



UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate Consultative Committee

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MINUTES
Senate Facilitative Committee
January 7, 1981

Marcia Eaton, Consultative Committee Chairman, convened a meeting of the Senate Facilitative Committee at 12:30 p.m., January 7, 1981, in Room 625 of the Campus Club. Others present were Thomas Kraabel, Robert Hexter, Stanford Lehmberg, Van Mueller, Edward Rippie, Constance Sullivan, Patricia Swan, Hoyt Wheeler, C. Arthur Williams, and Charles Wolfram. Professor Eaton requested advice on routing certain business to the Senate.

1. Grievance procedures. A clarification to the Rajender consent decree requires that the University fully consider internally "whether any hearings held by the internal tribunal pursuant to the decree shall be public or non-public..." This issue has stimulated reconsideration of the desirable degree of openness of all grievance proceedings within the University. Several grievance structures exist, involving students as well as faculty. Professor Eaton asked whether there should be one overall policy governing openness.

The Tenure Committee is proposing and recommending that the Judicial Committee sponsor an amendment to the tenure code to the effect that the full record of completed Judicial cases be made public at the time that record goes to the President. Publishing findings is inconsistent with the tenure code in its present form which states that both the faculty member and the president must agree for the record to be published. Professor Wolfram reported on behalf of Professor Rippie that Judicial Committee members voted unanimously, via mail ballot, in favor of making the findings public. They voted 10-7 in favor of opening hearings. He observed that probably most respondents had not yet sat on a panel.

There was some discussion as to whether the Senate would have to vote on a policy of openness of grievance proceedings. The SCC is sponsoring an open forum on the question of openness on January 22. Professor Eaton hopes any requisite motion(s) will be drafted for SCC consideration by its January 29

meeting. The group agreed that the several grievance bodies could, by a vote of their membership, change their own operating rules. Any change in Judicial's rules which conflicted with the existing tenure code could not go into effect until corresponding changes were made in the tenure code. These changes would require action by the Faculty Senate. It was observed that the purview of the Appeals Committee is broad and their need for confidentiality might be different from Judicial's. That committee can separately consider the optimum degree of openness for its meetings.

The group briefly discussed the form of the statement on open meetings which has been drafted for incorporation in the new Senate constitution, by-laws and rules. It was asked if a committee could decide at the beginning of the year to close all meetings if they anticipated that their business would generally be of a sensitive nature and closing would be necessary to protect individuals. Business and Rules' interpretation is that a vote to close a meeting (a two-thirds majority required) would have to be taken on a meeting-by-meeting basis.

The chief difficulties which are anticipated from open hearings are that some witnesses would decline to testify and the committee has no power of subpoena, and that some present might turn the occasion into a circus. The arguments in favor of open hearings stress openness as important for guaranteeing the terms and conditions of employment.

SCFA believes the publication of case findings is educational. It was pointed out that the availability of neutered findings has provided inadequate information. Because the participants' permission is required, some important cases are always missing from the record and the community cannot inform itself about the nature of all cases arising. The importance of identifying details about a case is seen as more important than the likelihood of scandal arising out of greater openness. The University community would like to know the evidence on each side, particularly in instances where the President does not follow the recommendation of the Judicial committee. The President apparently acts counter to the recommendation of the Judicial committee in about half the cases which go to him. This reportedly presents a problem in terms of getting good and interested faculty members to devote considerable time to service on a panel. The President writes his reasons to the Judicial Committee when his action is other than what Judicial has recommended. It was considered desirable that the President's action and reasons be published along with the findings and recommendations of the committee. Tapes of hearings would not be part of the public record unless the meetings themselves were open.

The argument was raised that actually more people would be willing to testify

in an open hearing, for the stigma of refusing to stand behind their departmental vote when the affair is public would outweigh any embarrassment of stating and supporting their vote.

There was a recommendation to try for about a year publishing the findings of Judicial's cases and observing what the effects are. Faculty governance was described as an ongoing experiment; an experiment is most instructive if only one variable at a time is changed. The cases arising under the Rajender consent decree will, it is understood, be considered entirely in open hearings. Those will constitute a valuable experiment in the openness issue.

2. SCFA.

a. Sexual Harrassment. Professor Williams reported that the Subcommittee on Sexual Harrassment has held many meetings over the better part of a year. Leo Raskind, the Chairman, recently found it necessary to resign. Subcommittee member Michael Root has assumed the chairmanship. He has compiled all the responses to the subcommittee's draft proposal and will report to SCFA at its meeting of January 16. Professor Williams stated that SCFA is not in a good position to assess the recommendations, since it has not dealt with the several other committees, as its subcommittee has. He said that the subcommittee will not be able to reconcile all the positions which have been expressed to it.

Professor Eaton reported that the subcommittee members worry about overlapping jurisdiction in the creation of a new mechanism for handling sexual harrassment cases, particularly since the members have not had a lot of experience with the various related committees (Tenure, etc.). A question remains as to whether SCFA alone or jointly with the SCC, which first steered the issue to SCFA, will take a motion to the Senate.

b. Faculty Assistance Plan. Professor Williams reported that this proposal, narrowly defeated in the full Senate on December 4, will be presented to the Faculty Senate for a vote on February 19.

c. Pension Plan. SCFA last year promised to present a pension plan during winter quarter. Development is going slowly because of sex differentials. He expects SCFA will be able to report by the end of the academic year.

3. Business and Rules. Professor Sullivan reported that in Business and Rules' consideration of the eligibility of 'E' track employees for the Senate she will consult with Tenure and SCFA. Both civil service and faculty people have been moved into the "professional academic" category. Should provision be

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made for those who were formerly faculty to retain their Senate franchise? Most 'E' employees are administrators, who will not be eligible for the Senate since it is to administrators that the Senate makes its recommendations. A question was raised against the absoluteness of the stand of excluding administrators from Senate membership. Better communication and joint responsibility were suggested as gains some universities win by including administrators in the Senate

4. SCEP. Professor Lehmborg reported that the study of the implications of inloading as a part of University Outreach is progressing very slowly. Lehmborg has written to Tom Benson, who is conducting the pilot studies, asking if he will be able to complete the studies speedily. Lehmborg thinks it unlikely that SCEP can bring a recommendation to the Senate by the spring of 1981. He called the matter too important to be resolved casually. Acknowledging that the Regents have been pressing central administration to act on Outreach, Lehmborg said that SCEP has encouraged central administration to proceed with aspects of outreach other than the questions of inloading and of how the faculty are compensated for their services. From present information it is not at all clear that outreach offerings will be expanded, for that would seem to increase costs.

It was noted that after SCEP takes a position on inloading, the question probably will need to go to SCFA regarding the matter of faculty compensation. Professor Lehmborg speculated that SCEP may well find that inloading makes no difference in quality of instruction and that the main issue at stake is compensation.

5. Notices. Professor Eaton called the group's attention to the January 15 forum on the revised Senate constitution, by-laws and rules, to which all chairpersons are particularly encouraged to come, and to the January 22 forum on the opening of grievance proceedings.

The meeting was adjourned at 1:20 p.m.

Meredith B. Poppele
Secretary, SCC