



UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate Consultative Committee
5-255 Millard Hall
Minneapolis, Minnesota 55455
Telephone (612) 373-3226

TENTATIVE AGENDA

Faculty Consultative Committee
Thursday, May 15, 1980, 10:00-10:30
Regents Room, Morrill Hall

1. Fix agenda.
2. Minutes of April 17 (FCC and FCC with the President, previously distributed).
3. Report of the Chair (below).
4. Committee Reports
 - a. Legislative Relations.
5. New Business--Issues for discussion with the President
 - a. The Consent decree and outstanding offers in the Chemistry Department
 - b. President's reaction to SCFA's recommendations on the '81-'83 faculty salary request.
6. Adjournment.

Report of the Chair.

a. Following tradition, the outgoing members of the FCC (Blake, Glick, Melsa, Morrison and Purple this year) constitute the nominating committee for the positions of Chair and Associate Chair of the FCC-SCC. The election itself is scheduled for June 5th. Outgoing members have traditionally not voted, but newly elected members are supposed to vote. One question we should discuss is whether we should attempt to gain the proxy votes of some of the new members who may not be able to attend the meeting. (Swan is in Washington and definitely cannot attend.)

b. Following our meeting of May 6th with Academic Affairs and Chemistry, I believe we need to discuss the state of affairs we now face with them. I find considerable merit in the views put forth by Professor Eaton that if we are going to learn from "past" mistakes we had better begin to dissect "past" mistakes and to possibly assign some responsibility, accountability and/or blame. I suggest we give serious consideration to the appointment of a three or four member commission to produce a "white paper" on what has occurred. I realize this will put a burden on those chosen, but I also think this burden could result in a valuable contribution to the University. If the FCC sees

merit in this proposal, then whether we should do it internally (involve only FCC members in this task) or reach outside the FCC, will require discussion.

At present I would see the charge to such a commission including
1) background work involving examination of the trial transcripts and roles played by faculty, administrators and Regents in the Rajender suit; 2) interviews of present participants in the problem of the outstanding offers with attention to who knew what about whom, to dates, and to other pertinent knowledge. The writing charge would be to reconstruct the historical record and to give an account of the present circumstances, followed by an analysis and recommendations. The task would involve asking for cooperation of a number of groups, and I am relatively assured at this point that the administration will cooperate. One other consideration that we should discuss would be whether our intent would be to make this a public document (and investigation) or whether it should be internal. At this point, I feel that it should be kept internal until we at least see the scope of the recommendations in such a report.



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DRAFT

MINUTES

Faculty Consultative Committee
May 15, 1980

Chairman Richard Purple convened a meeting of the Faculty Consultative Committee at 7:50 a.m. on Thursday, May 15 in the Dale Shephard Room of the Campus Club. Others present were members George Blake, Robert Brasted, Wendell Glick, Russell Hobbie, Fred Morrison, Cleon Melsa, Don Spring, Skip Scriven, members-elect Paul Quie, John Verrill and Allan Ward, and Assistant to the President, Carol Pazandak.

1. Minutes. The April 17 minutes of the FCC and the FCC with the President were approved.

2. Electing a Chairperson for 1980-81. The Chair requested outgoing members to meet briefly after the meeting to constitute a nominating committee for next year's chairperson. It was noted that at least two incoming members will be out of town on June 5, the date set for the election. Fred Morrison moved the chair be authorized to receive sealed proxy votes in the election of the chairperson. The motion carried without dissent.

3. Chemistry hiring settlement. Rick Purple reported that Judge Lord has agreed that the department may appoint the two "early birds," those offered positions during the winter of 1979. Two tenured positions will be opened up to be filled by qualified women. The two men to whom offers were made in January and February of 1980 may each be given a one-year temporary appointment. There will be an open search for the fifth permanent position.

Fred Morrison charged that there had been "bungling" in central administration to the extent that Judge Lord now decides who can be appointed. He believes those responsible should be discovered and held accountable. The FCC voted to put the item over to the 10:00 meeting.

4. Search procedure for Assistant Vice President for Academic Affairs. During the 1979 search it was decided to name a temporary Assistant V.P. in order not to bind the new Vice President for Academic Affairs. Now the University must open a search for the permanent position. Vice President-designate Keller has suggested naming to the new search committee the same people who served in the original search, to reopen the files and assume that all the original finalists are again under consideration and furthermore that people who did not wish to apply for the temporary job might now wish to apply. Professor Blake recommended that it would be in everyone's best interest to constitute an entirely new search committee and conduct what is plainly a genuine search. Everyone agreed it was essential to find out both what kind of a search this must be and what is the allowable length of a temporary appointment. The FCC voted to put this item also over to the 10:00 meeting.

5. Minnesota Daily funding controversy. Rick Purple asked members to keep in mind three things: 1) the rumor of a motion of "no confidence" in the President or in the Regents at today's Senate meeting; 2) suggestions received to write an open letter to the Regents or the President or both; 3) the widespread disappointment among the faculty on the President's and the Regents' position for a refundable Daily fee. There followed considerable discussion, largely on how to anticipate and deal with a motion of "no confidence." Fred Morrison asked what kind of action Social Concerns was going to take in the face of the Regents' and the President's rejection of the Senate request for a boycott of Nestle; Rick Purple said Social Concerns will read a statement, seek no vote.

George Blake spoke in favor of a Senate motion of a positive nature, a motion of support for the President. He saw the need for a move to counter the negative effect of the Minneapolis Star story. Professor Hobbie thought a different sort of action was called for. He has heard from faculty members angry over the refundable fee decision who see it as the culmination of a long series of presidential/regential actions with which they differ. George Blake said that aspersions are being cast on the whole central administration and the faculty should take care not to go further than they mean to. He also said that even when the Regents reject the FCC's advice, their attention has been gained and they have been made to think about the faculty point of view.

Fred Morrison asked for attention to Regential intervention into the workings of the University and the apparent discrepancy between the President's position on the Daily last August and his explanation in April for his recommendation to the Regents. There is an appearance that the President agreed with the faculty over Daily funding in August when there seemed to be sufficient Regent votes to carry that position and changed his position when the Regential votes no longer seemed to be there. If that is the case, Morrison fears for academic protection. Carol Pazandak recommended the FCC ask the President to explain his reasons for apparently changing his mind.

Don Spring argued for some positive move by the FCC or the Senate, focusing on their objections. The merits of the Daily case are debatable, he said. It was suggested that the Regents be informed in advance of the June 5 luncheon meeting that the FCC would like to discuss the Daily question at that time. Russ Hobbie asked whether there is anyone in a position to educate the Regents to their function of setting policy. John Verrill suggested there might be a sufficient number of distinguished professors emeritus who could credibly make such a presentation to the Regents.

After some discussion on parliamentarily procedural options for an item of new Senate business, there was a general inclination in the group to hold in abeyance Don Spring's recommendation for a statement to the Senate of this sort: "An issue of some moment has arisen; the SCC is working on a statement to present to the Senate or University," to introduce it if something like a "no confidence" motion arose, and to request laying the business over for seven days to be joined to the May 29 Assembly meeting.

At 9:30 the meeting recessed until 10:00.

The meeting reconvened at 10:10 in the Regents Room. Present at this session were Blake, Brasted, Eaton, Glick, Hobbie, Melsa, Morrison, Purple, Scriven, Schletzer, Verrill, Spring and Ward. Rick Purple, Chairman, asked that the minutes record his apology to Professors Eaton and Schletzer for not having made definite to them that the breakfast meeting was scheduled. The items of business were carried over from the earlier session.

1. Search for Assistant Vice President for Academic Affairs.

Vera Schletzer spoke in favor of a new search, saying that to use the same committee would appear to prejudice the decision. George Blake moved that the FCC recommend formation of a new search committee for the position. The motion carried without dissent. The Chair added that the FCC would prefer an internal search if that is permissible, but the consent decree must be checked to see whether a national search is required.

2. Chemistry hiring. Rick Purple reported that Judge Lord has agreed to the proposed solution on which the FCC was briefed on May 6 (see above). Bob Brasted reported the great dismay among the Chemistry department that it was a member of the press who was the first to reach the two later appointees and tell them their positions were in jeopardy. Rick Purple asked if it would be productive for the SCC to investigate the history of the Rajender case and Chemistry's record in hiring; Marcia Eaton, who proposed the idea on May 6, said she was no longer certain the idea was a productive one. Bob Brasted and Russ Hobbie said the amount of work would be incredible--reading transcripts of eight years of litigation. Eaton did not think the issue should be swept under the rug, but wondered who could give the time required and who would be perceived by the rest of the faculty as impartial. Further discussion produced these points: hearsay information is that Charles Mays, the department's lawyer in the Rajender case, did not consult with the dean of IT or the Chair of Chemistry in constructing the consent decree; IT Dean Staehle learned about the consent decree at the FCC briefing (two days before Minneapolis papers carried the story) and others in IT and Chemistry learned soon after (and is it true that they did not immediately inform central administration of the appointments in the pipeline?); there were breaks in carrying over information in the case because of the turnover of administrators meant people frequently did not know to whom to report; the University has been put under many restraints in the consent decree and cannot proceed with its consulting and other procedures exactly as before.

Eaton reminded the group that Vice President Hasselmo, at the time of his appointment last November, was given the responsibility of overseeing the Rajender case and that he has said he hoped positive steps in affirmative action would come out of the matter. She asked whether the Subcommittee on Grievance and Legal Concerns, or at least its Chair, could converse with Hasselmo and perhaps raise the questions of the FCC by letter to be added to the record on the case. Wendell Glick moved the FCC refer this matter to the faculty component of that subcommittee (Eaton, Morrison, Purple). The motion carried without dissent. Morrison requested a substitute for himself and Don Spring volunteered to serve if the meetings can be held on days he is on this campus.

3. Minnesota Daily. Hobbie reported the Parliamentarian's description of the kinds of motion which would be in order on the Senate floor. He also reported that the Duluth campus was greatly distressed that a "no confidence" motion was under consideration with no advance notice and that those Senators would protest it if it did arise.

Spring moved that the SCC adopt the strategy of 1) waiting to see if a motion to suspend the rules does come up and 2) if it arises, move to postpone consideration for a week, asserting the seriousness of the matter. The motion carried without dissent.

The meeting adjourned at 11:00 for the arrival of the President.



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FACULTY CONSULTATIVE COMMITTEE CONVERSATION WITH THE PRESIDENT

May 15, 1980

The President joined the meeting at 11:00 a.m., along with Vice President-designate Ken Keller and Assistant to the President Carol Pazandak.

1. Search Committee for Assistant Vice President for Academic Affairs.

Rick Purple told Keller the SCC's advice that there be a new search committee with last year's files carried over but the search fully reopened in addition. Pazandak reported attorney Mays' opinion that this need not be a national search. The relevant portion of the consent decree applies to academic teaching positions, not administrative positions. Mays will go to the court for a ruling if there is a challenge on the opinion. Keller said he would follow the FCC's advice.

He said he wanted to name the search committee within a week and keep the search open for two to three weeks. He would welcome SCC recommendations of faculty members on the committee. He hopes to fill the position soon, and definitely before the end of the fall quarter.

2. Chemistry appointments. Purple informed the administration of the FCC motion directing its investigatory question to its Subcommittee on Grievance and Legal Affairs. President Magrath said that on Monday, May 19 there would be an open meeting, which has been advertised in the Daily, including Vice President Hasselmo, attorney Mays, and someone from Academic Affairs, to answer questions on the meaning of the consent decree. Hasselmo will then schedule a series of workshops or briefings for deans and department heads, trying to reach all campuses and all administrators. Spring commented that it would help outstate people be prepared for the meeting if they could have in advance a written account besides the consent decree itself, relating the actual decree terms to the particulars of University and departmental operations. The President remarked that the University needs to develop for deans and other administrators checklists including each step they must take to be in compliance with the law and the consent decree. Hobbie added that search committees also need such a checklist.

Morrison commented that we are in the future going to have to follow rulings to the letter, not round corners. He asserted the need for a hiring manual. There are rumors that hiring papers sometimes sit for months in Morrill Hall. Keller responded that with only between 120 and 160 outside hirings per year it is possible to expedite their passage through Academic Affairs. He cited a need for a change respecting the tie-ins between getting a budget number on a new employee and going to the Regents for approval of the appointment.

Keller said he was deeply distressed that the chemists who have been offered new positions heard about the hiring crisis first from Minneapolis Star reporter Jeff Brown. Keller has spoken at length with the two who can now only be offered 'T' appointments.

Morrison asked 1) how did it happen that we agreed to the terms in the consent decree when these four offers of positions were outstanding? and 2) how did it happen that the Chemistry department learned of the consent decree through the Minneapolis Tribune? President Magrath replied that he did not know of the two "early bird" offers, although he was aware that there were two or three searches underway to fill existing vacancies. Having in mind that Chemistry is fairly well informed on affirmative action, he did not think it appropriate to call the department and ask if there were something central administration should know about. He then read a letter from Chemistry Professor John Wertz accusing the President of serious neglect in not informing the Senate on April 17 of the impending consent decree and asking the President to respond in the May 15 Senate meeting. The President told the FCC that Chemistry was not a litigant in the case. The signatories were the Regents and the President. In his response to the Senate he will enumerate the briefings which were made and explain that the consent decree had not been signed at the time of the Senate meeting and there was no guarantee that the plaintiffs would sign it. (The signing was on April 18.) The administration and the FCC had been told by the lawyers that they could not share the information they had with their colleagues or anyone else.

3. Daily funding. Purple told the President that the FCC was responding to the widespread concern over Magrath's recommendation to the Regents and the Regents' subsequent acceptance on the refundable mandatory fee. He stated the resolution for the Senate meeting. The President said that he would ask Vice President of the Senate Hobbie to preside if the issue arose in the meeting. Morrison said he hoped the President would communicate the reasons for his change in position on the Daily between August and April. President Magrath said that the record will show that he indeed opposed changing the fee just one month after it had been approved last year. He made no sort of public recommendation during the winter while fees were under consideration by TCSA, the fees committee, and so on, other than continuing the present fee structure. In retrospect he thinks it would have been better to make the recommendation at that time. But since the legislature was then in session and considering \$85 million in capital requests for the University, he believed such a recommendation then would have been publicly perceived as a sop to the legislature. In response to a question, he said that it was not one of his reasons for recommending a refundable fee that it would help to make the Daily a better paper since that raises the question of "better in whose judgment?" The reason is also open to the charge of punitiveness. The issue of a refundable fee for the Daily had been debated within the Board of Student Publications prior to the June, 1979 humor issue because of the history of awareness of the controversial nature of the Daily and the sense that perhaps people who objected to it really should not have to support it.

The President reported that he and Keller had had a very good meeting on May 14 with the Regents professors on the Ragender case and the Daily. He also said he has thought a good deal about how much of his thinking and reasoning behind his Daily recommendation is likely, in the balance, to be helpful to make public. Several faculty members indicated they now felt clearer about his reasons. Eaton said she thought it would be useful for the President to give an oral explanation to the Senate addressing specifically his apparent change in position from August to April. A member of the SCC could rise and request a statement. A brief oral explanation in the Senate could be coupled with an offer to publish an extended statement.

4. SCFA salary increase recommendation. The item will be on the Regents agenda in July for information and in August for action. The President has no opinion yet on the merits of SCFA's published plan. In June he will discuss it with the Office of Academic Affairs and with the deans. He would like to meet with UCBRR and the FCC early in July to keep them informed of his intentions. He invited SCC or FCC comments on the proposal and on anything else relevant. He said that we all agree faculty salaries are the prime issue and that the only questions are on the exact percentages to request.

5. Response to state's contingency budget request. Regarding the request from the Governor and the Finance Commission for the University to submit a 90% contingency budget, President Magrath said the University is reluctant to submit what he believes is impossible. He currently favors seeking a meeting with the Governor and Finance Commission to explain what the University has done to date on retrenchment and to explain that it cannot operate, cannot be the University, on a 90% budget.

The meeting adjourned at 12:20 p.m.

Meredith Poppele, Sec.



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Requested Corrections to various sets of minutes from May 15, 1980

1. Faculty Consultative Committee, p. 1, #3, par. 2, please substitute:

Fred Morrison charged that there had been "bungling" in central administration. He asserted that it was careless to commit the University to not appoint more than three men without first checking to see how many appointments were already "in process." The net result was that we let Judge Lord decide who would be appointed and who would not. He believes those responsible for the failure to exercise care to check this matter before agreeing to the consent decree should be identified and held accountable. The FCC voted to put the item over to the 10:00 meeting.

- p. 2, #5, par. 3, please substitute:

Fred Morrison asked for attention to the apparent discrepancy between the President's position on the Daily last August and his explanation in April for his recommendation to the Regents. There is an appearance that the President agreed with the faculty over Daily funding in August when there seemed to be sufficient Regent votes to carry that position and changed his position when the Regential votes no longer seemed to be there. If the President changes his recommendations because of a shift in majority on the Regents--or if the faculty believes this is so--we face severe problems. There has still been no statement of principle to explain the President's apparent change of view. Morrison supports the President on the Daily fee, but believes he is one of a very tiny minority of the faculty to do so. Carol Pazandak recommended the FCC ask the President to explain his reasons for apparently changing his mind.

2. Faculty Consultative Committee Conversation with President, p. 1, #2, par. 2, please substitute:

Morrison commented that we are in the future going to have to follow rulings to the letter. Acting in good faith will no longer be sufficient cause to get hiring recommendations accepted. Search committees will not be allowed to cut any corners. He asserted the need for a hiring manual... (remainder of paragraph stays as is)

3. Senate Consultative Committee, p. 99, #7.b., UCBRBR: Please strike the asterisk from the final sentence and strike the corresponding footnote at the bottom of the page.

SCC, p. 99, #7.c., Senate Budget, second sentence:

The committee ~~received~~ considered four requests which seemed to them inappropriate for Senate funding...

3-16-83

These corrections requested by Morrison (he submitted them to the Secretary). At the next meeting, from which Morrison was absent, FCC postponed considering the requested corrections. The Chairman rather purposefully left the matter unresolved, thinking the first version close to what M. had said in the meeting.



UNIVERSITY OF MINNESOTA

Office of the Clerk of the Senate
Morrill Hall
100 Church Street S.E.
Minneapolis, Minnesota 55455

received 5/2/80
pls RST

May 1, 1980

President C. Peter Magrath
202 Morrill Hall
Minneapolis Campus

Dear Peter:

At its April 25 meeting the Senate Committee on Faculty Affairs approved the following recommendation concerning the salary increase component in the 1981-83 biennial budget request to the Legislature:

The budget request should be divided into four categories: I. a cost-of-living category intended to ameliorate the effects of inflation; II. a merit category involving three components: conventional merit increase funds, promotion funds, and retention-recruitment funds; III. a unit equity category intended to solve problems of unwarranted differences between average salaries in various units or categories; and IV. a category to offset the relative deterioration during the past decade in the purchasing power of faculty salaries.

Categorization of the salary request in this way would allow the faculty and the administration to approach the legislature asking for salary improvement funding in a way that assures legislators that the distribution of funds will not exacerbate problems they perceive in our methods of allocating salary to faculty members. This approach would, at the very least, help to enhance the legislators' view of the variety of factors that need to be taken into account in allocating money at a major university.

In the following we state the general principles we believe should be followed and illustrate their application with numbers that seem reasonable to us at this time. The amounts listed for each category need to be documented further and revised where appropriate. The numbers we suggest as a point of departure would justify considerably larger salary allocations than we have been receiving. This, however, is not surprising since, as we will demonstrate below, the salary increases we received during the seventies resulted in a decrease in the purchasing power of University faculty salaries at the same time the purchasing power of the average Minnesota citizen's income rose. Furthermore, during most of the seventies the inflation rate was much less than most persons expect during the next few years.

Category I. We request sufficient funds to provide an adjustment equal to the previous year's rate of inflation and projected rates of inflation for the first year of the biennium. For example, assuming an average rate of inflation of 13% for this year and next, the cost-of-living increase for all faculty members would be 13% in each year of the biennium. (The figure of 13% is based on the increase in the Consumer Price Index during 1979. This percentage may be adjusted later to reflect the expected inflation for the biennium.)

In awarding such an increase we would recommend that, in order to help more of the junior members of the faculty, the University adopt a sliding scale. Again, assuming 13% inflation the sliding scale would be structured as follows: Those earning up to \$21,000 per year would receive an across-the-board increase of \$2,730. Those earning between \$21,000 and \$42,000 per year would receive a 13% increase. Those earning over \$42,000 per year would receive an increase of \$5,460. (A similar scale would be used in the 1982-83 academic year.) We expect that this adjustment would cost \$13.3 million in the first year and \$15.1 million in the second year of the biennium. (We assume that the current base for academic salaries is \$102.6 million.)

Category II. Given the long-term commitment of the University to rewarding excellence and the fact that the money distributed in Category I should help most faculty members meet the increased costs produced by inflation, a reasonable merit money pool could be developed by a 3.5% of total salary base allocation. In 1981-82 the merit pool would be approximately \$3.6 million and in 1982-83, approximately \$3.7 million, for a total of \$7.3 million over the biennium.

In addition, we request \$2,500,000 for the biennium to fund (a) promotions in rank and (b) meet retention recruitment needs. Based on past experience with promotions we expect that increments averaging between \$1500-\$2000 could be awarded to promoted faculty members if \$500,000 was available to fund promotions.

In view of existing competitive pressures, we believe that the purpose of the funds currently held by the administration to deal with retention cases should be enlarged to include both retention and competitive recruitment. We suggest that a total of \$2 million for the biennium be requested for this purpose.

Category III. The unit equity category has been funded to the level of \$770,000 during 1979-80, \$625,000 during 1978-79, \$334,704 during 1977-78, none during 1976-77, and \$565,371 during 1975-76. Assuming that retention cases would be funded from Category II money, \$600,000 for the biennium would seem to meet needs in this category.

Category IV. The past decade has produced dramatic reductions in (1) the purchasing power of average salaries at the University of Minnesota and (2) the ratio of these salaries to the Minnesota average per capita income. A chart recently published by the Twin Cities Chapter of the American Association of University Professors

C. Peter Magrath

Page 3

and reproduced below shows graphically the extent of these reductions. From 1970-78 the purchasing power of the average faculty salary at the University of Minnesota decreased about 10.5%. Over this same period the purchasing power of the Minnesota average per capita income increased about 22.5%. No data are available at this writing on 1979 Minnesota per capita income, but the chart shows a further decline from 1978 to 1979 in University of Minnesota average salaries in real terms.

In order to make up this discrepancy during the next five years, it will be necessary to increase faculty salaries an additional 6.5% per year. The extra funds required during the biennium for this purpose would be \$5.1 million for 1981-82 and \$5.3 million for 1982-83.

about \$8.5

an additional \$9.2

The total request for salary improvement funding based on these assumptions would be ~~\$49.4 million over the biennium~~. The subcommittee wishes to emphasize again the tentativeness of these figures. The ~~base for academic salaries~~ was estimated by using data provided by the Office of the Vice President for Academic Affairs for 1978-79.

If you have any questions concerning this recommendation, we would be pleased to explain our position in more detail.

about \$316 million in five years

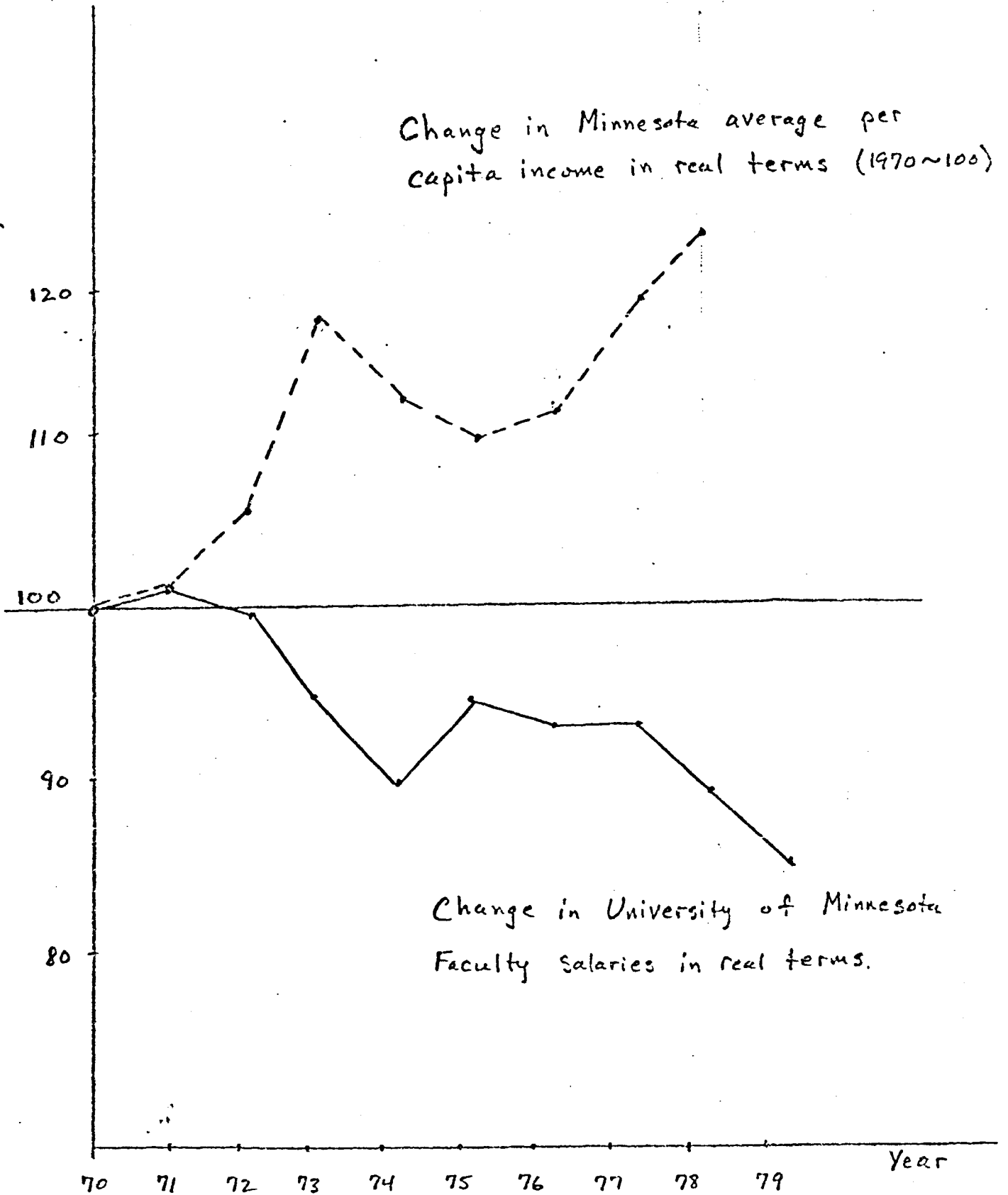
Sincerely,

biennium and an additional \$35.4 million the second year. In the long run it would be a net increase because of less salary increases.

C. Arthur Williams, Chairman
Senate Committee on Faculty Affairs

cc: Professor Fred Morrison
Members, SCFA

Change in Minnesota average per capita income in real terms (1970=100)



Change in University of Minnesota Faculty salaries in real terms.