

UNIVERSITY OF MINNESOTA
FACULTY SENATE MINUTES

February 9-June 7, 1984

FEBRUARY 9, 1984

The first meeting of the Faculty Senate to consider the proposed tenure regulations revisions was convened in 25 Law Building, Minneapolis campus, on Thursday, February 9, 1984, at 3:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 115 members of the faculty, 3 members of the Council of Academic Officers, and 9 nonmembers.

Vice Chair John Turner presided.

FACULTY AFFAIRS COMMITTEE
TENURE COMMITTEE
TENURE REGULATIONS

MOTION:

That the revised University Regulations Concerning Faculty Tenure, dated December 20, 1983, be approved.

INFORMATION:

The revision of the University Regulations Concerning Faculty was mailed to all University faculty members in January. Copies are available in the office of the clerk of the Senate, 424 Morrill Hall (373-5744), upon request. Following is the letter that accompanied the mailing to faculty members:

December 16, 1983

TO: The Faculty Senate
THROUGH: Senate Committee on Faculty Affairs
FROM: University Committee on Tenure

Dear Colleagues:

The Tenure Committee presents for your consideration a complete revision of the University Regulations Concerning Faculty Tenure. We believe that the Senate should recommend adoption of these Regulations to the Board of Regents.

Early this Fall, we distributed copies of an earlier draft revision widely on campus. We solicited written comments, held three public hearings, and listened to debate in the Faculty Senate. We also solicited comments from interested committees of the University Senate, including the Faculty Consultative Committee, the Senate Committee on Faculty Affairs, the Senate Judicial Committee, and the University Committee on Equal Employment Opportunity for Women. We also received comments from several faculty organizations.

In light of those comments, we have made a number of revisions in the draft. We have radically changed the provisions of section 13, dealing with programmatic change. While we continue to believe—as most faculty members do—that programmatic change is essential to a vital university, we do not believe that it is necessary for that change to affect individual faculty members' tenure rights. With proper planning, programmatic change can be accomplished while protecting the rights of individual faculty members.

We have also responded to concerns that the document was too long, too detailed, and too technical. We have substantially reduced its length, both by eliminating some provisions (like much of the programmatic change section) and by simplifying the prose contained in it. We believe that you will find it more readable and understandable. We have not, however, eliminated all procedural provisions. We believe that the protection of tenure is based upon a careful balance of principles and procedures to preserve and protect those principles.

We have also made significant changes in the text of section 12, which deals with financial exigency. We believe that the Regulations should contain explicit principles and procedures for dealing with such exigencies. To fail to do so would be to abdicate Faculty responsibility in times of crisis and leave decision making entirely in the hands of others. Again we have found it necessary to strike a balance between a mere statement of principles, unprotected by any procedures, and an over elaboration of procedural details. We think we have found that balance. Many hard choices would have to be made in times of financial exigency, but we set up mechanisms for dealing with them. We have also eliminated the apparently confusing language about "financial debility" and "fiscal emergency" and spoken rather about a "first stage," a "second stage," and a "third stage."

In a number of other instances, too numerous to mention here, we have responded to specific concerns which were expressed to us. We will point these out in the course of the consideration of the document in the Faculty Senate.

Some groups have suggested that we should abandon this project and instead propose a number of individual amendments to the 1945 Tenure Regulations. We do not believe that this is a wise course of action. The present Regulations are not a comprehensive document. They are supplemented by a vast array of administrative regulations (e.g. the Koffler-Ibele Memorandum), unwritten practices, and interpretations by the Judicial Committee and the Tenure Committee which are not universally known or available. We are attempting to pull together the most important ingredients of those disparate principles into a single document, which will provide information and advice to probationary faculty, to the departments which consider their tenure, and indeed to all Faculty. A series of amendments to an inadequate present Code would be as complex as the present document, and would produce a much less understandable product in the long run.

We believe that it is important to proceed with this project. We believe that it is important that faculty members have a statement of the standards for granting tenure; none is provided at present. We believe that the standards set forth for removal or suspension of faculty members are much more carefully worded than the broad language of the present Regulations which permit removal from office if a faculty member's "usefulness to the University" is impaired. We believe that careful planning for a financial disaster may prevent unwise decisions, probably injurious to Faculty rights, if such a disaster should ever occur.

For all of these reasons, we urge the Faculty Senate to consider and adopt the Regulations which are submitted herewith.

Respectfully submitted,

University Committee on Tenure

Fred Morrison, (chr.), Mary Dempsey, Mary Dietz, Millard Gieske, Allen Glenn, Sam Krislov, Richard Phillips, Betty Robinett (ex officio), Julie Bates, John Paulson

FRED MORRISON, Chr.

Tenure Committee

MARIO BOGNANNO, Chr.

Faculty Affairs Committee

The meeting was called to consider proposed revisions of the University Regulations Concerning Faculty Tenure. The following amendments to Sections 1 through 8 of the December 20, 1983, draft were submitted. (Motions are numbered.)

1. Equal Employment Opportunity for Women (EEO) Committee motion to amend Section 3.2 at page 2 at the end of line 15: delete the period (.) and add ", except that this may be reduced to one-half time if the purpose of the part-time appointment is to permit the faculty member to devote more time to parenting."
Action deferred until March 8 meeting.
2. Tenure Committee motion to amend Section 3.4, page 4, line 2, by striking "must" and inserting "may" and at line 3 by striking the period (.), inserting a comma (,) and the words "if the faculty member and the Vice President agree."
Approved.
3. Tenure Committee motion to amend Section 5.3, page 6, line 17, by striking "elsewhere" and inserting "at another academic institution."
Approved.
4. Tenure Committee motion to amend Section 6.4, page 8, line 11, by inserting between the two sentences: "Since the standards for granting tenure are ordinarily at least as rigorous as those for promotion to Associate Professor, the granting of tenure to an Assistant Professor will normally be accompanied by a promotion to Associate Professor."
"normally" was changed to "ordinarily"; approved as amended.
5. Tenure and EEO Committees motion to amend Section 6.2, page 7, line 19, by adding the following language at the end of the section: "The notice must inform the faculty member of the right to request a hearing before the Judicial Committee and must advise the faculty member of the applicable time limit for making such a request."
Approved.
6. Motion by Faculty Senators Donald Rasmusson, George Blake, Frank Busta, Vance Morey, Kent Crookston, Mark Brenner to amend Section 7.11, page 9, line 3, by striking "but neither may be disregarded in any decision."
Action deferred until May 3 meeting.
7. Tenure Committee motion to amend Section 7.12, page 9, line 20, by striking the word "approval."
Approved.
8. Tenure and EEO Committees motion to amend Section 7.4, page 10, after line 21, to add a new numbered subparagraph, which will read: "(3) Members of the faculty who have a personal conflict of interest may not participate in the decision. The rules will provide standards and procedures for determining such questions." and by renumbering the subsequent subparagraphs to conform.
Action deferred until March 8 meeting.
9. Tenure and EEO Committees motion to amend Section 7.4(4), page 10, line 24, after "the action taken" insert a period (.), strike the remainder of that sentence and insert "This statement of reasons must take the form of a summary of both majority and minority views expressed in the course of formal consideration of the action."
"which have substantial support and which were" was added after "... both majority and minority views ..."; approved as amended.
10. Tenure and EEO Committees motion to amend Section 7.5, page 11, lines 14-15, by striking the final sentence of the section.
Approved.
11. Tenure and EEO Committees motion to amend Section 7.61, at page 11, line 28, through page 12, line 2, by striking the sentence which reads "A copy of any recommendation that tenure not be granted or that an appointment be terminated must be supplied to the faculty member." and inserting a sentence reading "A copy of each review or recommendation must be supplied to the faculty member."
Approved.
12. EEO Committee motion to amend Section 7.7, page 13 after line 14, insert a subsection to read: "(g) Other violation of University policies or regulations."
Approved.
13. Tenure and EEO Committees motion to amend Section 8, page 14 after line 3, add a subsection to read "(d) Other violation of University policies or regulations."
"violations" was changed to "violation"; approved as amended.
14. EEO Committee motion to amend Section 8 at page 13, line 21, strike ", but only".
Withdrawn.

ABSTRACT

The first meeting of the Faculty Senate to consider proposed revisions of the Regulations Concerning Faculty Tenure was called to order at 3:25 p.m. on Thursday, February 9, 1984, by Vice Chair John Turner, Regents' professor of political science, in 25 Law Building, Minneapolis campus. Duluth medical, Morris, and Crookston faculties were linked by phone. Richard Purple, professor of physiology and chair of the Business and Rules Committee, presented a set of proposed rules for the meetings at which the Faculty Senate would consider the tenure code. In the main, they were similar to those governing University Senate meetings except that speaking time was liberalized and the deadline for submitting amendments was set for the Monday noon prior to the meeting at which the appropriate section was to be taken up. He added that the Consultative, Faculty Affairs, Tenure, and Business and Rules Committees would oppose any effort to suspend the rules so that amendments could be presented from the floor, because oral amendments are difficult to grasp, especially by coordinate campus faculty members who participate by phone. He pointed out that subsequent meetings would simply be extensions of the first meeting, with a recess instead of an adjournment being declared at the end of each. John Howe, professor of history and chair of the Consultative Committee, rose to commend the Tenure Committee for its openness and responsiveness to all suggestions brought to its attention. His committee endorsed the rules, he said, and pointed out that speakers were not obliged to use the full time allotted under the amended rules if they were approved. The Senate then approved the rules unanimously.

Fred Morrison, professor of law and chair of the Tenure Committee, moved approval of the document as a whole, and the motion was seconded. He said it was hoped the first eight sections could be taken up at the current meeting, with the balance to be reviewed on February 23. At a scheduled third meeting on March 8, unfinished items would be considered.

Mr. Morrison presented Motion 2 (see list of motions in the Minutes), which would make transfer to a non-regular appointment discretionary rather than mandatory when a person is enrolled in a University degree program and would require agreement by the faculty member and the Vice President. It was approved without dissent. Motion 3 specified that leaves to teach or conduct research must be at other academic institutions when qualifying for service during an academic year. It too passed without dissent.

Motion 4 added a provision that granting tenure to an assistant professor would normally be accompanied by a promotion to associate professor. Leonid Hurwicz, Regents' professor of economics, said he agreed with the spirit of the motion, but suggested that "normally" should be defined. John Wertz, professor of chemistry, asked whether the proposal would make it possible for a candidate to claim discrimination if not promoted to associate professor. Mr. Morrison said it would not create a right to promotion, but that a department might have to explain why a candidate was passed over. He then accepted the use of "ordinarily" for "normally" as a friendly amendment, and urged faculty members to make other appropriate stylistic suggestions which would make the document more consistent. The motion was then approved with some dissent. Motion 5 introduced the requirement that the termination notice must advise the faculty member of the right to request a Judicial Committee hearing and the applicable time limit for the request. It too was approved.

Motion 7 removed the need for the Vice President to approve each department's statement of evaluation standards for granting tenure; the Vice President had indicated it was not necessary. It was approved unanimously. Motion 8 involved formal action on granting tenure. It specified that faculty members with a personal conflict of interest could not participate in the decision and indicated that the rules would provide applicable standards and procedures. When asked what a personal conflict of interest would be, Mr. Morrison cited nepotism, indicating the application would essentially be familial instances. He was asked who would decide the criteria; he replied that a requirement earlier in the section indicated that rules and standards would be adopted by the Vice President with input from faculty and other administrators. Mr. Hurwicz said there was a potential complication in that 7.62 covered conflict of interest, and he suggested that the vote be deferred until the Tenure Committee could consider the implications of having both provisions. Stephen Sylvester, assistant professor of social science, Crookston, asked why it was necessary for the Vice President to approve procedures, suggesting that the faculty did not need to be told what should be done. Mr. Morrison pointed out that the Vice President would not act unilaterally without the approval of the Tenure Committee. David Brown, professor of laboratory medicine and pathology, recommended that the proposal be laid aside until "personal conflict of interest" could be elucidated. Charlotte Striebel, associate professor of mathematics and chair of the Equal Employment Opportunity for Women Committee, spoke against tabling the motion, stating that her committee was concerned about providing an orderly procedure and resolving accusations early in proceedings. It did not see conflict of interest as being a problem, she said. Mario Bognanno, professor of industrial relations and chair of the Faculty Affairs Committee, supported a delay in order to give time to consider that an entire department could be disqualified on the basis of a conflict of interest. He suggested looking at Section 10, which contained provisions covering sexual harassment and other causes of termination. Mr. Hurwicz then moved that the motion be postponed until the February 23 meeting; the motion was approved unanimously.

Motion 9 was presented by Ms. Striebel and Mr. Morrison. It added the requirement that the statement of reasons on tenure decisions must summarize majority and minority views. Mr. Morrison emphasized it was applicable only before and at the time of the decision. Paul Gassman, professor of chemistry, was opposed to the motion because use of the word "minority" could give rise to trivial views being part of the process. Ms. Striebel accepted the phrase "which have substantial support" as a friendly amendment. The motion was approved as amended.

Motion 10 eliminated the suggestion that a unit head could counsel the faculty member concerning the disadvantages of wider disclosure of the reasons for a recommendation to terminate a probationary appointment. The Senate agreed. Motion 11 provided that all reviews or recommendations, not just the negative ones, should be supplied the faculty member. This too was approved. Motion 12 was presented by Ms. Striebel on behalf of her committee. She explained that Judicial Committee criteria for reviewing petitions on termination cases should be expanded to include other violations of University policies or regulations. John Howe, professor of history and Consultative Committee chair, opposed the addition, indicating it was vague, whereas all the other reasons were quite specific. The motion was approved, with a substantial number in opposition. Motion 13 was a parallel proposal to Motion 12, but applied to improper refusal of a new appointment to a non-regular faculty member. It too was approved. Ms. Striebel then withdrew a proposed Motion 14.

Ms. Striebel turned to Motion 1. It proposed that a regular appointment could be reduced to one-half time to permit the faculty member to devote more time to parenting. She said her committee believed that it would be important, not only to women, but to all faculty members as a small step toward recognizing that raising children is a legitimate and important activity of the faculty. Mr. Sylvester said he was not opposed to the principle but he wondered how it would affect benefits and warned that a dangerous precedent could be set. Lawrence Goodman, professor of civil and mineral engineering, asked whether a faculty member would retain the right to return to a full-time appointment. Irwin Rubenstein, professor of genetics and cell biology, thought it might cause problems in that no time limit was specified. Mr. Howe said he was becoming convinced that the Faculty Affairs Committee, which had looked at part-time appointments, would have some views to express to the Faculty Senate on that subject. Phyllis Freier, professor of physics, said she believed there were other reasons for all faculty members to prefer at times to go on half time, not just parenting persons. Richard Purple, professor of physiology, thought it would discriminate against the faculty member in counting time toward tenure in that now two-thirds is counted as a year. Ms. Striebel thought that the way the tenure "clock" worked would not be affected. Mr. Bognanno moved to defer until February 23. He asked whether the proposal was being made with the thought that it would apply to regular faculty members not on probationary status, and he asked who would make the decision as to whether a faculty member would receive such an appointment. Ms. Striebel said it would apply to all regular appointments. She said there are ways that tenured faculty members can move to one-half time that are not available to those on probationary appointments. She said some new revolutionary rules would have to be devised regarding the place where such decisions should be made. She said her committee understood that the document should state principles, leaving regulations to be outlined elsewhere. Mr. Morrison opposed the motion to delay action, stating that his committee thought the proposal was not needed in that there were mechanisms such as special contracts or leaves that were available. He thought the principle could be approved by the Faculty Senate separately, but not be made a part of the tenure document. Mr. Hurwicz said he was in sympathy with the principle but there should be an opportunity to look at all the ramifications. Mr. Howe opposed delay and the principle itself. He noted that the Faculty Affairs Committee had investigated maternal and paternal leaves in the recent past and that would be the appropriate body to look at the proposal. Norman Kerr, professor of genetics and cell biology and official of the U of M AAUP chapter, said that the AAUP had very strict rules on the counting of time toward tenure and that at the moment he was uncertain whether to oppose the proposal or approve the motion to defer action. At this point the body voted 55 to 46 to defer action until February 23.

Motion 6 was presented by Donald Rasmusson, professor of agronomy and plant genetics, and endorsed by five other Senators. He proposed to delete the requirement that both effectiveness in teaching and advising students and distinction in research and writing or artistic production must be considered in tenure decisions. He cited the Institute of Agriculture, Forestry, and Home Economics as an example of a unit where many faculty members engage in only one or two of the three elements of the land-grant philosophy of teaching, research, and outreach. He said the tenure code should provide sufficient flexibility for the University to grow in ways that may not now be evident, and it should not impinge on the rights and needs of existing units. He then moved to defer action. Mark Brenner, professor of horticulture science and landscape architecture, touched on another aspect, namely, that of recruiting, maintaining that where there is lack of flexibility, good candidates for academic positions would not consider the University. Susan Meyers, associate professor in agricultural extension, supported the motion indicating that the pluralism it would permit was desirable at a great university. She pointed out that "real" people would be affected—over 150 of them. Mr. Howe supported the delay and urged the Institute faculty members to consult with the Tenure Committee to work out language to preserve the unity of the University and recognize the diversity that exists at it. Mr. Rasmusson said he was not asking for something new, that the Institute had tenured faculty doing full-time research and full-time service, and that he and his colleagues were appalled that the University would deny tenure to those who have always had it. Kent Bales, professor of English, asked whether a time had been set when the Tenure Committee would bring the document to the Faculty Senate so that questions could be raised and discussed. Mr. Turner said he hoped to get all the issues on the floor first to help the Tenure Committee arrive at a final proposed document. Returning to the motion, Mr. Morrison said that faculty members of the College of Veterinary Medicine had a proposal affecting the same section and Home Economics may too, and urged them to get in touch with him. The motion to defer until February 23 was then approved.

Mr. Bales moved that the meeting be recessed and that 10 minutes at the beginning of the next meeting be given over to questions. His motion was approved. Mr. Morrison said there would be an informal commentary on Sections 1 through 8, followed by consideration of proposed amendments to Sections 9 through 18.

The meeting was recessed at 5:20 p.m.

FEBRUARY 23, 1984

The second meeting of the Faculty Senate to consider the proposed tenure regulations revisions was convened in 25 Law Building, Minneapolis campus, on Thursday, February 23, 1984, at 3:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 118 members of the faculty, 2 members of the Council of Academic Officers, and 15 nonmembers.

Vice Chair John Turner presided.

The Faculty Senate meeting was reconvened to consider proposed revisions of the University Regulations Concerning Faculty Tenure. The following amendments to Sections 9 through 18 of the December 20, 1983, draft were submitted. (Motions are numbered.)

15. The Tenure Committee moved to amend the caption of Section 10, page 14, line 12, by striking out "REMOVAL OR SUSPENSION" and inserting "TERMINATION OR SUSPENSION OF A FACULTY APPOINTMENT."

Approved.
16. The Tenure Committee moved to amend Section 10.2, page 15, line 3, by inserting "or suspended" after terminated".

Approved.
17. The Tenure and Faculty Affairs Committees moved to amend Section 10.3, page 15, line 5, by striking "provost or"; line 7, by striking "proceedings" and inserting "procedures"; line 8, starts a new paragraph; lines 9-10, by inserting a new paragraph after line 9, "If the grounds for the action involve an alleged violation of a University policy, approved by the Faculty Senate, which provides for the review of such allegations by a panel established by that policy, the administrator must submit the matter to that panel for its recommendation."; line 10, by striking "The" and inserting "In all other cases, the"; line 11, by striking the period (.) and inserting "for their recommendation."; line 12, by striking "Both the administrator and the faculty member" and starting a new paragraph, "Both the faculty member and the administrator"; line 13, by striking "faculty," and inserting "body making the recommendation,."; lines 14-15, by striking "The tenured faculty makes its decision by written, unsigned, secret ballot. It submits" and inserting "The body making the recommendation makes"; line 16, by striking "setting forth" and inserting "indicating"; line 17, by striking "The administrator then" and inserting "After considering the report, the administrator"; line 18, by changing the comma (,) to a period (.) and inserting after the period (.) "The recommendation must include a copy of the report of the panel or of the tenured faculty, as the case may be."; line 18, by striking "sending a copy" and inserting "A copy of the report must be sent"

The Tenure and Faculty Affairs Committees moved to amend Section 10.4, page 15, line 20, by striking "and the report of the faculty,". Page 15, lines 5 and 7: "procedures" was changed to "proceedings" (friendly amendment); then recommended to the Tenure Committee for re-examination of the secret ballot provision in this section and the review-by-panel provision.
18. The Tenure Committee moved to amend Section 10.4, page 15, line 25, by striking the period (.) at the end and adding "and must advise the faculty member of the applicable time limit for making such a request."

Approved.
19. The Tenure Committee moved to amend Section 10.6, page 16, lines 19-21, and 14.5, page 25, lines 4-6, by striking the sentence and substituting the following: "The Vice President and other academic officers may communicate with the President about the case, either orally or in writing, if the full text of the communication is given to the faculty member and the faculty member is given a reasonable opportunity to respond to it."

Amended the above amendment by restoring the stricken sentence and by striking ", either orally or" and the comma (,) after "writing" (friendly amendment); approved as amended.
20. The Tenure Committee moved to split Section 10, so that Sections 10.1 and 10.2 remain as they are, but Sections 10.3 through 10.9 (renumbered) become a new Section 13A between Sections 13 and 14.

Approved.
21. Mariah Snyder and Sheila Corcoran, Nursing, with the concurrence of the Tenure Committee, moved to amend Section 11.1, at page 17, line 24, by adding a sentence after "section" to read: "Faculty members have the right to full access to information about the situation and the alternatives being considered."

Approved.
22. The Faculty Affairs Committee moved to amend Section 11, pages 17-22, on FISCAL EMERGENCY. (See text printed in Minutes of March 8 meeting).

Postponed until the next meeting, at which time it is to be taken up first.
23. The Tenure Committee moved to amend Section 11.4, page 18, lines 23-24, by striking out the initial phrase and inserting "If the University has implemented all of the measures which are required to be considered in the First Stage, which are consistent with its continued operation as a quality institution, and they are inadequate to meet the shortfall,"

Not taken up; for agenda of a future meeting.
24. The Faculty Consultative Committee moved to insert in Section 11.51, page 19, line 24, "Preliminary Procedures", the following: "Before action contrary to the recommendation of the University Senate is subsequently taken, the President shall report in writing and in person the reasons for this action to the Senate Consultative Committee."

Amendment was amended to change "shall" to "must", lines 15 and 24b (friendly amendment); approved as amended.
25. The Tenure Committee moved to amend Section 11.61(e), page 21, lines 7-8, by striking everything after "criteria" and inserting "for example, field of expertise or length of service. It may not involve a comparative evaluation of the relative merits of individuals or a repetition of the tenure-granting process."

Amended to strike "for example, field of expertise or length of service" in the above amendment; approved as amended.
26. The Tenure Committee moved to amend Section 11.64, page 21, line 28, through page 22, line 3, by striking out the first paragraph.

Not taken up; for an agenda of a future meeting.
27. Mariah Snyder and Sheila Corcoran, Nursing, moved to amend Section 13.2, page 23, line 17, by striking "Tenure Committee" and inserting "Faculty Senate".

Defeated.
28. The Tenure Committee moved to amend Section 13, page 23, after line 23, by adding a new section: "13.4 Panels. The Judicial Committee may sit in panels to hear individual cases. In cases under Section 10, the panel must consist of at least five members. In other cases, the panel must consist of at least three members."

Approved.
29. The Tenure Committee moved to amend Section 14.1, after line 27 on page 23, by inserting the following additional language: "Cases arising under sections 7, 8, 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 considered it or has refused to consider it."

Amendment was amended by substituting "decided" for "considered" in line 27f (friendly amendment); approved as amended.

30. The Tenure Committee moved to amend Section 14.3, page 24, after line 17 by adding the new paragraph: "In cases involving section 7 (Termination of Probationary Appointment), 8 (Refusal of New Appointment to a Non-Regular Faculty Member), or 11 (Fiscal Emergency), the Judicial Committee hears the merits of the case, as provided in those sections. In other cases, if there is an appropriate University body to review the matter, the Judicial Committee will only determine whether that body has given the faculty member due process and whether, on the basis of the facts found by that body, there has been a violation of these regulations or of the faculty member's academic freedom. If there is no appropriate University body to hear such a case, or if the Judicial Committee finds that the body which heard the case did not provide due process, the Judicial Committee may hear the merits or may appoint an ad hoc tribunal to hear them."

Approved.

ABSTRACT

The February 23 meeting of the Faculty Senate to consider amendments to Sections 9 through 18 of the proposed revision of the tenure regulations was called from recess by Vice Chair John Turner at 3:20 p.m. in 25 Law Building on the Minneapolis campus. After reminding the body of the rules agreed on at the February 9 session, he opened a 15-minute general discussion of previous actions. Stephen Sylvester, assistant professor, Crookston, asked whether a department could use the Section 3.4 (h) provision, which indicates that non-regular appointments may be made where funding for a position is for a limited time, as a means of avoiding regular appointments. Mr. Morrison said the Tenure Committee planned to look at the use of non-regular appointments and try to recommend improvements. Kent Bales, professor of English, thought that Section 3.4 (b), which states that non-regular appointments may be made where a "Visiting" appointment could be used because the faculty member is from another education institution or is a qualified professional from a government or private agency on a leave of absence to accept a temporary appointment, could prevent the appointment of distinguished persons who might not fulfill the qualifications. Mr. Morrison explained that his committee was concerned about people who have no institutional ties to return to when Minnesota service is concluded, indicating that it wanted to limit the category to true visitors and prevent the use of the temporary appointment year after year to avoid making a tenure track appointment. He said his committee would consider improvement in that section.

Mr. Sylvester was opposed to inclusion in Section 7.4 on procedures for granting tenure of a provision that the department decision must be by written unsigned secret ballot. He also asked why the Vice President (with Tenure Committee approval) was needed to establish rules for review of tenure decisions. Mr. Morrison said that the Vice President had filled that role for the past 20 years, instead of the President, as the current rules provide. Edward Ney, Regents' professor of astronomy, asked what an "academic year" was; Mr. Morrison said it was about nine months, but that his committee would try to define the term by indicating it is the kind of appointment being held.

Mr. Morrison closed the informal session by urging that future amendments be turned in by Monday noon, March 5.

Motion 16, a caption change, was introduced by Mr. Morrison and approved. He followed with Motion 17, which provided for review by any panel that had been established by a policy approved by the Faculty Senate where the grounds for termination involved an alleged violation of that policy. He explained that sexual harassment cases would be an example. Peter Robinson, associate professor of French and Italian, suggested use of "proceedings" instead of "procedures" as more appropriate; it was accepted as a friendly amendment.

Returning to the secret ballot issue, Mario Bognanno, professor of industrial relations and chair of the Faculty Affairs Committee, thought it would be possible that some departments would have open balloting, others, closed. Mr. Morrison asked for an opinion from the Faculty Senate. Mr. Krislov suggested that faculty members should be willing to stand up and be counted. Leonid Hurwicz, Regents' professor of economics, recalled a case where a faculty member was jailed for not revealing a vote. He suggested that a solution would be to forbid written ballots, but that the process should not be treated as a casual matter. He moved that the Tenure Committee give it some further thought. The motion was then postponed until the next meeting.

Motion 18 provided for informing faculty members of the time limit for making a request for a hearing by the Judicial Committee. It passed without debate. Motion 19 proposed to delete the provision that the President could not discuss a case with the Academic Vice President except in the presence of the faculty member. It also said that the Vice President and other academic officers could communicate with the President about a case that has been heard by the Judicial Committee, orally or in writing, only if the faculty member had been given a reasonable opportunity to respond to the findings. Mr. Krislov thought there should not necessarily be a written text. Mr. Bognanno pointed out that the President's decision would go to the Regents so perhaps there should be a written transcript. Audrey Grosch, professor, University Libraries, expressed wonderment at the language, and pointed to the danger of oral communications not taking place in the presence of the faculty member and the possible impact. Mr. Morrison said the committee's dilemma lay in the nature of the University. If the Vice President can communicate with the President about the case in the absence of the faculty member, there is the potential of the appearance of unfairness and there may be unfairness, he admitted, but he saw the Vice President rather than the departments as being the real respondent in the proceedings. On the other hand, he said, if the President is insulated from academic advice, then the impact of peripheral considerations could lead to unfortunate results. His committee, he said, had tried to provide a broad mechanism. Mr. Krislov suggested leaving in the rule preventing the President from discussing a case with the Vice President except when the faculty member is present and omitting the provision that a communication could be oral. His proposals were accepted as friendly amendments and the Faculty Senate approved the amendment as amended.

Motion 20 was a recommendation to separate from Section 10 on unrequested leaves of absence and termination or suspension the procedural portions and to set them up as a new Section 13A. It was approved without debate. Motion 27 was presented by Mariah Snyder, associate professor of nursing, and called for approval of additional Judicial Committee rules by the Faculty Senate rather than by the Tenure Committee. Mr. Morrison said his committee believed that the Faculty Senate would not want to review such rules. Mr. Howe asked how much there would be; Mr. Morrison thought perhaps once a year or less. Phyllis Freier, professor of physics, said that, as a former chair of the Judicial Committee, she thought the Tenure Committee could give the matter more attention and in a more timely way. The motion was then defeated. Motion 28 called for a panel of at least five persons in removal or suspension cases; for all others, three members. It was approved without discussion. Motion 29 recommended that cases involving tenure and fiscal emergency could be brought directly to the Judicial Committee, but that for other cases all other available University remedies must be exhausted. Leo Raskind, professor of law, suggested using "decided" for "considered" to describe what takes place in the other hearing bodies; it was accepted as a friendly amendment. When asked about loss of time in going to another panel, Mr. Morrison pointed out that the Judicial Committee had the authority to extend the time limit in such circumstances. The motion was then approved.

Motion 30 was an addition to the stated authority of the Judicial Committee where other review panels had been a part of the process, which Mr. Morrison said had been in practice for some time. It was approved. Motion 21 was introduced by Ms. Snyder with the support of the Tenure Committee. It would give the faculty the right to full access to information and alternatives being considered where a drastic reduction in the University budget is anticipated. It was approved unanimously. Motion 24 was a proposal that the President must report to the Senate Consultative Committee the reasons for any action contrary to the University Senate's recommendation for declaring a fiscal emergency. Mr. Howe said his committee was in favor; "shall" was changed to "must" (report), and the motion was approved. Motion 25 involved an addition to 11.61 on principles governing termination or suspension. It deleted the statement that termination could not involve the reevaluation of professional attributes and substituted the rule that it could not involve a comparative evaluation of the relative merits of individuals or be a repetition of the tenure-granting process. It also added the examples of field of expertise and length of service as objective criteria in arriving at a decision. George Sell, professor of mathematics, thought that using length of service would have a detrimental effect on recruiting efforts. Mr. Hurwicz thought examples could be subjective and it probably was not wise to show them. That suggestion was accepted as a friendly amendment, and the motion was approved with some dissent, and with one faculty member from the Dental School indicating that some specific guidance as to criteria was desirable.

Mr. Bognanno presented Motion 22 on behalf of the Faculty Affairs Committee. Among other provisions, it removed from Section 11 on fiscal emergency the power of the Regents to suspend or abolish positions and substituted temporary, unpaid leaves of absence following a sequence of responses designed to use the leaves as a last resort. He said that SCFA was not proposing to protect the faculty where termination for cause was involved nor would it restrict the

administration in exercising administrative prerogatives in management. He indicated that SCFA accepted the notion that during a financial emergency the President could allocate the shortfall to colleges, and the colleges would allocate to departments, with the departments discussing ways and means of allocation that would do the least amount of damage to the department's degree-granting programs. Finally, he said, SCFA was suggesting a "stage" outline of priorities involving in the third stage involuntary leaves of absence for fixed and known periods, a concept not agreed to by the Tenure Committee. He named the SCFA concerns that led to the idea: academic freedom could be vulnerable during periods of financial emergency, such as unpopular subjects of research, and the danger that consultative procedures would not be followed. He said his committee believed it was not necessary to put tenure in jeopardy during times of financial emergency. He said the SCFA proposal was widely used and that it uniquely fit the University's need. As further advantages, he cited the fact that tenure would not be threatened, that faculty morale would not be as low as it would be if terminations were possible, that leaves of specific duration would foster collegiality without undermining programs, that faculty vitality would be heightened, and that the reputation of the University would be enhanced. In conclusion, he said that the leaves could achieve the same cost savings as terminations. Mr. Morrison said his committee was opposed to the proposal, believing that there was a better than the 1-in-1000 chance that it would be used, as maintained by Mr. Bognanno. He said the University could eliminate programs and personnel on the basis of criteria or it could spread the shortage so that everyone would be laid off at some point. He thought the SCFA recommendation would be a prescription for losing those who would have better opportunities elsewhere. He thought the faculty should look to the quality of the University and the impact of the SCFA proposal on that quality for probably the next quarter of a century. He said his committee did not see the alleged gains to collegiality and academic freedom, and he urged a vote against the SCFA motion. Mr. Sylvester moved to postpone the discussion of the motion for two weeks when it would be taken up as the first item. Both committees agreed and the motion was approved.

The recess was declared at 5:10 p.m. until resumption on March 8.

MARILEE WARD
Abstractor

MARCH 8, 1984

The third meeting of the Faculty Senate to consider the proposed tenure regulations revisions was convened in 25 Law Building, Minneapolis campus, on Thursday, March 8, 1984, at 3:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 115 members of the faculty, 1 member of the Council of Academic Officers, and 7 nonmembers.

Vice Chair John Turner presided.

The Faculty Senate meeting was reconvened to consider proposed revisions of the University Regulations Concerning Faculty Tenure. The following amendments were submitted. (Motions are numbered.)

8. (Revised version of Motion 8, which was considered February 9.) The Tenure and EOW Committees moved to amend Section 7.4, page 10, line 21, by inserting "Persons who have a family or similar relationship to the candidate do not participate in the decision. The procedures may establish methods for raising and ruling on such questions in advance of the decision."
- An amendment to insert "or have had" after "Persons who have" was accepted as a friendly amendment. A motion to reconsider the motion as amended was defeated, and the original motion as amended was approved.*
17. The Tenure Committee moved to amend Section 10.3 (now 13A.1), page 15, line 12, by inserting "If the Vice President and the Faculty Senate have expressly approved the submission of allegations of the violation of specified policies to another body, for preliminary recommendation, in place of submission to the tenured faculty of the academic unit, the administrator must submit the matter to that body for its recommendation."
- The Tenure Committee proposed concurrent adoption of the following resolution to be included in the Minutes but not as part of the text of the Code: "Resolved, the Faculty Senate expressly approves the submission of allegations of violations of the Sexual Harrassment Policy to the Sexual Harassment Review Board, for preliminary recommendation as provided in Section 13A.1 of the draft Tenure Regulations."
- Approved.*
22. The Faculty Affairs Committee moved to amend Section 11, pages 17 through 22, to read as follows: (The text has been altered to reflect changes made on the floor and to include Motions 21, 24, and 25, which were passed on February 23.)

SECTION 11. FISCAL EMERGENCY

11.1 *Faculty Rights.* If faced with the necessity of drastic reduction in the University budget, the Board of Regents will consult with and secure the advice of faculty representatives, as provided in this section. Faculty members have the right to full access to information about the situation and the alternatives being considered. In effecting retrenchment because of financial necessity, the Regents may call for temporary, unpaid, leaves of absence among regular faculty only to the extent that, in their judgment, is necessary after exploring various alternative methods of achieving savings. The Regents fully intend that the tenure system as a whole and the tenure rights of each individual faculty member be protected in every feasible manner during periods of such retrenchment.

11.2 *General Principles of Priority.* In any financial crisis the following sequence of responses will follow:

—First, the University will fully utilize all means to reduce expenses or to increase income which do not involve the suspension of regular faculty or the impairment of faculty rights.

—Second, after exhausting all such measures consistent with the continued existence of the University as a quality institution, the University must consider alternatives which involve the postponement or temporary reduction of regular faculty compensation or other rights.

—Third, after exhausting all measures listed above and after declaring a state of financial emergency, the University may provide for temporary involuntary leaves of absence in accordance with this section.

11.3 *First Stage: Alternative Approaches.* If there has been a serious reduction in the University's income, the President will report the matter to the University Senate. The President will identify the magnitude of the shortfall, the measures which might be taken to alleviate it (which must not involve impairment of faculty rights), and alternative measures which have been rejected. The President will consult with the Senate Consultative Committee and give the Committee full access to all available information and will respond specifically to additional proposals suggested by the Committee. At this stage, the President will consider the saving achieved through the termination of non-faculty staff, allowing non-regular appointments to lapse in accordance with their terms, and reductions in other expenses. The President will also consider increases in tuition, sales of assets, and borrowing as ways of increasing revenues.

11.4 *Second Stage: Reduction or Postponement of Compensation.* If the measures taken in the first stage are inadequate, the President may, after consultation with the Faculty Consultative Committee, and the Senate Committee on Faculty Affairs, propose the temporary or permanent reduction or postponement of regular faculty compensation, according to objective uniformly applied criteria. The Faculty Consultative Committee will report on the adequacy of the steps taken in the first stage and make its recommendations on the proposal. If the Faculty Senate approves the proposed action (or any modification of it) by an absolute majority of its membership or by a two-thirds vote of the members present and voting (a quorum being present), the Board of Regents may take that action (or any less stringent action) and, to that extent, modify the terms of the appointments of all faculty members. The Board of Regents may rescind the action at any time thereafter.

11.5 *Third Stage: Fiscal Emergency.* If these measures have proved to be insufficient to meet the financial crisis without seriously damaging the mission and quality of the University, the Board of Regents may declare a fiscal emergency. During declared emergency, the Board of Regents may require members of the regular faculty to go on involuntary leaves of absence as provided in this section.

11.51 *Preliminary Procedures.* Before recommending to the Board of Regents that it declare a fiscal emergency, the President must meet with the Senate Consultative Committee to examine alternatives to and the consequences of such a declaration. The President must provide the Committee access to all available information. The President must provide a written report identifying the dollar amount to be saved by reducing faculty positions. The Faculty Consultative Committee will prepare a written report on the President's proposal, to which the Senate Consultative Committee may add additional comments. The Faculty Senate will first consider and act on the proposal and reports. Thereafter, the University Senate may consider them. The President must attend both Senate meetings to explain the proposal and to answer questions. After receiving the President's recommendation and the resolutions of the Senates, the Board of Regents may declare a state of fiscal emergency. Before action contrary to the recommendation of the University Senate is subsequently taken, the President must report in writing and in person the reasons for this action to the Senate Consultative Committee. The Board of Regents' resolution states the maximum amount to be realized from the involuntary leave action.

11.52 *Duration.* A fiscal emergency lasts no longer than 12 months unless renewed by the same procedure. A fiscal emergency may be rescinded at any time by the Board of Regents.

11.53 *Allocation of Shortfall.* After consultation with the Faculty Consultative Committee and the Senate Consultative Committee, the President proposes an initial allocation of the shortfall to the various collegiate units, which need not be prorated. The Committee must obtain the views of the faculty in the affected units and must hold an open meeting at which anyone may comment upon the proposed action. It may also request the assistance of other University or Senate committees in studying all or particular aspects of the educational policies and priorities involved in the action. The colleges and campuses then allocate the shortfall to the various academic units after similar consultation with the representative bodies and academic units in the colleges and similar open meetings. The plans must reflect the principles and priorities established in Subsection 11.6. The colleges and campuses return their plans to the Vice President, who prepares a comprehensive plan for the University, including a list of the persons to be placed on involuntary leaves of absence. This plan is submitted to the University Senate and the Faculty Senate for their recommendation. The recommendations of the Senates and the Vice President's plan will be presented to the President and the Board of Regents for action.

11.6 *Principles Governing Temporary Involuntary Leaves of Absence*

11.61 *General Principles.*

(a) Savings achieved through resignations, retirements, renegotiation of contracts, inloading or other measures must be credited to the assigned shortfall before imposing voluntary faculty leaves

(b) A good faith effort should be made to use voluntary rather than involuntary leaves of absence. All involuntary leaves of absence must be for a limited duration. Regular faculty members are given at least six months' notice prior to being placed on involuntary leave.

(c) A good faith effort must be made to cover as much of the shortfall as possible by allowing non-regular appointments to lapse.

(d) A good faith effort must be made to cover as much of the shortfall as possible by transferring regular faculty members to other positions for which they are qualified or by offering them retraining for available positions.

(e) The selection of regular faculty members within an academic unit for involuntary leaves of absence must be based on objective uniformly applied criteria. It may not involve a comparative evaluation of the relative merits of individuals or a repetition of the tenure granting process.

11.62 *Priorities.*

(a) Unless the unit can demonstrate that essential functions could not otherwise be performed, all non-regular faculty within an academic unit must be suspended or terminated before any regular faculty may be placed on involuntary leave in that unit.

(b) Care must be taken to protect the employment of women and minorities. The Vice President must insure that the final plan does not reduce the proportion of appointments with indefinite tenure held by women and minorities, the proportion of probationary appointments held by women and minorities, or the proportion of non-regular appointments held by women and minorities, in the University as a whole. Groups entitled to affirmative action must be similarly protected.

11.7 *Judicial Committee Review.* A faculty member whose appointment is terminated or who is placed on involuntary leave of absence may make a written request for review by the Judicial Committee. The review will be conducted in accordance with Section 14. The Judicial Committee will not reexamine the determination that a fiscal emergency exists, nor will it reexamine the educational policies and priorities pursued unless it finds a substantial failure to follow the procedures established in this section. It will only examine whether the action was taken in accordance with the procedures and standards set forth in this section, whether the action was based on a violation of academic freedom or constitutional or legal rights, or was substantially based on immaterial or improper factors. It may consolidate cases involving common issues for a single hearing.

An amendment to add "The proposed criteria and the mode of application must be presented to the Faculty Senate by the President for discussion and approval" after the first sentence of Section 11.4 and after the second sentence of Section 11.61(e) was approved; the main motion as amended was defeated 57 to 39.

23. The Tenure Committee moved to amend Section 11.4, page 18, as recorded in the Minutes of the February 23 meeting.

Approved.

26. The Tenure Committee moved to amend Section 11.64, page 21, line 28, as recorded in the Minutes of the February 23 meeting.

Approved.

31. The Tenure Committee moved that the following resolution be adopted as an additional motion (not part of the text of the Code itself, but to be recorded in the minutes): "Resolved, in adopting Section 2.2, the Faculty Senate expressly intended to protect the tenure of individuals who hold faculty appointments in the University libraries or in similar units in which new faculty appointments are not permissible under these regulations. The Faculty Senate also intended to protect the tenure of persons holding tenure in ranks, such as research associate or research fellow or instructor, in which tenure is not permitted under these regulations. The Faculty Senate also intended to protect the status of persons holding non-regular (T) appointments which would not be appropriate under these regulations, including the right of such persons to be reappointed to such non-regular appointments on the same basis that such re-appointments took place before the adoption of these regulations. This list of examples is not intended to exclude other cases to which Section 2.2 might apply.

"Faculty members who continue to hold such appointments, by virtue of their appointment under the old regulation, must not be discriminated against. It would not be proper to withhold salary increases, promotion, or other benefits as an inducement for such faculty members to transfer into another employment category.

"The Faculty Senate urges the Board of Regents to adopt a similar clarifying statement upon adoption of the Code."

Postponed until the next meeting.

32. The motion of Norman Kerr, Biological Sciences, adding the Library to units where regular appointments may be held was postponed until the next meeting.

33. Phillips Shively, Liberal Arts, moved to amend Section 4.1, page 4, line 26, by striking "The notice states:" and inserting "The notice must include the following:" and page 5, after line 7, inserting "(6a) The academic unit (or in the case of joint appointments, the academic units) to which an individual is being appointed;" and renumbering the items in the list consecutively.

Insertion of "or units" after "The academic unit" was accepted as a friendly amendment, and the motion as amended was approved.

34. Edward Ney, Institute of Technology, moved to amend Section 5.3, page 6, line 11, by inserting "9-month" before "academic year".

Approved.

35. Leo Raskind, Law, moved to amend Section 7.4(3), page 10, line 22, by adding at the end of the line "An academic unit or collegiate unit may adopt a uniformly applicable rule that a motion to recommend tenure must achieve a specified exceptional majority in order to constitute an affirmative recommendation of that unit. In such cases, a motion which achieves a majority, but not the required exceptional majority, must be sent forward for review by the appropriate review process, despite the absence of the unit's affirmative recommendation."

An amendment to strike "or collegiate unit" following the words "An academic unit" was accepted as a friendly amendment; the motion as amended was approved.

36. Phillips Shively, Liberal Arts, moved to amend Section 7.61, page 11, line 20, by striking "should" and inserting "must."

Approved.

37. Phillips Shively, Liberal Arts, moved to amend Section 7.61, page 11, lines 22-23, by striking "or by other academic administrators."

An amendment to insert "and by other academic administrators when appropriate" following "collegiate or University level," was accepted as a friendly amendment; the motion as amended was approved.

38. The Tenure Committee moved to amend Section 10.1, page 14, line 18, by striking "and may return to the faculty upon termination of the disability" and inserting "The faculty member has a right to return to the faculty upon termination of the disability or upon cessation of disability payments."

Approved.

39. Mariah Snyder and Sheila Corcoran, Nursing, moved to amend Sections 10.5 (now 13A.3), 10.6 (now 13A.4), page 16, lines 9, 15, and 22; Section 14.4, page 24, lines 18, 20, and 27; Section 14.5, page 25, line 7; Section 14.6, page 25, line 20, by inserting "panel" after "Committee." They also moved to amend Section 10.5 (now 13A.3), 10.6 (now 13A.4) page 16, lines 10 and 27; Section 14.4, page 24, line 25; Section 14.5, page 25, lines 12 and 15.

Postponed until the next meeting.

Procedural Resolution 1: Resolved, that all draft amendments for consideration at the April 5 meeting should be submitted to the Clerk of the Senate no later than Thursday, March 15, 4:30 p.m.

Deadline date was changed to Thursday, March 22; resolution approved as amended.

Procedural Resolution 2: Resolved, that the Tenure Committee be authorized to prepare a new draft, incorporating amendments adopted to date, correcting cross-references, numbering, punctuation, and style, for distribution to the Faculty Senate.

Approved.

ABSTRACT

The third meeting of the Faculty Senate to consider proposed revisions of the tenure code was called to order at 3:20 p.m. in 25 Law Building on the Minneapolis campus by Vice Chair John Turner. He introduced Mr. Morrison, as the person to describe the "road we have traveled and the terrain that lies ahead." Mr. Morrison reminded the Faculty Senate that the motion relating to criteria for tenure was still being formulated, that the motion having to do with 50 percent time for "parenting" was still pending and added that his committee was making good progress on redrafting the text. He urged everyone to get proposed amendments to him as soon as possible.

John Howe, professor of history and chair of the Consultative Committee, reported that the Faculty Consultative Committee had met with the Board of Regents earlier that day in a conversation that he said was both candid and constructive. He said it had provided a good opportunity to voice faculty concerns and to be sure that the review schedule for the Faculty Senate and the Regents was moving in parallel paths. In his view the response had been positive.

Mario Bognanno, professor of industrial relations and chair of the Faculty Affairs Committee, opened the discussion of Motion 22 on Fiscal Emergency, which was presented by his committee. He reminded the body that the current 1945 regulations do not provide for terminations of tenured or non-tenured faculty members for financial reasons. Its preamble, however, does refer to it, he said, and that language had been incorporated in the Tenure Committee proposed revision of the section. His committee, he said, favored a system of involuntary leaves of absence, which he called "a stride beyond where the current tenure code rests." He noted that other flexibilities were included, such as not requiring the central administration to allocate a shortfall to units, not specifying criteria to be used in assigning leaves, and not setting limits on the duration of emergencies. In conclusion, he emphasized that good planning would eliminate the effect on degree programs and research programs of putting the SCFA proposal into operation. Mr. Morrison then spoke against the SCFA motion. He said his committee believed that it was important to provide a mechanism for dealing with a catastrophic situation, should the need ever arise. It specified procedures and standards for making decisions and it also provided alternatives, such as a good faith effort to use temporary leaves, before termination could take place. Leaves, he said, were options for relatively short periods of distress, but for long periods the committee believed that maintenance of programs in which the University faculty were under-employed would spell academic disaster.

Peter Robinson, associate professor of French and Italian, favored the SCFA proposal, calling the University a community that should have some solidarity. He said he could not accept the notion that the best faculty would leave when times were bad, as had been predicted at the last meeting, pointing to several Regents' professors in the assembly who could well go elsewhere but had decided that the University is the place they want to be. He warned that "under-employed" units might well become defined as those that do not bring in funding to the University and that many important departments would be in that class, which needs protection. Mr. Howe spoke against the proposal, pointing out the priority stages outlined by the Tenure Committee, with terminations as an absolute last resort. He thought it unwise to tie the hands of the administration and Regents against all future contingencies, for it would wreak even greater destruction at the University and further diminish its strength. He maintained that reducing salaries through leaves would drive away the best faculty members and, in short, the Faculty Senate would be closing out the final possibility to be used in the most dire of circumstances. Finally, he said the Tenure Committee version provided assurances of faculty consultation in the entire process.

George Sell, professor of mathematics, pointed out that the SCFA proposal contained the concept of objective criteria uniformly applied where reduction or postponement of compensation were planned or temporary involuntary leaves were scheduled. He offered an amendment to add that the criteria and implementation plans would have to be presented to the Faculty Senate by the President for approval. The motion to suspend the rules to take up the Sell amendment was approved. Mr. Bognanno said his committee would accept it as a friendly amendment. Marcia Eaton, professor of philosophy, favored review by the Faculty Affairs and Faculty Consultative Committees, in the interests of saving time. The Sell motion was then approved.

Edward Ney, Regents' professor of astronomy, speaking on the main motion, called it a "prescription for mediocrity." He said continuity of research was an important consideration, that tenure should not be used to protect tenure in the face of loss of quality, and that the University would not be able to coast on its reputation for quality. Michael Loupe, associate professor of health ecology, favored the SCFA position, indicating that the SCFA plan would be effective because fiscal conditions tended to alter rapidly over time, whereas the Tenure Committee plan would be destructive. Samuel Krislov, professor of political science, said that the motion would in effect eliminate the only flexible instrument now available and bring discredit to the University and that it would turn people against each other. He asked whether the University would present itself to the community and the legislature as caring more about job security than for the good of the University.

With reference to losing the "best" faculty members, Andrea Hinding, director, Walter Library, maintained that not only the best and the brightest were to be considered, but the wise and humane who teach how to deal with the human condition. Leonid Hurwicz, Regents' professor of economics, contended that the argument that high quality faculty would leave would be affected by how universal the emergency was so that there could well be no opportunity elsewhere. Besides, he said, under the SCFA proposal a leading faculty member could probably get a visiting appointment at another institution during the leave period. As to community reaction to the proposed revision, he said that coping with the public should be left to the Regents with consultation from the faculty. He maintained that the Tenure Committee version was not an improvement and that the effect of terminations would do great damage to the reputation of the University. In conclusion, he said the SCFA proposal would impose a sacrifice on everyone, not just the unlucky few, and he called for careful long-range planning by the University, which would be necessary under the SCFA proposal. Irwin Rubenstein, professor of genetics and cell biology, called attention to the fact that because a fiscal emergency was declared terminations would not necessarily take place. He said the Tenure Committee version provided the flexibility needed to face events which at this time were impossible to foretell. He thought the University could well miss out on potential important faculty members who might see the policy as placing excellence second to job security. Also, he thought the SCFA proposal would encourage the Regents to take the fiscal emergency route more frequently in order to save salary funds through unpaid leaves. Karal Ann Marling, associate professor of art history, said that faculty quality would not be served by a reign of terror and the spectre of termination. At this point, the question was called, and the SCFA motion was defeated 57 to 39.

Mr. Morrison introduced Motion 23 as a technical addition to permit measures during a fiscal emergency to be taken, not just considered. It was approved unanimously. Motion 26 eliminated a provision that the University should try to employ a faculty member who had been terminated for up to two years and it left in the section requiring that the faculty member must be offered any opening for which that person is qualified for a period of five years after termination. It too was approved unanimously. Motion 8 had been first considered at the February 8 meeting and further work on the "conflict of interest" provision resulted in language describing the relationship. Ms. Hinding suggested adding language to indicate that not only those who have a family relationship should not participate in tenure decisions, but also those who have had a family relationship. Her proposal was accepted as a friendly amendment, and the motion was approved. Mr. Krislov thought it should then state that it must be a close family relationship. A move to suspend the rules to take up the Krislov suggestion was defeated.

Motion 17 was then taken up. Mr. Morrison explained that his committee's inclusion of a resolution that would not be part of the code but be included in the minutes was due to a concern that provisions of the sexual harassment policy be observed. It was then approved. Motion 31 involved another resolution to be recorded but not be a part of the text of the code. Mr. Morrison said it was intended as a clarifying resolution, as was the previous resolution, to spell out protections without burdening the document with provisions that could be obsolete after several years. It indicated that the Faculty Senate intended to protect the tenure of those who hold appointments in the libraries or in similar units where new faculty appointments cannot be made under the tenure regulations. Ms.

Hinding pointed out that there were five persons now on probationary appointments and asked whether they would be protected. Mr. Morrison then withdrew the motion until the next meeting. Motion 32 was passed over because it too pertained to the libraries.

Motion 33 was presented by Phillips Shively, professor of political science and AAUP representative, and provided that the appointment *must* contain certain information. Also, it required designation of the academic unit. The addition of "or units" was accepted as a friendly amendment, and the motion was approved unanimously. Mr. Ney presented Motion 34, which defined the academic year as a 9-month period. It was approved without discussion. Leo Raskind, professor of law, presented Motion 35, which called for a uniformly applied rule to be adopted by an academic unit or collegiate unit that approval of tenure must be by a specified "exceptional" majority, and that those cases that receive a majority, but not the required exceptional majority, must be forwarded for review by the appropriate review process. He saw it as an enabling provision. Mr. Robinson said there was difficulty in the College of Liberal Arts, when it came to the use of "collegiate unit" and he suggested using only "an academic unit." Mr. Raskind accepted it as a friendly amendment, and the motion as amended was approved.

Motion 36 by Mr. Shively said that rules for review of tenure decisions *must* provide for review and recommendations by certain officers and committees but excluded "other academic administrators." The Tenure Committee opposed the motion on the grounds that there were cases that cut across colleges. A solution was found by adding "and by other academic administrators when appropriate." The motion as amended was then approved. Motion 38 by the Tenure Committee strengthened the policy on the right of a faculty member who would be physically or mentally unable to perform to return to the faculty upon termination of the disability or cessation of disability payments. It was approved without debate.

Sheila Corcoran, associate professor of nursing, introduced a proposal which she said would distinguish between the function of the Judicial Committee and its panels. Mr. Robinson thought it important that the Judicial Committee be consulted about the advisability of having three of its members make decisions where heretofore 15 to 20 were involved. He suggested that, because the senators seemed to be in a hurry to adjourn, it would be better not to act in haste. Mr. Morrison's motion to delay it until the next meeting was approved.

Mr. Morrison presented a resolution requiring that draft amendments be submitted by March 15. When it was pointed out that the date was in the middle of exam week, he agreed to set March 22, which was rapidly approved. A second resolution to authorize his committee to prepare a new draft was approved, as was the motion to recess, and the assemblage departed at 5:15 p.m.

MARILEE WARD
Abstractor

APRIL 5, 1984

The fourth meeting of the Faculty Senate to consider the proposed tenure regulations revisions was convened in 25 Law Building, Minneapolis campus, on Thursday, April 5, 1984, at 3:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 108 members of the faculty, 1 member of the Council of Academic Officers, and 8 nonmembers. Vice Chair John Turner presided.

The Faculty Senate meeting was reconvened to consider proposed revisions of the University Regulations Concerning Faculty Tenure. The following amendments were submitted. (Motions are numbered.)

Procedural Motion. The Tenure Committee moved adoption of the following special procedure: At the beginning of the meeting on April 5, 20 minutes will be allowed for discussion and explanation of the Tenure Committee's revised version of the standards for granting tenure, which is printed below as Motion 57. No action on that motion will be taken at the April 5 meeting. Further consideration of that issue will be the first order of business on April 26. Motions to amend that proposal, or otherwise to amend Section 7.11, may be filed with the Clerk of the Senate until 4:30 p.m., Monday, April 16.

Approved. See abstract of discussion.

40. The Tenure Committee moved to amend Section 3.6, page 4, line 14, by striking "Sections 3, 4, 5, 6, and 9 of".

Approved.

41. The Equal Employment Opportunity for Women Committee motion will be presented at the April 26 meeting.

42. The Tenure Committee moved that the following resolution be adopted as part of the minutes but not part of the text of the Code itself:

"Resolved, in adopting Section 2.2, the Faculty Senate expressly intends to protect the tenure of individuals who hold faculty appointments in the University libraries or in similar units in which new faculty appointments are not permissible under these Regulations. The Faculty Senate also intends that persons who hold probationary appointments with functions which will continue to exist, but which will not be faculty positions in the future, should nevertheless be considered for tenure on the basis of the criteria applicable to their positions at the time of their initial appointment. The Faculty Senate also intends to protect the tenure of persons holding tenure in ranks, such as research associate or research fellow or instructor, in which tenure is not permitted under these Regulations. The Faculty Senate also intends to protect the status of persons holding non-regular (T) appointments which would not be appropriate under these Regulations, including the right of such persons to be reappointed to such non-regular appointments on the same basis that such re-appointments took place before the adoption of these Regulations. This list of examples is not intended to exclude other cases to which Section 2.2 might apply.

"Faculty members who continue to hold such appointments, by virtue of their appointment under the old regulation, must not be discriminated against. It would not be proper to withhold salary increases, promotion, or other benefits as an inducement for such faculty members to transfer into another employment category.

"The Faculty Senate urges the Board of Regents to adopt a similar clarifying statement upon adoption of the Code."

Approved.

43. Norman Kerr, College of Biological Sciences, moved to amend Section 3.2, page 2, line 14, by adding after "or similar unit" the words ", or by bibliographers or curators of collections in the Library."

Postponed until the next meeting.

44. Hans Weinberger, Institute of Technology, moved to delete Sections 11.6 and 11.7, page 20, line 19, through page 22, line 18.

A motion to delete all of Section 11 was accepted as a friendly amendment; the chair ruled that it would be a separate amendment. The original amendment was defeated.

ABSTRACT

The April 5 meeting of the Faculty Senate to consider proposed amendments to the tenure code was called to order at 3:20 p.m. in 25 Law Building by Vice Chair John Turner. As usual, coordinate campuses were linked by telephone.

Mr. Morrison introduced a procedural motion to allow a 20-minute discussion period of Motion 57, which involved criteria for granting tenure. He further stipulated that amendments would be taken up for action as the first item at the next meeting, with provision for submission of amendments up until April 16. The motion was approved, and Mr. Morrison opened the discussion. He said the first draft criteria had caused general concern so his committee had met with a large number of broadly representative faculty members before reformulating the section. He said the intent had not changed much but the language was more explicit; the emphasis would still be on teaching and research but exceptional service contributions might be taken into account. A suggestion to change "in" (the last year of probationary service) to "by" in the termination procedure was accepted. Mr. Morrison agreed to re-examine the definition of "service" where "rendered to the community at large" seemed to need clarification. A similar suggestion was made for the supervision and advising function listed in the "teaching" definition. That concluded the discussion.

The Tenure Committee Motion 40 to eliminate the list of sections was described by Mr. Morrison as making the provisions more general and it was approved. John Howe, professor of history and chair of the Consultative Committee, suggested that the Tenure Committee should be advised of the new responsibility assigned to it, i.e. receiving annually a report of the terms of all special contracts and reasons for the use of those contracts. Motion 41 was passed over due to the illness of the EEOW Committee chair, Charlotte Striebel. The Tenure Committee Motion 42 was then approved. It was not to be part of the code itself but be entered in the record and was a statement of intent with respect to protection of tenure for those currently in such groups as library personnel, research associates or research fellows, instructors, and non-regular appointments, who could be affected by new regulations.

Norman Kerr, professor of genetics and cell biology and member of the AAUP Executive Committee, presented Motion 43, which added library bibliographers and curators to those eligible for regular appointment. Samuel Krislov, professor of political science and Tenure Committee member, spoke against the motion, labeling it a bad way to make policy, and a "camel's nose in the tent," as past experience had shown that such provisions were difficult to administer. He said the University already had great difficulty defining what a faculty member was and every time it added exceptional categories it had more trouble. He maintained it would be doing a disservice to the Library personnel to apply criteria that did not fit them and suggested a title such as "adjunct professor" for those who do meet the criteria. Phillips Shively, professor of political science, favored the motion, urging that the faculty should do all it could to improve the lot of the library personnel whose primary function was scholarship and working with the faculty. He said the best qualified could then be recruited and kept in those positions. Mr. Howe opposed the motion on the grounds that the responsibilities were not primarily in the areas of teaching and research. When asked what adjunct professors' duties were, Mr. Morrison said that title could be used for appointments where teaching and research were not the principal tasks. Marcia Eaton, professor of philosophy, said the Consultative Committee several years ago had looked into the matter of "E" appointments, which later became the academic professional class. She said her committee had been assured that librarians employed at that time would not be put into that class. She urged support of the motion in order to ensure protection of academic freedom for the librarians. Audrey Grosch, professor in the Libraries, said librarians had been led to believe that no bibliographers and curators would be placed in the academic professional category. She added that the very highest quality in library personnel was where librarians were part of the faculty, and she feared erosion of service if they were not included at the University of Minnesota.

Andrea Hinding, director, Walter Library, said there was a small but increasing number of librarians classed as academic professionals who were just doing a "narrow" job, and she urged inclusion of the two categories to ensure quality so the libraries could do the work they were intended for. Mr. Morrison

thought that setting up an academic unit within the libraries would create barriers. Carol Urness, assistant professor in the libraries, pointed out that librarians teach faculty and students how to do research. Asked about Law Library appointments, Mr. Morrison reported that librarians held tenure in the Law School, not in the Library. Leonid Hurwicz, Regents' professor of economics, was concerned about the protection of academic freedom and said that, while the amendment was not a good solution, it was important that that protection should be provided. Mr. Howe then suggested that better information on the academic professional category and a better definition of bibliographers and curators were needed, and he moved postponement of the item until the next meeting when the information could be supplied. His motion was approved with some dissent.

Hans Weinberger, professor of mathematics, introduced Motion 44, which would eliminate from the fiscal emergency section the subsections on principles governing termination or suspension and Judicial Committee review. He called particular attention to the provision that selections for termination would be made on objective criteria and may not involve the reevaluation of the professional attributes of the individuals. He said it would be important to preserve the quality of the University in a fiscal emergency and it would be best not to define such principles. Leon Green, professor of mathematics, proposed deletion of the entire section on fiscal emergency as a friendly amendment. After consulting with the parliamentarian, Mr. Turner ruled that the Green motion would have to be taken up separately. Mr. Krislov contended that strong procedural protection should be provided. Mr. Howe cited the University of Washington, where he and several colleagues had visited and discovered that it had no ground rules for such an emergency, when they were badly needed. When asked what "objective criteria" were, Mr. Krislov said they were non-subjective and they were criteria that would not reopen the tenure question for the individual. Mr. Morrison labeled the proposal to eliminate the entire section the "ostrich" approach. Mr. Hurwicz said he could not agree with the Weinberger proposal, but that he also could not agree to language that would permit terminations. He said that fiscal emergencies were not the right times to make such decisions and that protection of academic freedom was fundamental.

At this point the question was called, the body voted to cease debate, the Weinberger motion was defeated, and the meeting was recessed at 5:10 p.m.

MARILEE WARD
Abstractor

APRIL 26, 1984

The fifth meeting of the Faculty Senate to consider the proposed tenure regulations revisions was convened in 25 Law Building, Minneapolis campus, on Thursday, April 26, 1984, at 3:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 104 members of the faculty, and 3 nonmembers.

Vice Chair John Turner presided.

The Faculty Senate meeting was reconvened to consider proposed revisions of the University Regulations Concerning Faculty Tenure. The following amendments were submitted. (Motions were numbered.)

Procedural Motion. John Howe, chair, Senate Consultative Committee, proposed that Paul Murphy, professor of history, be named acting vice chair of the Faculty Senate for the May 3 meeting.

Approved.

Procedural Motion. John Howe, chair, Senate Consultative Committee, proposed that the Faculty Senate set a final deadline of 4:00 p.m., Monday, April 30, for submission of new substantive amendments to the tenure code.

Defeated; received less than the two-thirds required.

Procedural Motion. Hans Weinberger, Institute of Technology, proposed that at the end of the current meeting the tenure document be sent to the Tenure Committee with instructions to bring it back to the Faculty Senate not before October 15, 1984.

Defeated.

41. The Equal Employment Opportunity for Women Committee moved to amend Section 3.6, page 4, after line 22, by inserting the following: "A special contract may be used to reduce the minimum time of a regular appointment to one-half time in order to permit a faculty member to devote more time to family responsibilities. Such a contract must provide for the mutual responsibilities of the faculty member and the academic unit including the type and percent time of the appointment, if any, to which the faculty member is entitled at the expiration of the special contract. In the case of a probationary faculty member the contract will regulate the length of the probationary period but no more than two years may be added to the total probationary period by action of the special contract."

Approved.

43. Norman Kerr, College of Biological Sciences, moved to amend Section 3.2, page 2, line 14, by adding after "or similar unit," the words "or by bibliographers or curators of collections in the library."

Defeated.

45. The Tenure Committee motion was postponed.

46. The Tenure Committee moved to amend Section 11.3, page 18, line 22, by adding the following: "These steps will be implemented by the President or the Board of Regents, as is appropriate."

Approved.

55. The Tenure and Judicial Committees moved to amend Section 13.4, page 23, line 23d, by adding "The rules of the Judicial Committee will establish the respective functions of the Committee as a whole and of the individual panels."

Approved.

56. The motion was withdrawn.

58. Marcia Eaton, William B. Hanson, and Naomi Scheman, Philosophy, moved to amend Section 7.11, page 9, lines 10-11, by deleting "Performance as a member of the academic unit may also be relevant."

Approved.

ABSTRACT

The fifth meeting of the Faculty Senate to consider proposed revisions of the Regulations Concerning Faculty Tenure was called to order at 3:20 p.m. on Thursday, April 26, 1984, by Vice Chair John Turner in 25 Law Building, Minneapolis campus. Duluth medical, Morris, and Crookston faculties were linked by phone. John Howe, professor of history and chair of the Consultative Committee, proposed that Paul Murphy, professor of history, serve as acting vice chair at the May 3 meeting in absence of the vice chair. His motion was approved. He added that Fred Morrison, Tenure Committee chair, was out of town and that Sam Krislov, professor of political science and committee member, would serve in his stead during the meeting. He then proposed that April 30 be set as the deadline for submitting substantive amendments, after reminding the gathering that the Tenure Committee had been working on the draft for three years, that the more than 60 amendments were being dealt with expeditiously, and that it would be in no one's interest to hold the matter over into next year. He suggested that setting the date would enable the committee to prepare a new draft before the regular May 17 meeting of the Faculty Senate. Hans Weinberger, professor of mathematics, opposed the motion, indicating that the last time the code was revised the faculty felt it was being stampeded into agreement. He labeled the current document "raggedy" and suggested that it degraded the quality of the University. He said there was no hurry and proposed that the Tenure Committee come back next fall with a revised version after taking into account the debates thus far. The parliamentarian said the Howe motion should be voted on first, then the Weinberger motion. Marian Pour-El, professor of mathematics, opposed the Howe motion, pointing out that there was a motion on the agenda to return the document to the committee, which should take into account several of the Faculty Affairs Committees proposals submitted at a previous meeting. She said the faculty had reservations about the section on financial exigency. Mr. Howe reminded the body that his motion would not prohibit full consideration of all motions on the agenda and those submitted by April 30. Naomi Scheman, assistant professor of philosophy, said that motions were less likely to be defeated if well thought out alternatives were not presented promptly. The parliamentarian said that the Howe motion required a two-thirds majority, and it was defeated by a large majority. Mr. Weinberger then moved that the document be returned to the Tenure Committee at the end of the meeting with instructions to return it to the Faculty Senate, but not before October 15. Phillips Shively, professor of political science, urged the body not to casually set aside the document, and the motion was defeated.

The meeting was then opened for a 10-minute discussion, but there were no questions, and Mr. Howe proceeded with data requested at the last meeting relating to Motion 43, which would have included Library bibliographers and curators of collections in the section on regular appointments. He said there were 72 faculty tenured persons in the Library and gave the breakdown by rank and whether continuing or probationary appointments. He said that the academic professionals possessed the same academic freedom protections as regular faculty members and that there was a grievance appeal procedure available to them. Mr. Shively, representing the AAUP, favored the motion, indicating that the library would not offer sufficiently strong academic services if the personnel were not given faculty status and that the academic professional class did not provide incentive to improve research and other services. He said that, at the worst, faculty status would not be hurt and, at the best, better service would be provided. He said it was not a casual addition and that, contrary to what the Tenure Committee thought, it would not open a flood of other exceptions. In closing, he said the cost would be small and the benefit positive.

Samuel Krislov, professor of political science and Tenure Committee member, urged defeat, saying that time should be allowed to see how the current

academic professional plan worked. He said his committee stood by its position that those who did not perform teaching and research functions should be taken care of under other policies. He said that the University plan prevails in virtually all institutions with which it is competitive, and that the trend is toward the academic staff professionals in most other institutions. He said the move was not based on economic considerations. He suggested that a review in five or six years take place on how the program was working and he saw no reason to abandon the present policy.

Audrey Grosch, professor in the libraries, favored the motion, maintaining that in general state supported institutions tended to grant faculty status; in fact, she said, there were in many cases more criteria that had to be met by library personnel than were required for faculty members. She urged the Faculty Senate not to take away what librarians had had in the past. Mr. Howe said it was difficult for him to argue against the motion but he said the amendment was bad policy and not the way to improve the librarians. He said that, as far as recruiting was concerned, strengthening salaries would be a good weapon for getting high quality personnel. He indicated there were other persons on the campus who would seek similar treatment if those whose primary duties were not teaching and research were granted faculty tenure, and that boundaries would be hard to draw. Marcia Pankake, assistant professor in the libraries, said the increase in the student-faculty ratio would be less than three tenths of one percent. She claimed that the decision rested on the question of values and whether the faculty valued diversity and creative contributions. Mr. Weinberger thought the problem was one of job descriptions, of which there were two kinds, those who serve the reading public and those who owned the books. He saw no reason to go back to "the silly system." Michael Loupi, associate professor of health ecology, said that librarians were vulnerable targets for academic freedom violations, and he noted that the code did exempt some faculty from teaching and research so it should be able to include the librarians. Carol Urness, assistant professor in the libraries, said the group had an image problem; the instructor class had been done away with and the academic professional class had not had time to "shake down" yet. She said it would be hard to provide the needed academic freedom protection later. The vote was then taken and the motion was defeated 48 to 43.

Motion 58 was then taken up. It called for deletion of performance in the tenure criteria section. It was approved unanimously. Motion 55 turned over to the Judicial Committee the establishment of the functions of the committee as a whole and of the individual panels. Mr. Weinberger thought that independence of departments had eroded seriously due to establishment of Judicial Committee panels, and that there were questionable people on panels who were second guessing strong departments. He said more and more power was being given to the Judicial Committee, which merely rubber stamped panel decisions. He felt safeguards were needed as to where the panels came from. Mr. Krislov reminded him that the membership procedure was set forth elsewhere. The motion was then approved with many dissenting. Motion 56 was then withdrawn, and Motion 57 postponed.

Charlotte Striebel, associate professor of mathematics and chair of the Equal Employment Opportunity for Women Committee, presented Motion 41, which specified that a special contract could be used for one-half time appointments to permit a faculty member to devote more time to family responsibilities. She added that there could be other types of special contracts. Stephen Sylvester, assistant professor, Crookston, thought that women could be pressured into taking such appointments and thought it was a wrong precedent to set. Another opposing view was that it would damage the mission of the University, in that the person would be less than one-half as productive and that family responsibilities should not be singled out. Ms. Scheman favored the motion, saying that she hoped that society would recognize that a person could be a contributing faculty member and still spend a portion of their time in family responsibilities, both men and women. The motion was then approved 49 to 36.

Mr. Krislov said that Motion 45 would be postponed. Motion 46, from the Tenure Committee, noted that implementation of the alternative approaches in a financial crisis would be by the President or the Regents. It was approved unanimously.

The meeting was recessed at 5:14 p.m.

MARILEE WARD
Abstractor

MAY 3, 1984

The sixth meeting of the Faculty Senate to consider the proposed tenure regulations revisions was convened in 45 Nicholson Hall, Minneapolis campus, on Thursday, May 3, 1984, at 3:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 101 members of the faculty, 1 member of the Council of Academic Officers, and 5 nonmembers.

Acting Vice Chair Paul Murphy presided.

The Faculty Senate meeting was reconvened to consider proposed revisions of the University Regulations Concerning Faculty Tenure. The following amendments were submitted. (Motions were numbered.)

51. Harold Alexander, Home Economics, moved to amend Section 13A.2 (originally Section 10.4), page 15, lines 21-22, by deleting "the Vice President may initiate formal action by giving written notice to the faculty member" and substituting "The Vice President will decide whether to proceed. If the Vice President decides not to proceed, the charges are dropped and the faculty member and the academic unit are so notified in writing. If the Vice President decides to proceed with formal action, the Vice President must give written notice to the faculty member."

Approved.

52. Alfred Aeppli, Institute of Technology, moved to amend Section 14, page 25, line 25, by adding a new Section 14.7: "The faculty member may appeal to the Board of Regents. The request must be made to the Secretary of the Board within 10 days of the President's decision."

Defeated.

53. The Tenure Committee moved to amend Section 18, page 27, by deleting lines 3 through 10 and substituting "These Regulations are subject to amendment by the Board of Regents. Proposed amendments from any source will be submitted to the Faculty Senate for its advice and recommendation before final action by the Board of Regents."

Postponed until the next meeting.

54. The Judicial Committee moved to amend Section 13.4, page 23, lines 23a-23c, by deleting "In cases under Section 10, the panels must consist of at least five members. In all other cases, the" and substituting "The".

Defeated.

57. The Tenure Committee moved to amend Section 7.11, page 8, line 26, through page 9, line 14, by substituting the following: "7.11 General criteria. The primary criteria for awarding indefinite tenure are effectiveness in teaching" and professional distinction in research". Quality discipline-related service contributions" may also be taken into account. The relative importance of the criteria may vary in different academic units. Both of the two primary criteria must be considered in every decision****, but in some academic units a faculty member will not be expected to have made significant service contributions during the probationary period. The individual's participation in the work of the academic unit and other service contributions to the University may also be relevant to a decision, but are not in themselves bases for awarding tenure. Although the decision will be based primarily upon the faculty member's performance, the program area needs and priorities of the academic unit at the time of the decision may be considered in deciding whether to award tenure. Indefinite tenure may be granted at any time when the candidate has satisfied the requirements. A probationary appointment must be terminated when the appointee fails to satisfy the criteria in the last year of probationary service and may be terminated earlier if it appears that the appointee will not satisfy the criteria within that period."

***"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.

****"Research" is not limited to the publication of scholarly articles. It encompasses other activities such as artistic production.

*****"Service" means high quality performance within the faculty member's academic expertise and the mission of the academic unit rendered to the community at large. As a criterion for faculty tenure, it does not include the rendering of routine professional services, even if those are within the faculty member's job description. It also does not include service in quasi-administrative functions such as service on faculty or Senate committees; those activities are relevant only to the limited extent set forth in the following paragraph.

*****Because of the special mission of the Crookston and Waseca faculty members these need show only effectiveness in teaching and disciplined inquiry in their fields of endeavor. (Other exceptions may be made only in exceptional circumstances by means of special contract, as provided in Section 3.6.)

The rules were suspended to permit the substitution of "service to" for "participation in the work of" in the fifth sentence by the Tenure Committee. The insertion of the word "High" before the word "Quality" in the second sentence was accepted as a friendly amendment; the motion as amended was approved.

59. Marcia Eaton, William Hanson, and Naomi Scheman, College of Liberal Arts, moved to amend Section 7.11, page 9, lines 12-14, by deleting the paragraph.

Approved.

60. Stephen Sylvester, Crookston, moved to amend Section 7.4, page 10, line 13, by deleting "the Vice President with the approval of" and adding at line 14 after "Committee" the words "in consultation with the Vice President, with the approval of the Faculty Senate."

Withdrawn.

61. Stephen Sylvester, Crookston, moved to amend Section 7.4, page 10, line 19, by deleting "vote, by written unsigned secret ballot," and substituting "roll call vote".

Defeated.

62. The Tenure Committee moved to amend Section 7.4, page 10, lines 13-14, by deleting "with the approval of the Tenure Committee," and substituting "upon recommendation of the Tenure Committee. Before going into effect, these procedures must be reported to the Faculty Senate."

Approved.

Procedural Motion. The Tenure Committee moved that the Faculty Senate convene as a committee of the whole for a 20-minute general discussion.

Approved.

ABSTRACT

The sixth meeting of the Faculty Senate to consider proposed revisions of the Regulations Concerning Faculty Tenure was called to order at 3:20 p.m. on Thursday, May 3, 1984, by Acting Vice Chair Paul Murphy, professor of history, in 45 Nicholson Hall, Minneapolis campus. Duluth medical, Morris, and Crookston faculties were linked by phone. Mr. Murphy invited anyone with issues to raise to come forward; no one did so. Sam Krislov, professor of political science and vice chair of the Tenure Committee, asked for a suspension of the rules to change in Motion 57 "participation in the work" to "service to" (the unit) in connection with criteria for awarding tenure. He then introduced the main motion, which was a new draft of the criteria. He pointed out that quality discipline-related service contributions could be taken into account. Addition of the word "high" to define quality was accepted as a friendly amendment, and the motion was approved.

Harold Alexander, associate professor of design, presented Motion 51. He explained that, because there was no provision for dropping charges in a suspension case, it appeared that there could be a presumption of guilt. Mr. Krislov said his committee thought the amendment was unnecessary but that it could understand Mr. Alexander's point of view, and the motion was approved unanimously.

Alfred Aeppli, professor of mathematics, introduced Motion 52, which provided for an appeal to the Regents, where the Judicial Committee and the President have ruled against a faculty member. He said he had worked with faculty members in grievance proceedings and indicated there had been many instances where such recourse would have been important. Fred Morrison, professor of law and chair of the Tenure Committee, said the Secretary to the Regents had stated that the Board did not want that authority in cases of non-termination. Mr. Morrison said that Judicial Committee, Academic Affairs, and departmental procedures were sufficient. When asked under what conditions appeals could go to the Regents, Mr. Morrison responded that provision was made in new Section 13A.5 under disciplinary proceeding. The motion was then defeated. A Tenure Committee proposal, Motion 53, was next on the agenda. It did away with review by the Tenure, Faculty Affairs, and Judicial Committees of proposed amendments to the Regulations and substituted the Faculty Senate. Leonid Hurwicz, Regents' professor of economics, opposed the motion, indicating that review by the committees would provide a well balanced analysis and a better protection to the faculty, even if some time had to be sacrificed. The Tenure Committee suggested that the motion be postponed until the next meeting so it could redraft the proposal. Its motion was approved.

Judicial Committee Motion 54 called for a minimum of three persons on hearing panels instead of five. Mr. Krislov was opposed to the change, but explained the Judicial Committee's view that the larger number would create a burden for an already overworked committee. Mr. Krislov agreed that the membership of the Judicial Committee needed to be strengthened, perhaps through relieving members of some of their teaching responsibilities, and he said that the administration should be made aware of the committee's problem. The motion was then defeated.

Motion 59 was presented by Naomi Scheman, assistant professor of philosophy. It deleted the statement that a tenure decision could be based on program area needs and priorities of the unit. Ms. Scheman maintained that a person hired by a unit should not be constantly worried about the centrality of his or her work, that the decision was really made when that person was hired, and program and priorities should not come up in connection with tenure decisions. Mr. Krislov said his committee was opposed, indicating it was important to protect the mission of the University and that many eventualities can occur after a person is hired. He admitted it was a case of where the obligation to the individual came in conflict with the obligations to the University at large. He suggested that modifying language could be drafted. Norman Kerr, professor of genetics and cell biology and AAUP executive committee member, was concerned that there was a threat to academic freedom in the way the proposal was worded and he cited the possibility of a person changing his or her area of research. Mr. Hurwicz urged the Tenure Committee to formulate alternative language, indicating that if a person were denied tenure during hard times he or she would find it difficult to find employment, and that future employers could assume that quality had been involved. Kent Bales, professor of English, and Edward Ney, Regents' professor of astronomy, favored the motion, the latter indicating that he could imagine cases where program needs and priorities could be misused. Karal Ann Marling, associate professor of art history, said her area was in a constant state of flux, and that unless the language were deleted, the document would simply perpetuate the image of the University as a conservative institution with a definite animosity to new directions. The motion was approved.

The Tenure Committee's Motion 62 was taken up next. It called for reporting to the Faculty Senate the procedures for formal action in tenure decisions. It was approved without discussion. Motion 61 was presented by Stephen Sylvester, assistant professor, Crookston, and changed the voting procedure in tenure decisions from written unsigned secret balloting to roll call voting. Mr. Sylvester said a secret ballot was not democratic and that faculty members should be willing to support their positions on votes. Mr. Krislov reported that most members of the Tenure Committee opposed the motion, believing that firmer and tougher decisions were made in the absence of social pressures that exist in a roll call setting. Also, he said, a permanent record is available in case it is ever needed. Ms. Scheman was not sure whether she was for or against and wondered whether a compromise were possible to allow for a written record to be used if needed in grievance proceedings. Leo Raskind, professor of law, opposed the motion, believing that the best informed judgment was made by the written unsigned ballot. Mr. Sylvester protested that there was no way to prove that the secret ballot was stronger and better. Phyllis Freier, professor of physics, said that as a former member of the Judicial Committee she was very much opposed to the motion, and then it was defeated.

Mr. Morrison announced that all remaining motions were related to Section 11, Fiscal Emergency, and he moved that the body go into a meeting of the committee of the whole for a 20-minute general discussion. His motion was approved, and he proceeded to a brief review of the outstanding motions. Marian Pour-El, professor of mathematics, pointed out that Professor Littman's Motion 63 called for elimination of "permanent" in connection with the second stage, where the President could propose a temporary (or permanent) reduction or postponement of faculty compensation; Mr. Littman said that a temporary shortfall should not be a cause for permanent reduction, because one could not predict how long a fiscal emergency would last. Leon Green, professor of mathematics, reminded the body that the Faculty Affairs Committee had been averse to using fiscal emergency as a substitute for long-range planning and said that his Motion 65 would permit great savings and ensure that affirmative action priorities were followed as well as preserve the quality of the institution. It called for selection of faculty members within a unit for termination on the basis of seniority, with the oldest required to retire or be terminated first. (Mr. Morrison had indicated in his summary that the motion violated age and discrimination laws.) Paul Gassman, professor of chemistry, asked why it was not possible to come up with some good objective criteria to enable the University to keep its high quality teaching, and the discussion period was ruled concluded by Mr. Murphy.

Mr. Howe reminded the Faculty Senate that the Faculty Consultative Committee wanted to complete the revised draft during spring quarter in a responsible fashion, noting that one third of the Tenure Committee and one third of the Faculty Senate would be new next fall. Even though Duluth and Crookston school terms would conclude before May 24, he said he had secured agreement from representatives from those campuses that they would be available, and he proposed that that date and June 7 be set aside for conclusion of the task, with the possibility of May 31 as an extra date if needed.

The meeting was recessed at 5:10 p.m.

MARILEE WARD
Abstractor

MAY 24, 1984

The seventh meeting of the Faculty Senate to consider the proposed tenure regulations revisions was convened in 25 Law Building, Minneapolis campus, on Thursday, May 24, 1984, at 3:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 103 members of the faculty, 2 members of the Council of Academic Officers, and 3 nonmembers. Vice Chair John Turner presided.

The Faculty Senate meeting was reconvened to consider proposed revisions of the University Regulations Concerning Faculty Tenure. The following amendments were submitted. (Motions were numbered.)

45. The Tenure Committee moved to amend Section 11.2, page 18, line 6, by inserting after "must fully utilize all means" the words "consistent with its continued existence as a quality institution" and lines 8-9 by striking "the postponement or temporary reduction" and inserting "the temporary or permanent reduction or postponement of faculty compensation or the reduction of fringe benefits."

"or permanent" deleted in Motion 63; a motion to change "as a quality institution" to "as an institution of high academic quality" was accepted as a friendly amendment; the motion as amended was approved.

47. The Tenure Committee moved to amend Section 11.61 (b), page 20, line 25, by inserting the following sentence: "In this third stage, the Board of Regents may impose the temporary or permanent reduction of faculty compensation or the reduction of fringe benefits, in excess of those approved in the second stage."

Approved.

48. The Tenure Committee moved to insert a new paragraph between paragraphs 11.61 (b) and 11.61 (c), page 20, after line 27, to read as follows: "Terminations may not be used in case of a short-term financial crisis, but only if the circumstances are such that the shortfall is reasonably expected to continue over a substantial number of years."

Approved.

49. The Tenure Committee moved to amend Section 11.62(b), page 21, lines 18-23, to read as follows: "(b) Care must be taken to protect the employment of women and minorities entitled to affirmative action. The Vice President 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 or minorities entitled to affirmative action, does not reduce the proportion of probationary appointments held by women or minorities entitled to affirmative action, and does not reduce the proportion of non-regular appointments held by women or minorities entitled to affirmative action."

Approved.

50. The Tenure Committee moved to amend Section 12.2, page 22, line 27, by adding the following sentence: "In case of fiscal emergency, the provisions of Section 11 apply."

Approved.

53. The Tenure Committee moved to amend Section 18, page 27, lines 3-10, by striking the entire section and substituting the following: "These Regulations are subject to amendment by the Board of Regents. Proposed amendments from any source will be submitted to the Faculty Senate for its advice and recommendation before final action by the Board of Regents. The Faculty Senate will solicit the recommendations of the Faculty Affairs Committee, the Judicial Committee, and the Tenure Committee before giving its advice and recommendations."

Approved.

63. Walter Littman, Institute of Technology, moved to amend Section 11.4, page 18, line 26, by striking "or permanent" and by inserting after "of faculty compensation" the words "for a predetermined period not to exceed one year" and page 19, line 6, by adding a new sentence, "Such action may be repeated by the same procedure."

Approved.

64. Leon Green, Institute of Technology, moved to amend Section 11.51, page 19, line 17, by inserting after the period the following: "This report must also identify the dollar amount proposed to be saved by any other measures to be taken, including the level of any concurrent reductions in non-faculty staff during the emergency."

Approved.

65. Leon Green, Institute of Technology, moved to amend Section 11.61(3), page 21, lines 6-8, by substituting: "(e) The selection of faculty members within an academic unit for termination will be made by seniority, with the oldest individuals first required to retire or be terminated, provided the priorities of Section 11.62 are observed."

A friendly amendment to delete "seniority, with the oldest individuals first required to retire or be terminated," and substitute "lottery" was accepted; a motion to table the motion was defeated; and the motion as amended was defeated.

66. Leon Green, Institute of Technology, moved to refer Section 11.5, Third Stage: Fiscal Emergency and 11.6 Principles Governing Termination or Suspension back to the Tenure Committee with instructions to take into account the various proposals and concerns expressed in the Faculty Affairs Committee's motion (Motion 22, February 23), preserving, however, the principle that terminations are permitted.

Defeated.

67. Phyllis Freier, Institute of Technology, moved to amend Section 13A.6 (printed as 10.8), page 17, line 9, by substituting "Faculty Consultative Committee" for the "Judicial Committee."

Deletion of the final sentence of the section was accepted as a friendly amendment; and the motion as amended was approved.

68. The Tenure Committee moved to amend the final paragraph of Section 13A.4 (printed as 10.6), page 16, line 19, by inserting after the words, "or the faculty member's representative," the following, "but the President may discuss the case with the University's General Counsel, unless the General Counsel has personally participated in the prior proceedings or the preparation for them." In addition, the final paragraph of Section 14.5, page 25, line 4, would have the same insertion made after the words, "or the faculty member's representative,".

Approved.

69. The Tenure Committee moved to amend Section 13A.4 (printed as 10.6), page 16, line 28, by adding at the end, "The President may impose action less favorable to the faculty member only for compelling reasons, which must be stated in writing, with specific detailed reference to the report of the Judicial Committee, the evidence presented, and the policies involved. The President's written statement must be given to the faculty member and to the Judicial Committee. Unless the faculty member requests confidentiality, its full text must be published in the next docket of the Faculty Senate; if the faculty member requests confidentiality, a summary of the relevant considerations must be so published without identification of the faculty member."

In addition, to amend Section 13A.5 (printed as 10.7), page 17, line 2, to read, "If the action involves removal, or if the action involves a sanction more severe than that recommended by the Judicial Committee, the faculty member and the President may appeal to the Board of Regents. In cases in which the President imposes a sanction more severe than that recommended by the Judicial Committee, the faculty member and the President may present to the Board

evidence with respect to issues on which the President differs from the recommendation of the Judicial Committee. The request for a hearing must be made to the Secretary of the Board within 10 days of the President's action."

Approved.

70 and 71. The Tenure Committee moved to amend Section 14.5, page 25, lines 16-19, the third paragraph to read, "The President may impose the action recommended by the Committee or any action more favorable to the faculty member. The president may impose action less favorable to the faculty member only for important substantive reasons, which must be stated in writing, with specific detailed reference to the report of the Committee, the evidence presented, and the policies involved. The President's written statement must be given to the faculty member and to the Judicial Committee. Unless the faculty member requests confidentiality, its full text must be published in the next docket of the Faculty Senate. If the faculty member requests confidentiality, a summary of the relevant considerations must be so published without identification of the faculty member."

Approved.

ABSTRACT

The Faculty Senate meeting was reconvened at 3:15 p.m. in 25 Law Building, Minneapolis campus, with coordinate campuses connected by phone, by John Turner, vice chair of the Senate.

Mr. Morrison introduced Motion 47, which he said was an effort to accede to the Faculty Affairs Committee's concerns. It amended the section on fiscal emergency to permit the Regents to impose, in the third stage, the temporary reduction or postponement of faculty compensation in excess of those approved in the second stage. Leon Green, professor of mathematics, asked that the minutes show that he had asked what was meant by a reduction—whether it could go to zero. Mr. Morrison said the intent was that it would be a percentage cut—certainly not a cut to zero. The motion was approved. Motion 48 from the Tenure Committee indicated that terminations could be used only where a shortfall was reasonably expected to continue over a substantial number of years; it had been another concern of the Faculty Affairs Committee, Mr. Morrison explained. The motion was approved without debate. Motion 49 provided clarification of the language protecting women and minorities so both would be treated equally under the affirmative action program. It too was approved.

Walter Littman, professor of mathematics, proposed Motion 63, which would limit reduction or postponement of compensation to one year in the second stage, but indicated it could be enacted each year if necessary. The Tenure Committee was "mildly" opposed to the motion. The motion was approved. Leon Green, professor of mathematics, introduced Motion 64, calling for a report from the President on amounts that could be saved by other measures to be taken in the event of a fiscal emergency. Mr. Morrison said his committee accepted it as a friendly amendment, and it was approved.

Motion 65, also proposed by Mr. Green, substituted a termination procedure based on seniority rather than on objective criteria. He deplored the lack of precise objective criteria, indicating that last year's retrenchment process pointed up the need for them. When asked whether he meant seniority in age or in years of service, he said that age could not be used as it would be unconstitutional, so must be in service. Mr. Morrison said his committee strenuously opposed the motion. First, he said, it was likely that length of service would be illegal, too, and that the committee hoped that person neutral criteria would be applied. The committee wanted the policy to provide only guidance rather than specific criteria. Lawrence Goodman, professor of civil and mineral engineering, proposed as a friendly amendment to substitute a lottery system for the seniority proposal; Mr. Green accepted it. In defending his suggestion, Mr. Goodman said there would be no legal objection nor would there be any stigma attached to those who were terminated. He accused the Tenure Committee of reviving the programmatic proposal, and said that under it there would be no way to assign responsibility so that all kinds of politics could take place. Deon Stuthman, professor of agronomy and plant genetics, labeled the lottery a random process and said Russian roulette might just as well be used. He said that, while the individual would not be harmed, there would be great damage to the institution. Harlan Hansen, professor of curriculum and instruction, found both motions lacking in substance, said he was uncomfortable voting on them, and moved to table until the next meeting. Leonid Hurwicz, Regents' professor of economics, thought tabling would set a bad precedent, and the motion was defeated. Mr. Hurwicz went on to repeat the request for examples of objective criteria, and urged that someone from the Tenure Committee be asked to enlighten the Senate on interpretations of the term. He also said he was concerned about Mr. Morrison's role as adviser and also advocating positions. He contended that termination of faculty members would also do damage to the institution, and that randomness was used in textbooks as well as in the past in the draft. Mr. Morrison said that in the latter case the age discrimination law protects those over 40. He said use of randomness would be sheer folly and that it would be a disaster to say to Regents and legislators that it was the best recourse. As to the criteria, he said the whole notion of the document had been to place confidence in future faculty members and administrators. However, he said he personally could think of last-in, first-out and program-related criteria, such as levels of student enrollment and programmatic needs. Naomi Scheman, assistant professor of philosophy, asked how the faculty would enter into the procedures, whether it would be in a spirit of divisiveness or cooperation, saying it would be important to stick together. She thought the consequences of terminations would be disastrous. John Howe, professor of history and chair of the Consultative Committee, called the Tenure Committee language "permissive" in that all those options discussed could be considered. Karal Ann Marling, associate professor of art history, said she taught randomness, that the Dada movement was founded on it, in a time when reason had failed. She said she hoped the administration had gotten the message on what the faculty thought about the reasonableness of programmatic change. F.R.P. Akehurst, professor of French and Italian, asked whether the Senate wanted to place the future quality of the University on the throw of the dice and pointed out that, if the motion were approved, only a lottery would be available. Mr. Hurwicz asked whether there would be flexibility in the application of the criteria for concurrent decisions with faculty and administration. George Shaw, associate professor of geology and geophysics, thought that if the administration might get burned by losing some exceptional faculty members in a lottery they might be careful in the use of the "rope" presented to them by the Senate. George Copa, professor of vocational education, opposed the motion, maintaining that randomness was not fair; Stephen Sylvester, assistant professor, Crookston, favored it, pointing out that administrators would also participate in the lottery. There was scattered applause for this observation. Mr. Morrison said that in the proposed regulations selections must be made according to procedures set in the academic units and yet with involvement of the Faculty Senate and other representative bodies. Mr. Green admitted that the Academic Vice President would consult, but pointed out that in the end he or she prepares the final plan. Motion 65 as amended was then defeated 61 to 22.

Mr. Green presented Motion 66 which would have referred the sections on the third stage and the principles governing termination or suspension back to the Tenure Committee with instructions to take into account concerns expressed in the Faculty Affairs Committee's motion of February 23. Mr. Morrison held that the issues had been fully addressed, and the motion was defeated. Motion 45, by the Tenure Committee, improved language of the priority principles and, after inclusion by Mr. Goodman of the words "high academic" to describe the quality to be maintained at the University, the motion was approved unanimously. Motion 50 from the Tenure Committee called attention to the fact that, where programmatic changes were being effected, if there were a fiscal emergency, the provisions of the section on fiscal emergency would be applicable. It too was approved unanimously. Another motion by the Tenure Committee, Motion 68, provided that the President could consult with the University's General Counsel following the Judicial Committee's findings in a suspension or removal case. It was approved without debate. Motion 69 by the Tenure Committee outlined procedures for the President in removal for cause cases. Mr. Morrison said his committee wanted to make it very difficult for the President to upset a recommendation of the Judicial Committee by providing a standard ("compelling reason") and by stipulating that the decision must be reported to the Faculty Senate. Further, he pointed out, the faculty member could present to the Regents, where the President imposes a more severe sanction than that recommended by the Judicial Committee, evidence with respect to issues on which the President differs with that committee's recommendation. It was approved unanimously.

Motion 70 by the Tenure Committee provided as a standard "important substantive reasons" for the President's imposing action less favorable to the faculty member than that recommended by the Judicial Committee in appeals cases. Ms. Scheman said that experience had shown that stronger language was needed as a protection to the faculty member and suggested substitution of "compelling." Mr. Morrison maintained the Tenure Committee's version was important as a legal term as well as being an appropriate standard. Mr. Hurwicz was concerned that the President would be permitted to pay less attention to Judicial Committee decisions than in the previous section. Mr. Morrison said there were several differences in Judicial Committee procedures in removal for cause cases from those in tenure denial cases. However, in both instances the President could go back to the Judicial Committee for elaboration and in both instances must report to the Faculty Senate. Mr. Hurwicz pointed out that both sections increased the risk of more severe penalties over the previous text of the code.

However, Mr. Morrison said, it decreases that risk when compared with the current policy. The motion was then approved. Motion 71, Mr. Morrison said, provided language similar to that in the previous section which would protect the faculty member's rights under the Privacy Act. It was approved unanimously. Motion 53 by the Tenure Committee provided that amendments to the code would be subject to scrutiny by the Faculty Affairs, Judicial, and Tenure Committees before going to the Faculty Senate and subsequently to the Regents. It was approved unanimously. Phyllis Freier, professor of physics, presented Motion 67, an amendment to the termination or suspension for cause section. It called for presentation by the Vice President of evidence to a panel of the Faculty Consultative Committee instead of the Judicial Committee where a suspension was to be ordered. She pointed out that in the case of the Judicial Committee three of the five members of the panel would be ineligible because they had participated in the case. It was approved unanimously.

Mr. Morrison announced that the entire document as amended would be printed and the Clerk would distribute copies to all senators and to those interested in receiving it. Mr. Howe said that at the June 7 meeting the motion to approve the completed regulations would be put to a vote. Mr. Turner urged that all senators and alternates attend that meeting and he expressed appreciation to the coordinate campuses for being so patient. Mr. Hurwicz said he was disappointed that he could not attend that meeting so he could vote against the motion, and the motion to recess until June 7 at 3:15 p.m. was approved at 5:00 p.m.

MARILEE WARD
Abstractor

JUNE 7, 1984

The eighth meeting of the Faculty Senate to consider the proposed tenure regulations revisions was convened in 25 Law Building, Minneapolis campus, on Thursday, June 7, 1984, at 3:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 120 members of the faculty, 1 member of the Council of Academic Officers, and 3 nonmembers.

Vice Chair John Turner presided.

I. STYLISTIC CHANGES

- a. Page 17, lines 23-24, "a quality institution," should read "an institution of high academic quality,"
- b. Final page entitled "Additional Resolutions," 3rd and 4th lines, 1st paragraph, "third Section paragraph of 14.1" should read "third paragraph of Section 14.1" and 1st line, 2nd paragraph, delete "Resolution to be included in the Minutes (April 5, 1984):"

TENURE COMMITTEE

Approved

II. MOTION

That the vote on the tenure code be deferred until a Faculty Senate meeting in the fall quarter 1984 on a date late enough to be preceded by a minimum of two open meetings on each campus of the University that all faculty members will be encouraged and new senators will be strongly urged to attend. Each meeting shall involve a panel of senators equally divided between those who support and those who oppose ratification of the code. All faculty members shall receive copies of the code sufficiently in advance of these meetings to be able to discuss it and raise questions concerning it.

NAOMI SCHEMAN
Senator

Defeated

III. MOTION:

That the proposed Regulations Concerning Faculty Tenure, as printed in the final, revised (May 25) version, be approved and recommended to the Board of Regents for their adoption; and

That the additional resolutions adopted in the course of deliberations on this question be approved, entered into the minutes of the Faculty Senate, and forwarded to the Board of Regents for their consideration.

TENURE COMMITTEE

Approved, 101 to 8

IV. ADDITIONAL MOTIONS:

That the Faculty Senate express thanks to two persons who have worked diligently and thanklessly—Harriet Carlson and Laurie Ericson—and to Marilee Ward, Senate Clerk, and Martha Kvanbeck, Senate Secretary, for scheduling and filing of documents.

FRED MORRISON, Chr.
Tenure Committee

Approved

That the Faculty Senate approve a general resolution of thanks to the following people:

- to Marilee Ward, our able Clerk of the Senate, for keeping our record straight and thus our institutional memory alive;
- to John Cound, our Parliamentarian, for steering us safely through a variety of parliamentary minefields at a number of crucial moments;
- to John Turner, our oft-addressed Vice Chairman, for presiding in such inimitable style; and for his fairness, even-handedness, and good humor;
- to the members of the Senate Committee on Faculty Affairs for their careful work in focusing Senate attention on a number of major issues;
- to the Senate Tenure Committee, actually to the last three Tenure Committees, each of which has labored at the process of revision; but especially to this year's committee that has met and listened and revised and explained, often in what must have seemed to them endless fashion, and that has in the end done its work so well. Not all of us know who they are—faculty members Mary Dempsey, Mary Deitz, Millard Gieske, Allen Glenn, Sam Krislov, Richard Phillips, ex officio member from Academic Affairs, Betty Robinett, and student member Julie Bates;
- finally, special thanks to the Chairperson of the Tenure Committee, Fred Morrison, who, in between trips to The Hague and other assorted tasks, has shaped and moved the new Code through several drafts, to say nothing of eight (It seems like so many more!) special Faculty Senate meetings. More than anyone else, he has kept the process both open and on track. He has proven himself a master of principled compromise and accommodation, while never losing sight of the basic goals being sought. And wonder of wonders, he has consistently made clear to us what we have been discussing and deciding. (After all of this I am personally going to have to rethink all my comfortable assumptions about lawyers and legal obfuscation!)

JOHN HOWE, Chr.
Consultative Committee

Approved

NEW BUSINESS

MOTION:

That the Faculty Senate adopt the following resolution:

RESOLUTION:

University colleagues, whether serving on faculty status or on professional/academic status, have interdependent responsibilities and concerns. The Faculty Senate wishes to reiterate and underscore its responsibility and its commitment to assuring full protection of academic freedom to all colleagues and its desire to help develop appropriate classifications, standards, and procedures for all colleagues.

Accordingly, we direct:

1. The Library Committee and the Tenure Committee to study and to report to the faculty, no later than for 1985, patterns consistent with the tenure code allowing libraries with research and bibliographic commitments appropriate and flexible faculty status within departmental ranks.

2. The establishment in 1986 of a special Senate committee to evaluate the professional/academic classification with special attention to the following issues:
- Any actual consequences for academic freedom for any segment of the professional/academic classification.
 - Effects on caliber of those hired under the professional/academic classification (including but not limited to librarians and those in cooperative extension) as well as those in faculty status in regular departments as a consequence of the new classification schemes.
 - Fairness and appropriateness of standards of evaluation developed for those covered by the professional/academic classification and new tenure code for such individuals.
 - Appropriateness of coverage under the professional/academic classification of various groups and of faculty groupings as well.

SAMUEL KRISLOV
Senator

Substitution of "special Senate committee" for "task force" was accepted as a friendly amendment; the motion as amended was approved.

ADJOURNMENT

ABSTRACT

The eighth meeting of the Faculty Senate to consider proposed revisions of the tenure code was called to order at 3:15 p.m. in 25 Law Building on the Minneapolis campus by John Turner, vice chair of the Senate. Coordinate campuses were linked by phone. Mr. Morrison presented three stylistic changes which the chair ruled were accepted when there were no objections from the floor.

Naomi Scheman, assistant professor of philosophy, introduced a proposal to defer the vote until fall quarter to provide time for two open meetings on all campuses following distribution of the draft to all faculty members. Mr. Turner reminded the Senate that the debate would be limited to the question of postponement and not on the merits of the revisions. Ms. Scheman expressed appreciation to the Tenure Committee for its work and to the Faculty Senate for the care it had given to the document. She said she did not mean to be critical, but that it was an important matter and few colleagues had an idea of what was in it. She said she could not feel comfortable voting on behalf of those colleagues. She thought that the one-third new Senate members next year would provide an even broader base of understanding and concluded with the comment that she would be willing to accept as a friendly amendment a motion that there should be no further amendments. John Howe, professor of history and chair of the Consultative Committee, opposed the motion, indicating that the current membership was the proper body to vote because it had been involved all through the year and it had the responsibility to vote it up or down. He reminded the Senate that all meetings and hearings had been open to the faculty.

Alan Hooper, professor of genetics and cell biology, supported the motion, citing as an important feature in the draft the granting to the Regents the power to declare fiscal emergencies. The chair reminded him that the debate was confined to postponement only. Mr. Morrison said deliberations had lasted through eight meetings; a new Senate in the fall would not be prepared to vote and by then even senators' knowledge would be fuzzier. Susan Meyers, associate professor in agricultural extension, urged delay to provide more time for coordinate campus senators to study the document. The motion was then defeated by a sizable majority.

Mr. Morrison presented the motion to approve the proposed regulations for forwarding to the Regents. He reminded the Senate that 11 years ago it had voted 92 to 4 for a set of regulations that were about four times as long as the current document; many of its protections and provisions were carried forward to the current version. Because of the cease and desist order imposed on the University, the earlier document had never been acted on by the Regents. He pointed to a few differences from the current regulations such as the explicit statement with regard to standards for granting tenure and procedures for reviewing tenure decisions which give greater protection to faculty members. He said it would be a guide with regard to faculty and administration rights and duties. Further, he said, it provided a statement that programmatic change could not affect tenure rights except where a financial emergency is declared, and finally it provided an explicit procedure for handling a financial shortfall. Hans Weinberger, professor of mathematics, said there was a destructive element present in the financial emergency procedure for selecting faculty members for termination in that it lowered the standards of the better departments down to the average, which he called an "equalization." Also, he argued that departments were not the appropriate level for voting on granting tenure. Further, he criticized the three-member Judicial Committee appeals panel procedure, claiming that those who served would not necessarily be competent to judge. Finally, he said a vote for the document was a vote for the faculty to shoot itself in the foot. The motion was then approved 101 to 8.

Mr. Morrison presented a motion to express thanks to two persons, Harriet Carlson and Laurie Ericson, who had worked diligently behind the scenes, as well as to the Senate clerk and her assistant, Martha Kvanbeck. The motion was approved. Following was a lengthier resolution by Mr. Howe to thank the officers of the Senate, the Tenure and Faculty Affairs Committees, and finally a glowing tribute to Mr. Morrison for his efforts. The Senate joined him in rising vote of approval and applause.

Virginia Gray, associate professor of political science, introduced a motion that had been proposed by Samuel Krislov, professor of political science, to monitor the classifications, standards, and procedures that affect those in the professional/academic classification and consequences for academic freedom for those individuals. After Ms. Gray had accepted as a friendly amendment Mr. Howe's suggestion that a special Senate committee rather than a task force be named to evaluate the classification, the motion was approved.

The meeting was adjourned at 4:04 p.m.

MARILEE WARD
Abstractor