

UNIVERSITY OF MINNESOTA
FACULTY SENATE MINUTES

JANUARY 24, 1985

The ninth meeting of the faculty Senate to consider the proposed tenure regulations revisions was convened in 25 Law Building, Minneapolis campus, on Thursday, January 24, 1985, at 2:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 131 members of the faculty, 2 members of the Council of Academic Officers, and 12 nonmembers. Vice Chair Shirley Clark presided.

FACULTY AFFAIRS COMMITTEE
TENURE COMMITTEE
TENURE REGULATIONS
MEMORANDUM

January 10, 1985

To: The Members of the Faculty Senate and Faculty Members of the University
Dear Colleagues:

The University Administration and the Board of Regents have reviewed the proposed Tenure Code which was recommended by the Faculty Senate last June 7. They have asked us to reconsider certain items and, if appropriate, to propose amendments. In the course of their deliberations, we have also found a few technical details which require further attention.

In the course of the Regents' deliberation, two principal questions of policy emerged. One of these related to the role of service in the granting of permanent tenure. The other related to the ability of the University to take its programmatic needs into consideration in making tenure decisions.

The question of the definition of service is one about which there is little controversy in substance, but much in the verbal formulation. The Tenure Committee has tried again to meet this verbal formulation by differentiating further between professional service in one's academic specialty and participation in the ongoing administrative activities of the University. The former can be a primary element in tenure in appropriate cases, while quasi-administrative participation may only provide support for an otherwise good tenure case. We have also identified service as a prerequisite to tenure only in those instances where service is an integral part of the mission of the particular academic unit.

The Regents' second principal concern relates to the ability of the University to take programmatic needs into consideration in the decision to grant tenure. In this respect the Regents' views are clearly, strongly, and directly contrary to the view expressed by the Faculty Senate in May. At that time the Faculty Senate deleted a provision of the earlier draft which would have stated

Although the decision will be based primarily on the faculty member's qualifications, it may also be based upon program area needs and priorities of the academic unit.

Because the views of the Faculty Senate have been clearly expressed, the Tenure Committee will not put forward any institutional recommendation on this point.

Because any Tenure Code will represent the action of the Regents after consultation with the Faculty Senate, an effort will be made to accommodate the views of both groups. President Keller and Professors Jack Merwin, Thomas Clayton, and Fred Morrison (who are the chairs of the Faculty Consultative Committee, the Faculty Affairs Committee, and the Tenure Committee, respectively, but who are acting as individuals and not for their committees) will present a proposed joint motion. That motion will attempt to emphasize the prospective, rather than the retrospective, nature of the tenure decision. It would permit the future prospects for an individual, as well as the past performance, to be taken into account. The authors of this motion believe that such an effort to compromise is essential if the Tenure Code is to be adopted.

The Tenure Committee will also propose an amendment that would require any criteria other than the traditional teaching, research, and service criteria, to be expressly identified and would prohibit any criteria which would infringe upon academic freedom.

A meeting of the Faculty Senate has been scheduled for Thursday, January 24, at 2:15 p.m. to consider these matters. I urge you to consider these proposals carefully and to discuss them with your colleagues. Any amendments to the proposals in the docket should be filed with Marilee Ward, Clerk of the Senate, Room 424 Morrill Hall, by noon on Monday, January 21.

Sincerely yours,
Fred L. Morrison
Chair, Senate Tenure Committee

Enclosures: Proposed Tenure Regulations, June 7, 1984, draft
Motions for consideration on January 24, 1985
Memorandum explaining motions

Clarifications of Motions presented January 24, 1985

MOTION 1. For faculty members on the Twin Cities, Morris, and Crookston campuses, these Regulations will have a double effect when adopted. They will be both rules of the Board of Regents and part of the contract of employment.

For faculty members on the Duluth and Waseca campuses, where there is collective bargaining, the situation will be somewhat different. The Regulations will still be rules of the Board of Regents, for those matters which the Regents can unilaterally regulate. Matters covered by contract are, however, dealt with by the contract with the Bargaining Agent. The contract itself provides that University policies such as the Tenure Regulations will continue to be applicable, except where inconsistent with the provisions of the contract. Hence, many portions of these Regulations will apply on the two campuses, either because they are the subject of the unilateral authority of the Regents, or because they have been incorporated into the contract by reference.

MOTION 9. The use of any additional criteria must be stated in the document which summarizes the action taken. If a department takes adverse action based on such criteria, the criteria should be stated expressly in the departmental statement required under Section 7.4(5). If a review committee or administrator takes such action, the basis should be articulated at the time of the action, as provided in Section 7.61 and 7.63.

MOTION 10. The covering letter of January 10, 1985, showed the original language proposed by the Tenure Committee in December 1983, as the next-to-last paragraph of Section 7.11. It read:

Although the decision will be based primarily on the faculty member's qualifications, it may also be based upon program area needs and priorities of the academic unit.

At the May 3, 1984, meeting, this language was first amended (by Motion 57) to read:

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.

Then (by Motion 59) the whole paragraph was deleted.

Fred L. Morrison, Chr.
Tenure Committee

1. The Tenure Committee moved to amend Section 2.1, page 1, lines 15-18, by adding after "Employment Contracts" the sentence "These regulations govern the relationship between the Board of Regents and every faculty member employed by the University of Minnesota, except as inconsistent with the provisions of collective bargaining agreements."; by deleting from the next sentence, "of Minnesota, except as superseded by the provisions" and substituting "outside"; by deleting "agreements" at the end of the sentence and substituting "units."

Approved.

2. The Tenure Committee moved to amend Section 10.1, page 15, lines 20-21, by deleting "The action may be taken only in accordance with the procedures established in this section."

Approved.

3. The Tenure Committee moved to amend Section 16, page 30, lines 10-21, by dividing the section into four numbered subsections and by adding and deleting material as follows: 16.1 titled "Membership"; 16.2 titled "Interpretations" and by adding "The Vice President and the Tenure Committee may propose formal interpretations of these regulations, consistent with their terms. Such interpretations must be reported to the Faculty Senate and the Board of Regents. If adopted by the Board of Regents, such interpretations will be binding in all cases subsequently arising."; 16.3 titled "Procedures"; and by adding "The Vice President and the Tenure Committee may jointly adopt the procedures provided by Sections 7.4 and 7.61. Such procedures must be reported to the Faculty Senate and the Board of Regents before they go into effect."; 16.4 titled "Additional Functions" and by adding "also" after "The Tenure Committee" and "and makes recommendations" after "University" and "such advice and recommendations are not binding on the Judicial Committee" after "regulations, but" and by deleting "the Judicial Committee will exercise its independent judgment about the meaning of these regulations in the review of cases before it. Interpretations which the Tenure Committee or the Judicial Committee decides may be of interest to the faculty generally, will be published as provided in Section 18. The Faculty Senate will be informed of these interpretations in writing."

Approved.

4. The Tenure Committee moved to amend Section 7.4, page 11, lines 3-6, by adding "University" after "must observe"; by deleting "by the Vice President upon recommendation of the Tenure Committee. Before going into effect, these procedures must be reported to the Faculty Senate"; and by adding "as provided in Section 16.3." after "procedures established."

Approved.

5. The Tenure Committee moved to amend Section 7.61, page 12, line 21, through page 13, line 5, by deleting "The Vice President, with the approval of the Tenure Committee, establishes general rules for such review." and by substituting "The review must be conducted according to University procedures, established as provided in Section 16.3." and by adding "procedures" after "These" in the next sentence.

Approved.

6. The Tenure Committee moved to amend Section 12.2, page 22, lines 22-24, by adding at the beginning of the sentence "In addition to the steps mentioned above," and by deleting "or to change place of employment" and substituting ", to seek employment elsewhere,".

Approved.

7. The Tenure Committee moved to amend Section 7.11, page 10, lines 6-7, by deleting "will not satisfy" and substituting "is not making satisfactory progress toward meeting".

Approved.

8. The Tenure Committee moved to amend Section 7.11, page 9, line 13, through page 10, line 2a, and Footnotes 5, 6, and 7, by deleting "High quality" and substituting "Outstanding"; by deleting "may" after "service contributions" and substituting "will"; by inserting "where they are an integral part of the mission of the academic unit." after "into account"; by deleting "Both of the two primary" and substituting ", but each of the"; by deleting the period after "decision" and deleting "but in some academic units a faculty member will not be expected to have made significant service contributions during the probationary period."; by adding after "The individual's" the words "participation in the governance of the institution and other services to the University and"; by deleting "and other service contributions to the University" and adding "may be taken into consideration"; by deleting "may also be relevant to a decision"; in Footnote 5 by deleting "articles" and substituting "works"; by deleting "encompasses other activities such as artistic production" and substituting "includes activities which lead to the public availability of products or practices which have a significance to society, such as artistic production or the development of new technology or scientific procedures."; in Footnote 6 by deleting "high quality" and "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 members's job description."; by deleting "also" after "It"; by deleting "service in" after "does not include" and substituting "performance of"; by deleting "service" after "such as" and substituting "membership"; by adding a final sentence to the footnote, "Where service is not an integral part of the mission of the academic unit, a faculty member's service may be considered, but is not a prerequisite to the awarding of tenure."; in Footnote 7 by adding "campuses" after "Waseca"; by deleting "faculty members these need show only effectiveness in teaching and" and adding "may be substituted for research in appraising faculty members there." after "endeavor".

Approved.

9. The Tenure Committee moved to amend Section 7.11 by adding a Footnote 3A, page 9, line 11, "Criteria other than those expressly listed in this sentence must be explicitly stated and justified in terms of the mission of the University. Such additional criteria may not impinge upon the academic freedom of the probationary faculty member."

Approved.

10. President Kenneth Keller, IT, Professor Jack Merwin, Education, Professor Thomas Clayton, CLA, and Professor Fred Morrison, Law, moved to amend Section 7.11, page 9, line 11, by inserting the sentence "The basis for awarding indefinite tenure is the determination that the achievements of an individual have demonstrated the individual's potential to continue to contribute significantly to the mission of the University and to its programs of teaching, research, and service over the course of the faculty member's academic career; in the next sentence, by deleting "for awarding indefinite tenure" and inserting "for demonstrating this potential".

Approved.

11. The Senate Committee on Faculty Affairs moved to amend Section 7.11, page 9, line 11e, by adding a footnote at the end of the proposed new language in Motion 10, "For interpretation and possible applications, see the interpretative comment that will be provided in accordance with the provisions of Section 16.2."

Approved.

All footnotes were to be renumbered in appropriate sequence.

Jack Merwin, chair, Senate Consultative, asked that the Senate go on record as expressing appreciation to those who had put in so much time and effort on behalf of the faculty, particularly the Tenure Committee, since 1972, when the first revision had been proposed.

ABSTRACT

The January 24 meeting of the Faculty Senate was called to order at 2:20 p.m. in 25 Law Center, Minneapolis campus, with coordinate campuses linked by telephone. Shirley Clark, professor of education and vice chair of the Senate, presided. Ms. Clark reminded the Senate that questions of policy in the 1984 Senate document had been raised by the Regents. They had been reviewed by the Tenure Committee and explained by letter to all faculty members by that committee's chair, Fred Morrison, professor of law. The meeting's agenda, she said, would consist of the proposed amendments developed since June, and she called attention to the rules adopted at the 1984 meeting when the Senate first took up the tenure document. Mr. Morrison added that the proposed regulations had been circulated to the administration and the University attorney's office, and that the Regents had referred it back to the Faculty Senate for reconsideration in light of some of their concerns, some of which were technical and some substantive. His committee had conducted a public hearing where it concentrated on two issues, namely, the definition of "service" and the basis on which tenure decisions should be made. He then proceeded to the proposed amendments.

Motion 1 was described as a technicality that would mesh arrangements with faculty members under collective bargaining agreements with the provisions of the proposed new document. It was approved without debate. Motion 2 was also technical and corrected a cross-reference. It too was approved. Mr. Morrison explained that Motion 3 provided for a formal procedure for interpretations of the regulations and outlined procedures for tenure decisions. Further, he said, it provided that Tenure Committee advice and recommendations on interpretation would not be binding on the Judicial Committee, adding that they were usually very useful to that committee. Walter Littman, professor of mathematics, asked whether it was appropriate for the vice president to be involved in drawing up interpretations when he or she could be a party to a dispute. Mr. Morrison emphasized that that involvement would be only applicable for *future* cases. Mr. Littman asked why it was necessary to make changes in Section 16. Mr. Morrison said the Regents were concerned because they must approve new rules and that, if a binding interpretation were made without the cooperation of the administration, the administrative authority would be undercut. The motion was then approved unanimously.

Motion 4 was a follow-up cross-reference to Section 16.3 approved in the previous motion and was approved without debate. Motion 5 provided the same cross-reference for the collegiate review process and it too was approved. In introducing Motion 6, Mr. Morrison explained that the Regents had asked whether the Senate intended to be restrictive by saying that the University could offer inducement "to change the place of employment," and his committee agreed that "to seek employment elsewhere" better stated the intent. The motion was then approved unanimously.

Mr. Morrison reported that Naomi Scheman, associate professor, Women's Studies Program, and William Hanson, professor of philosophy, had requested a sequence change for considering the remaining proposed amendments, to which his committee agreed. He noted that those amendments would deal with one of the most troubling issues—the criteria for tenure decisions. Involved, he said, were the definitions of teaching, research, and service, and whether other criteria could be taken into account. Motion 7, he reported, was simply a change in verb tense, which was immediately approved. Motion 8, he said, addressed the problem of definitions, explaining that there were wide differences in emphasis among departments. The Regents had indicated that service should be considered when it was the appropriate kind of service, that is, within the faculty member's area of specialty. He said his committee had resisted efforts by some to list types that were related to their departments but proved not to be applicable to the rest of the University, preferring to provide a broad base so that departments could draw up their own criteria within the framework provided. The motion was approved unanimously.

Mr. Morrison introduced Motion 10, which was also moved by the President and the chairs of the Consultative and Faculty Affairs Committees. It provided that the basis for granting tenure would be the determination that the faculty member's achievements would have demonstrated the potential to continue to contribute significantly to the University's mission and to its programs of teaching, research, and service over the course of the individual's career. He reminded the Senate that it had amended a proposal to take into account programmatic needs proposed by his committee and then defeated the amended version. He said the President and the Regents had asked his committee to formulate another proposal, and the resulting motion placed emphasis on showing that the faculty member's potential would be based on achievements to the date of the decision. The motion was seconded. Kenneth Keller, president, said that the Regents thought it would not be inappropriate to dismiss faculty members for programmatic reasons, while the administration had taken the Faculty Senate position. He said the Regents were concerned that the intent was to cut off all possible choice in the area of decisions related to program. He said the existing tenure code does not speak to the criteria issue and that promotion decisions and tenure decisions were based on different evidence, and do not indicate how the teaching, research, and service factors are to be applied. He thought the new language would capture "in the light of day" what is being practiced now and would provide with integrity the necessary flexibility and at the same time prevent abuse while offering protection to the faculty member. Mr. Hanson disputed Mr. Morrison's claim that compromise was involved, contending that the new language was far stronger than the earlier motions. He said it would be possible for a person to be excellent in teaching and research but not deemed fit because his or her achievements would not fit into a University plan. He urged Senators to defeat the motion and approve a subsequent Motion 9, which would provide for other criteria as long as they were "explicitly stated and justified in terms of the mission." Jack Merwin, professor of education and chair of the Consultative Committee, reported that the Faculty Consultative Committee had met with the Regents to discuss the proposed revisions and endorsed the proposal as a major step in reaching agreement with them.

Naomi Scheman, associate professor, Women's Studies Program, maintained that programmatic change should not come under the provisions of the tenure code. In addition, she was concerned about the kind of risk that would be borne by probationary faculty members who might have to try to "psych out" department heads when it came to venturing into new areas of research and deciding which fields should be emphasized. She thought the proposed section would have a chilling effect on those who would be willing to take risks in research. In conclusion she contended that the proposal would abridge the academic freedom of probationary faculty members. Frank Sorauf, professor of political science, thought the Senate should face the political realities and recognize that compromises with the Regents involved more than this issue. He said the Regents would accept the document as it stood and he was not able to say what alternatives would be available. He urged settling the differences in an atmosphere of bargaining. As to the alleged drawback to the prospective nature of the provision, he said a "bet" covering about 30 years was being placed on a faculty member at the time of a decision and that prospective considerations could not be avoided. Asked what was happening at institutions with which the University of Minnesota competes, Mr. Merwin said that his committee had discovered after surveying nine of the Big Ten and six non-Big Ten institutions that usually the matter had been approached in a different way, but on programmatic change and awarding tenure many called for contributing toward goals, several had a statement similar to that approved by the Senate in June, and some simply "waffled" on the issue. John Dahler, professor of chemical engineering and materials science, asked about the magnitude of the Regents' concern. The President said they did not want to adopt a document that would close off programmatic considerations altogether. He went on to say that Motion 10 represented a move in the direction of openness, while Motion 9, by involving only a footnote, was not saying it "up front." In the spirit of openness, too, the faculty member would have the reasons for the decision. Stephen Sylvester, assistant professor, Crookston, maintained that programmatic change should not be in the tenure document and should be part of some other policy. Edward Ney, Regents' professor of astronomy, asked whom he could call to find out whether his projected research was in keeping with the mission of the University. His question was greeted with general laughter and applause. Ms. Scheman said that the difference between Motions 9 and 10 was one of primacy, the latter indicating that the matter was relevant in every decision, while the former said that other consider-

ations could be brought into play, placing it in a secondary role. Mr. Morrison argued that Section 7.11 showed the primary consideration as teaching, research, and service, while the footnote would be used to show that criteria must be explicitly stated and also provided protection of academic freedom. Ms. Scheman pointed out that Motion 10 still gave primary consideration to potential in the area of programs. At this point the question was called, and Motion 10 was approved 62 to 49.

Motion 11 was introduced by Thomas Clayton, professor of English and chair of the Faculty Affairs Committee, and Kim Munholland, professor of history, who explained that the committee thought that clarification was needed if Motion 10 were to pass and that it should be appended to the document itself as provided in the section on the Tenure Committee. Mr. Morrison agreed that his committee would be directed to produce an interpretative comment that would be reported to the Faculty Senate. The motion was then approved unanimously.

Motion 9, to add a footnote to indicate that criteria other than those listed in Motion 10 must be stated and justified in terms of the University's mission and that protection of the probationary faculty member's academic freedom was provided, was presented by Mr. Morrison. Mr. Dahler asked whether the interpretation would include a definition of the mission of the University. Mr. Morrison said it was explained in the sentence just approved. Mr. Dahler thought the words "and to its" should be omitted so it would read "...contribute significantly to the mission of the University programs..." Ellen Egan, associate professor of nursing, asked when the criteria would be stated and whether they were to be pertinent to the individual alone or to the entire department. Mr. Morrison referred her to Section 7.12 on departmental statement and to Section 7.4(5) on procedures and noted that the interpretation section could elaborate. The motion was approved with a scattering of dissent.

Mr. Merwin reminded the Senate that the document had been under consideration since 1972 and asked that the Senate go on record as expressing appreciation to all those people who had put in so much time and effort on behalf of the faculty, with particular recognition to the Tenure Committee. Ms. Clark proposed a rising vote of applause; the Senate rose, applauded, and departed at 4:30 p.m.

MARILEE WARD
Abstractor