeting adjourned at 11:05 a.m.

Respectfully submitted,

Meredith Poppele, Secretary, SCC

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Report of the Subcommittee on Grievances and Legal Concerns
regarding Women's Concerns.

SCC will ask SCAFA to appoint a subcommittee to discuss the general topic of sexual harrassment at the University. This committee should include delegates from other appropriate committees (e.g., Tenure Committee, University Committe on Academic Freedom and Responsibility, Judicial Committee). As this is a matter which directly concerns students, the subcommittee should have adequate student membership as well. The subcommittee should consider, among other things, President Magrath's letter, Shirley Clark's memo and Dean Lukermann's committee's report. It should report on at least two important questions:

1. Should a separate grievance mechanism be set up for dealing with sexual harrassment grievances? (SCC believes that this question should not be answered until we have assurances from President Magrath that grievance issues (e.g., Tenure Regulations, Amendments to Grievance procedures) will be taken to the Regents. A letter will be sent to him requesting such assurances.) SCC believes that it is probably best not to add another body to the already cumbersome grievance structure. However, SCAFA should make a recommendation on this.
2. What constitutes sexual harrassment? Is it possible to legislate concerning it? SCC believes that matters of sexual harrassment probably are best understood as falling under the concept of general faculty/student ethical responsibilities. It may be necessary to try to educate members of the University community about special problems in this area, however. It may be necessary to determine which sorts of acts are appropriately treated as matters for legislation.

In order for a report on this matter to go to the Senate for enabling or implementing legislation at its penultimate meeting of this academic year, SCAFA should report back to the SCC no later than March 1.

Marcia M. Eaton, Chairman
SCC Subcommittee on Grievances and Legal Concerns

October 22, 1979