

# MEETING OF THE UNIVERSITY SENATE

Thursday, November 21, 1974

3:15 p.m.

**Nicholson Auditorium—Twin Cities Campus**  
**Regents Room (520 Administration Building)—Duluth Campus**  
**106 Education Building—Morris Campus**

It will probably be necessary to adjourn the meeting until Thursday, Dec. 5, in order to complete all the business on the docket.

The voting membership of the University Senate totals 233, including the president, 161 members of the faculty and faculty Consultative Committee, 71 students and student Consultative Committee. For a quorum, a majority of the voting membership (111) must be present. Amendments to the constitution require advance notice and 154 affirmative votes at one meeting or 111 affirmative votes at each of two meetings, the second of which must be the next regular meeting. Amendments to the Bylaws require advance publication and 111 affirmative votes. Other actions require only a simple majority of the members present and voting. The members of the all University Administrative Committee are ex officio non-voting members of the University Senate.

Any member of the faculty and any student eligible to vote for senators may be admitted to meetings of the University Senate and shall be entitled to speak at the discretion of the University Senate. Only elected members of the University Senate, the members of the Senate Consultative Committee, and, in case of a tie, the chairman, shall be entitled to vote.

Any representative may designate any elected alternate from his institute, college, school, or student constituency as the alternate to serve in his/her place and stand by written notice to the clerk of the Senate prior to the commencement of any meeting of the University Senate. In accordance with a newly enacted constitutional amendment, each institute, college or school may either elect a pool of alternate representatives or define the pool to be those eligible to vote for senators.

Documents to be handed out at the Senate meeting should be given to the Clerk of the Senate by 1:00 p.m., two days before the meeting, to allow them to be sent to the coordinate campuses. A document that is less than one page long can be accepted by the Clerk before 10 a.m. the day of the meeting for transmission by computer; however, this practice is discouraged if the earlier deadline can be met. If any coordinate campus is linked to the meeting by telephone and the document is not in its hands, the Senate will not consider the document.

## ATTENDANCE RECORD

A roll of elected members will be posted at each door of the auditorium. Members, please check your name to indicate your presence. An attendance sheet for nonmembers will also be posted.

A summary of the attendance of members elected for the current academic year will be included in the minutes for the last meeting of the year.

## RULES GOVERNING THE UNIVERSITY SENATE

(These may be changed by a majority vote at any meeting.)

A. Any member of the Senate, upon being recognized by the chair, may yield time in debate to a nonmember of the senate.

B. Senators and non-Senators will be limited to a maximum of 3 minutes time on each occasion they are recognized for participation in debate.

### Interpretations and Understandings

1. The traditional practice of alternating speakers pro and con a proposal will continue.

2. The traditional practice of not recognizing members who have already participated so long as there are would-be speakers who have not will also continue.

3. The usual rules of germaneness and decorum will apply both to Senators and non-Senators.

4. In the event a Senator yields time in debate to a non-Senator, both shall be considered to have participated in the debate.

C. Time limits (as specified on the agenda) will govern the maximum amount of time for debate of items for action.

### Interpretations and Understandings

1. The time limits set only a maximum time for debate; a call for the question is in order before the expiration of the time limit.

2. At the expiration of the maximum time for debate, the chairman will put the question to a vote.

D. No amendment of an item on the printed docket shall be in order unless it has been submitted in writing to the Clerk of the Senate and to the chairperson of the committee submitting the report at least 48 hours in advance of the meeting at which the report is to be considered. This rule may be suspended by majority vote.

## I. MINUTES FOR FEBRUARY 28, 1974

Reported for Action (5 minutes)

## II. SENATE AND UNIVERSITY COMMITTEES, 1974-75

Reported for Action (10 minutes)

SENATE COMMITTEE ON ACADEMIC STANDING AND RELATIONS: Arthur Johnson replaces Frederick Asher who is on leave. Students: Sharla Borghorst, Toby-Beth Brill, Patricia Anglim, Pam Spence, Gregory Nelson.

UNIVERSITY COMMITTEE ON SOCIAL POLICY: K. S. P. Kumar replaces Ernest Coleman who is on leave. Students: Dennis McCoy, Kathy Kelly, Lekan Shobowale, Sue Millier, John D. Hastings. Alumni: David Brink, Roger Toogood, Beverly Johnson.

UNIVERSITY COMMITTEE ON UNIVERSITY HONORS: Albert Linck replaces Harold Chase as ex officio, Evelyn Quesenberry replaces Thomas Clayton who is on leave; Students: Sharla Borghorst, Teresa Wray, Ruth Etzel. Alumni: Irene Kreidberg, Clifford Sommer, Lawrence Johnson, Gerald Friedell, Gladys Brooks.

UNIVERSITY COMMITTEE ON BUSINESS AND RULES: Marilee Ward replaces Donald Beatty as ex officio. Students: Kathy Sims, David Bland, Peter Cameron, Bret Haage.

SENATE COMMITTEE ON EDUCATIONAL POLICY: Albert Linck replaces Harold Chase as ex officio. Students: Enrique Serra, Elaine Parent, David Eagan, Kristan Wegerson, John Freeman.

COUNCIL ON LIBERAL EDUCATION: Shirley Clark (chairman), Donald Berry, Henry Borow, Paul Cartwright, M. Polly Grindereing, Nils Hasselmo, Gordon Kingston (executive secretary), C. Alden Mead, Harrison Tordoff, James Wernitz (ex officio), Raymond Willis. New members: David Darby (who has resigned), Ted Underwood, John Webb, Howard Williams. Students: Edward Wegerson, Keith Olson (who has resigned), Katherine Prchal, Michael Salemi, Nancy Roberts.

UNIVERSITY COMMITTEE ON COMPUTING FACILITIES: Students: Toby-Beth Brill, Patricia Byrne.

UNIVERSITY COMMITTEE ON INSTRUCTIONAL MATERIALS AND MEDIA: Students: Stephanie Held, Mildred Vetsch, Beatrice Rothwaller, Deborah Searles, Kenneth Trembath.

UNIVERSITY COMMITTEE ON SUMMER SESSIONS: Students: Marlene Brown (who has resigned), Robert Gensley, Linda Watson, Joseph LaJuenesse, Lowell Palacek.

UNIVERSITY COLLEGE ASSEMBLY: Roy Hoover (Chairman).

UNIVERSITY COMMITTEE ON EDUCATIONAL DEVELOPMENT: Walter Fluegel replaces Wendell Glick who has resigned. Students: Paul Kurth, Tom Arndt, Barbara Butz, Ann Kucera, Sandy Myrhe.

UNIVERSITY COMMITTEE ON UNIVERSITY-ROTC RELATIONSHIPS: Thomas Madigan replaces Frederick Adelman as ex officio, Edward Bouffard replaces Walter Broughton as ex officio, Albert Linck replaces Harold Chase as ex officio, Richard Poppele (Chairman). Students: Joe LaJuenesse, Mary Ann McNeil, Calvin Comfort.

SENATE COMMITTEE ON FACULTY AFFAIRS: Albert Linck replaces Harold Chase as ex officio.

UNIVERSITY APPEALS COMMITTEE ON ACADEMIC FREEDOM AND RESPONSIBILITY: Students: Blair Smith, Diane Watchler, Eric Terzuolo, Tom Mayfield.

SENATE JUDICIAL COMMITTEE: Paul Meehl replaces Peyton McCrary who has resigned, Madelon Gohlke replaces Frederick VanCatledge who has resigned.

SENATE LIBRARY COMMITTEE: Evelyn Firchow replaces Sheila McNally who is on leave. Students: Daniel Rugroden, Wayne Peterson (who has resigned), John Broom, Beth Sederstrom, Don Gish, Lynn Renz (who has resigned), Deborah Fontilla, Kirstin Olson (who replaces Wayne Peterson), Daniel Young (who replaces Lynn Renz), Shelly Flanders.

SENATE COMMITTEE ON RESEARCH: Ken Keller replaces May Brodbeck as ex officio, Leonard Heston replaces Frank Ungar who is on leave, Paul Alkon replaces William Walton who has resigned. Students: Tom Arndt, Kathleen Dwyer, Linda Strand.

UNIVERSITY COMMITTEE ON ANIMAL CARE: Patrick Manning (ex officio and Secretary), Charles Liberty replaces Eric Klinger who has resigned, Kenneth Jordan replaces F. M. Waltz who has resigned.

SENATE COMMITTEE ON RESOURCES AND PLANNING: Roger Benjamin replaces George Milkovich who has resigned because of leave, Leon Green replaces Hosni Iskander who is on leave, Walter Bruning replaces Stan Kegler as ex officio, Stan Kegler replaces Stanley Wenberg as ex officio, Fred Lukermann (Chairman). Students: Roxanne Goertz, Fritz Hermann, Carol Stoner, Peter Bugbee, Daniel Cameron.

## III. REPORT OF THE UNIVERSITY COMMITTEE ON BUSINESS AND RULES Reported for Action (5 minutes)

The Twin Cities Campus Assembly has voted to amend the amendment clause of its constitution to be similar to that of the University Senate. The exact wording is given below. This action does not become effective until it has been ratified by the Senate and the Board of Regents.

The Committee on Business and Rules recommends that the Senate ratify the following amendment to the constitution of the Twin Cities Campus Assembly:

Amendments to this Constitution shall be approved either by a two-thirds majority of all voting members of the Twin Cities Assembly at a regular or special meeting, or by a majority of all voting members of the Assembly at two meetings, the second of which shall be the next regular meeting, and provided the proposed amendment has been distributed, in writing, to the persons and in the manner provided in Article II, Section 5, for distribution of the Twin Cities Assembly agenda, at least 10 days prior to the date of the vote on the approval of the proposed amendment. Such amendments after adoption shall then be submitted to the University Senate and Regents for approval.

RUSSELL K. HOBBIE  
Chairman

IV. REPORT OF THE AD HOC  
COMMITTEE ON FACULTY ACCOUNTABILITY  
Reported for Action (1 hour 45 minutes)



UNIVERSITY OF MINNESOTA  
TWIN CITIES

Department of Psychology  
Elliott Hall  
Minneapolis, Minnesota 55455

October 23, 1974

Dr. A. J. Linck  
Acting Associate Vice President  
Academic Administration  
213 Morrill Hall

Dear Dr. Linck:

The University Senate, at its meeting of 30 May 1974, passed the following two motions:

Motions by S. Krislov, L. Reisman, M. Bognanno, J. Darley, H. Berman, R. Hobbie, H. Weinberger

1. To rescind *without prejudice* the action of the Senate of May 23 approving the Weckwerth Amendments
2. To receive the Darley Report as otherwise amended, and refer the document and pending amendments including the Weckwerth Amendments to a committee which shall include members of the Darley Committee and others; which committee shall prepare a new draft of the proposal incorporating the sense of the Senate and reporting back to the Senate in the fall.

Pursuant to this action, Vice President Chase appointed the specified committee in a letter of 14 June 1974. That committee has held six meetings during the summer and fall of 1974 and has prepared the policy statement called for in the Senate motion. In the preparation of this statement, draft copies were sent to all members of the original ad hoc committee appointed by Vice President Shepherd and members of that committee joined in the meetings this fall that produced the present draft.

The policy statement is attached to this letter. We request that it now be sent to the members of the Consultative Committee, the Senate Committee on Educational Policy, and the Senate Committee on Faculty Welfare. These are the three committees that have reviewed earlier drafts of the policy.

We also request that it be placed on the docket for the Senate meeting of 21 November 1974 for action. This covering letter should appear on the Senate docket also, as an introduction to the action item.

Copies should also go to the full membership of the original ad hoc Committee on Faculty Accountability appointed in the summer of 1973 by Vice President Shepherd and to those appointed to the augmented membership as listed in Vice President Chase's letter of 14 June 1974.

The committee appointed by Vice President Chase had before it copies of the text of the earlier policy formulated during fourteen meetings held in 1973-74. The committee had, in addition, all amendments to this policy that had been passed by the Senate last spring and all proposed amendments that had been submitted by senators during debate last spring.

Between now and the time of the Senate meeting on 21 November, we plan to carry on informal discussions of the proposed policy with representatives of the Senate committees to which we are asking that copies be sent and with other interested senators who were active during last spring's Senate meetings.

Yours cordially,

John G. Darley  
Chairman

JGD: sk

enc.

ad hoc Committee on Faculty  
Accountability: (appointed  
by Vice President Shepherd in  
August, 1973)

Professor John G. Darley, Chairman  
Professor Wendell P. Glick  
Professor Grace W. Gray  
Professor Willard W. Hartup  
Professor Eric Klinger  
Professor Arnold Lazarow  
Mrs. Mary Ellen Lundsten  
Professor William P. Martin  
Professor William E. Mishler  
Professor William Peria  
Professor Betty W. Robinett  
Professor Michael Root  
Professor Geneva H. Southall  
Professor Robert Stein  
Professor Barbara J. Stuhler  
Mr. David Winegar  
Professor Mahmood Zaidi

Committee appointed by Vice  
President Chase following  
Senate motion of 30 May 1974:

Professor N. R. Amundsen  
Professor Mario F. Bognanno  
Professor John G. Darley, Chairman  
Professor Bernard V. Haxby  
Professor Russell K. Hobbie  
Mrs. Mary Ellen Lundsten  
Professor William Peria  
Professor Peter H. Robinson  
Professor Michael Root  
Professor Robert Stein

PROPOSED POLICY ON PROFESSIONAL  
CONSULTING, SERVICE ACTIVITIES,  
AND OTHER OUTSIDE WORK

PREAMBLE

The primary missions of the University that define the professional activities of the faculty<sup>1</sup> are teaching and learning, scholarship (including research and artistic creation), and service to the University and to the wider community. While these missions are usually complementary, they sometimes generate conflicting demands on faculty time. Faculty responsibilities for teaching, scholarship, and administration, for example, must frequently be met off campus, at odd hours, often exacting commitments of evenings and weekends.<sup>2</sup> Similarly, as faculty members respond to the needs of the wider community, they may be required to spend some time on "outside activities" during the "ordinary" working week.

Since outside demands for the talents and expertise of its faculty may on occasion affect University service, guidelines are needed to regulate the proper degree of response to these demands. In general, it seems proper to restrict service activities if they may: 1) interfere with a faculty member's ability to carry out his contractual responsibilities; 2) adversely affect any of the University's missions; or 3) make use of University resources or facilities.

It should be clearly understood, however, that employment by the University does not preclude some non-University service so long as University responsibilities are fully met. A faculty member may have a talent or be able to provide a service that can be found nowhere else in the community, and employment by the University should not prevent his making these talents or services available to a community that seeks them. Indeed, the provision of this talent or service may enhance the faculty member's capacity or reputation as a teacher or scholar and thus directly contribute to the University's primary missions.

Faculty members, like all citizens, have rights that are protected under the provisions of the Constitutions of the United States and the State of Minnesota. While the University, like any other employer, can place restrictions on the activity of its employees as necessary to ensure the discharge of their responsibilities, it must also take care not to abridge those rights.

This document synthesizes, revises, and extends policies which have grown by accretion since the initial Regents' action of 1914. Omitted from this statement is the 1914 prohibition of employment of the faculty member "which shall bring him as an expert or in any other capacity into antagonism to the interests of the State of Minnesota."<sup>3</sup> It is understandable that the State of Minnesota, like any other employer, would find it objectionable for its own employees to serve interests adverse to itself. However, since it is a scholar's obligation to scrutinize proposals, programs, and policies in the light of existing knowledge, it is understandable that he may serve variously as advocate and critic. A University policy on outside professional activities prohibiting any criticism that could be construed as antagonistic to "the interests of the State" would not serve the interests of the citizens. Just as Minnesota citizens are entitled to supportive statements where government policies are perceived by faculty members to be of benefit, so, too, are they entitled to expert challenge of government policies perceived by faculty members to be in error. Such challenges may take the form of scholarly publication, legislative drafting and lobbying, or expert testimony in litigation.<sup>4</sup> Of course, any such activity must satisfy the criteria set forth in Section I of this policy.

The intent of this policy is to: 1) identify professional contributions and service rendered by the University to the outside community; 2) establish mechanisms for assuring the accountability of the University and its faculty with respect to outside activities<sup>5</sup>; and 3) provide rules which attempt to reconcile, as equitably as possible, conflicts between outside demands on faculty members' time and their varied University responsibilities.

Many of the activities subject to the provisions of this policy are an important part of the mission of the University. No inference should be drawn that such activities are deemed inappropriate or are to be discouraged.

SECTION I. GENERAL POLICY

A. Application of Policy

This policy statement applies to individuals holding appointments at the rank of instructor and above (including positions as research fellow, research associate, and general administrative officer with academic rank) for the term of appointment. The term of appointment for a B appointee is nine months—16 September to 15 June; for an A appointee the term is effectively eleven months, since one month is officially recognized as vacation. For those on less than 100 percent time, the policy shall be applied in a manner consistent with the individual's University commitment.

B. Definition of Outside Activity and Outside Professional Activity

"Outside activity" means work for any non-University entity whether or not performed on the University campus.

"Outside professional activity" is outside activity of a nature requiring the special training, expertise and/or certification that qualifies the faculty member for his University appointment.

For certain faculty members, the distinction between involvement in community activities as a citizen and involvement in such activities as a professional is difficult to determine. Faculty members may judge the nature of their community activities and, if they deem them to be citizen-related rather than professional activities, such activities may be exempt from the prior approval and reporting requirements of this policy.

For the purposes of this policy, work supported by grant or contract funds awarded to the University and accepted by the Board of Regents does not constitute outside activity. Similarly, teaching in extension courses does not constitute outside activity for the purposes of this policy. For some units, community contact and outreach are part of their University responsibilities and, therefore, are not considered an outside activity under the terms of this policy. All such activities will be governed by departmental, collegiate and other University policies.

C. Conditions under which Outside Professional Activities are Permitted

Faculty members may engage in outside professional consulting or service activity which 1) does not interfere with the discharge of their teaching, research, service, and administrative responsibilities to the University; 2) either enhances their capacity or reputation as a teacher or scholar, or constitutes a public service; 3) is primarily of a referral and non-routine nature<sup>6</sup>; and 4) does not exceed the time limitation on outside commitments specified in Section F below.

<sup>1</sup>"Faculty," as used in this document, includes administrative officers with faculty rank.

<sup>2</sup>Indeed, faculty load studies conducted over the last forty years have consistently reported a fifty-five to sixty hour work week for the average faculty member. See Fall '73 Faculty Activity Analysis: Brief Summary, March 12, 1974, Management, Planning and Information Services; Faculty Activities Report, fall quarter, 1969, Bureau of Institutional Research; and Career Motivations and Satisfaction of College Teachers, conducted under a grant from the Cooperative Research Program for the U.S. Office of Education, 1958.

<sup>3</sup>Many important activities within the University are in conflict with the 1914 prohibition. The Law School's Legal Aid program is an obvious violation. Publication of an article by a faculty member arising out of service to an organization which criticizes the policy of any state agency is an example of another common violation.

<sup>4</sup>The University Senate Statement on Academic Freedom and Responsibility, of December 3, 1970, as approved by the Board of Regents, explicitly provides for freedom of inquiry and dissemination. "Freedom of dissemination means that the scholar has the freedom to discuss his ideas and to make them public."

<sup>5</sup>"Outside activities" are defined in Section I-B.

<sup>6</sup>This idea was expressed in the 1914 statement of the policy as follows: "While it is not possible to draw the line definitely between professional service of an expert or consultative character and routine professional work, the University is opposed to the entrance of University (faculty) in ordinary competition in the various professional fields."

**D. Non-Professional Compensated Employment (or Self-Employment) Activities**

It is understood that during the term of appointment full-time faculty members will forego employment (or self-employment) activities that are unrelated to their professional competence.

**E. Prior Approval and Reporting of Outside Professional Activities**

This paragraph specifies those activities for which prior approval and/or annual reporting are necessary. The faculty member shall obtain prior approval, when required, in the manner outlined in Section II-A, below. The faculty member shall report in the manner outlined in Section II-B, below.

**1. Prior Approval**

The faculty member shall obtain prior approval for each outside professional activity that is engaged in for more than an average of one day per month in any single term of University appointment.

**2. Reporting**

The faculty member shall report each outside professional activity that is engaged in for more than three days in any single term of University appointment.

**3. Activities Excluded from the Prior Approval and Reporting Requirements**

Under the terms of this policy, the following activities need not be reported nor does prior approval have to be sought for them, because they are expected of faculty members as part of their normal scholarly activities:

- attendance at professional meetings
- the writing of books or articles or the creation of works of art
- the giving of occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and the like
- ad hoc refereeing of manuscripts

These activities, however, shall not interfere with the discharge of faculty members' other teaching, service, research or administrative responsibilities. Such activities will be governed by collegiate or academic unit policies.

**F. Time Limitation on Outside Professional Activities**

The outside professional activities of the full-time faculty member shall not exceed an average of one day per seven-day-week for the term of the appointment.<sup>7</sup>

The activities listed in I.E.3, above, are excluded from this limitation as they are from the approval and reporting requirements.

The way in which all outside professional activities are scheduled, including the activities listed in I.E.3, above, shall, in the judgment of the unit administrator, be compatible with the faculty member's obligations to the University. The arrangements may, in the judgment of the unit administrator, include provisions for a special contract or reduction in University compensation.

**G. Appearance Before Public Bodies**

Any member of the faculty who testifies either in person or by way of a written communication, before any public body or public official, regarding any issue or matter up for consideration, discussion, or action, and who is identified as a faculty member, shall make known clearly, completely, and candidly whether he is, or is not, speaking on the matter as a representative of the University. Where he is not speaking for the University, he shall either indicate that he is speaking for himself, or shall identify the sponsoring individual, corporation, or organization which is supporting or has supported his studies relevant to the testimony, or under whose auspices he is appearing or sending the communication. He shall also explain the conditions of his association with the sponsor.

**H. Use of the University Name**

No member of the faculty shall use the University name for advertising purposes. A member of the faculty engaging in outside activity may identify his association with the University, but shall take care that the name of the University is not used in any way that implies endorsement or approval of the activity.

**I. Use of the Official Stationery or of the University Address**

No member of the faculty shall use the official stationery of the University, or give as a business address any building or unit of the institution in connection with: 1) outside non-professional activities, or 2) outside professional activities engaged in primarily for private purposes.

**J. Use of University Facilities**

No member of the faculty shall use University equipment or services for activities not relevant to his University responsibilities without first obtaining approval<sup>8</sup> from, and arranging for payment of a reasonable fee for such services with, the unit administrator, dean, and the Assistant Vice President, Business Administration, in the Office of the Vice President for Finance, Planning and Operations. Use of certain University equipment or services may not require prior approval when it is understood that such equipment or services are generally available to the University faculty for the payment of a reasonable fee.

**K. Holding Public Office**

1. Faculty members share with their fellow citizens the right to campaign for and to hold public office without their employer's prior approval. It is desirable, however, that any faculty member contemplating candidacy for elective political office or appointment to public office, where the duties of a campaign or the holding of the office would seriously interfere with the fulfillment of University responsibilities, consult in advance with the appropriate collegiate and administrative units of the University. Consultation should focus on the question of whether or not temporary suspension of some portion of the faculty member's responsibilities can be accommodated without serious impairment of the function of the department or unit involved.

2. When a faculty member is appointed to or elected to public office, e.g., to the State Legislature, requiring absence from University duties for continuous periods of time of one year or less, it is anticipated that normal leave of absence procedures, or other appropriate arrangements such as a special contract or a reduced teaching load with a commensurate adjustment in salary, for the year or portions thereof will be invoked. The faculty member shall provide to the unit administrator as much notice as possible to insure that ample time will be provided the unit to replace or otherwise arrange to meet the absent faculty member's responsibilities. Prior approval by the Board of Regents continues to be required for any full or partial leave of absence.

3. When a faculty member is appointed to or elected to public office requiring full-time service for a period of more than one year, e.g., to offices such as Governor, United States Representative, or United States Senator, it is expected that he will resign from the

University faculty position after election. In the case of other appointments which may be for indeterminate periods of time, full or partial leaves of absence<sup>9</sup> may be negotiated annually, or if requests for leave extend beyond reasonable limits, resignation may be expected.

The purpose of this section of the policy is to balance public service of University faculty with the University's primary obligations to maintain its teaching programs and foster research and creativity. At the same time, it seeks to encourage public service, including the holding of public office. It is, of course, understood that the faculty member's association with the University should not be misused in campaign activities or campaign literature.

**L. Special Requests for Exemption**

It is recognized that special circumstances arise from time to time in the personal lives of faculty members or in the nature of their University commitments. Because of such circumstances, faculty members may seek exemption from any of the specific provisions of this policy. Such a request shall be made in writing to the unit administrator. The request will be reviewed by the unit administrator, dean, and Academic Vice President in the same manner as for routine requests for prior approval (Section II.A. below). Any activity approved under this provision shall be reported (Section II.B. below).

**SECTION II. PROCEDURES FOR APPROVAL, REPORTING AND MONITORING OF OUTSIDE ACTIVITIES****A. Prior Approval**

- Prior approval of the appropriate unit administrator (department, unit, or division chairman) must be secured for those activities specified in Section I as requiring such approval. The faculty member contemplating such activity shall initiate the request for approval. Approval forms may be obtained from the appropriate unit administrator and shall be submitted to that office.
- The request form for approval shall include the following information: name of faculty member; name of client; type of outside activity involved; period of time during which such activity is to be performed; estimated amount and distribution of time, in days or fractions thereof, to be spent on the activity; whether or not this activity will be compensated<sup>9</sup>; and signature and date.
- The request shall be approved or denied by the appropriate unit administrator. The faculty member may proceed on the basis of interim approval by the unit administrator. The request shall then be reviewed by the collegiate dean or campus administrator for academic affairs, and by the Academic Vice President, and may be approved or denied at these levels. If denied at any administrative level, the reasons shall be stated in writing. In case of denial, the faculty member may request review at the next higher administrative level, up to the office of the Vice President for Academic Affairs. If the faculty member is not satisfied with the action ultimately taken, he may invoke the appropriate University grievance procedures.

**B. Procedures for Reporting**

All faculty members shall report to their appropriate unit administrator on an annual basis those activities specified in Section I as requiring such reporting.

- Forms for annual reporting of these activities shall include: name of faculty member; project description; number of days or fractions thereof spent on the project; dates of initiation and termination of the activity; and signature and date. These reports shall be filed with the unit administrator and kept for at least five years.
- These annual reports submitted to the appropriate unit administrator shall be summarized and the summary forwarded to the dean or academic vice provost. This annual summary shall include a statement of the number of denials and the reasons therefor; the summary may identify activities by individual.
- The dean or academic vice provost shall submit an annual summary of the outside activities of his unit to the Academic Vice President. This summary shall also include a statement of the number of denials and the reasons therefor.
- The Academic Vice President shall maintain these records and shall make this information public in any way he deems appropriate.

**C. Procedures for Monitoring**

The Academic Vice President, in cooperation with the appropriate dean, shall periodically review a random selection of individual and unit reports in order to evaluate the approval and reporting systems, and shall make recommendations regarding the effectiveness of this policy to the President.

**SECTION III. DISSEMINATION OF POLICY STATEMENT**

- The Academic Vice President shall annually advise all faculty members of this policy.
- All candidates interviewed for faculty positions shall be informed of the University's policy.
- Copies of the current policy shall be available in the Academic Vice President's office for distribution in response to requests for information about the University's policy.

<sup>7</sup>For those with "B" appointments, this amounts to a maximum of 39 days in the term of appointment; for those with "A" appointments, this amounts to a maximum of 48 days in the eleven months of active service. The full-day equivalence of activities carried out in a series of fractional-day blocks shall be computed by dividing the total number of hours expended by twelve.

<sup>8</sup>B.A. Form 39

<sup>9</sup>A "compensated" activity is one for which honoraria, fees, or other benefits over and above expenses are received; reimbursement for expenses is not to be construed as compensation.

## SECTION IV. VIOLATION OF POLICY

- A. Students, faculty, and staff may report alleged violations of this policy to the appropriate unit administrator. The unit administrator shall take such action on the complaint as he deems appropriate and report the action in writing to the complainant. If any party to the complaint is not satisfied with the action, he may invoke the appropriate University grievance procedures.
- B. Persons who are not members of the University community may report possible violations of this policy to the Office of the President.
1. The President shall transmit the complaint to the unit administrator through proper channels.
  2. The unit administrator shall take such action on the complaint as he deems appropriate. The unit administrator shall transmit through the same channels a written statement of the action taken.
  3. If he concurs, the President shall report the action taken to the complainant and to the faculty member. If the faculty member is not satisfied with the action, he may invoke the appropriate University grievance procedures. If the President does not concur, he shall return the complaint to the unit administrator requesting additional consideration. If the unit administrator in consultation with the faculty of the unit, cannot reach a determination with which the President concurs, the unit administrator shall invoke the appropriate University grievance procedures.

## END OF POLICY

## PROPOSED AMENDMENTS

Proposed amendments which have been received by the Clerk of the Senate by Sunday, November 10, are listed below, in the order in which they would appear in the document. Additional amendments may be submitted to the Clerk of the Senate until 1:00 PM on Tuesday, November 19.

## AMENDMENTS TO THE PREAMBLE

1. **To be proposed by Philip J. Tichenor for AAUP.**  
In the second paragraph, delete: 2) adversely affect any of the University's missions; and change item 3 to read 2) unduly deplete University resources.
2. **To be proposed by Mahmood Zaidi for the Senate Committee on Faculty Affairs.**  
In the second paragraph, delete: 2) adversely affect any of the University's missions;
3. **To be proposed by AAUP.**  
In the first sentence of the third paragraph, delete the word *some*.
4. **To be proposed by AAUP.**  
In the fourth paragraph, second sentence, delete *like any other employer*, and delete *also*.
5. **To be proposed by SCFA.**  
In the fourth paragraph, second sentence, delete *like any other employer*.
6. **To be proposed by AAUP.**  
In paragraph five, third sentence, delete *like any other employer*.
7. **To be proposed by AAUP.**  
In paragraph five, change the last sentence to read: *Of course, any such activity must satisfy the time criterion set forth in Section I of this policy.*
8. **To be proposed by SCFA.**  
In paragraph five, delete footnote 3, which reads: *Many important activities within the University are in conflict with the 1914 prohibition. The Law School's Legal Aid Program is an obvious violation. Publication of an article by a faculty member arising out of service to an organization which criticizes the policy of any state agency is an example of another common violation.*
9. **To be proposed by AAUP.**  
In paragraph six, change 3) to read: 3) *Provide rules which attempt to reconcile, as equitably as possible, conflicts arising from demands on faculty members' time.*
10. **To be proposed by Vernon Weckwerth.**  
Add a new paragraph to the end of the preamble:  
*Since the greatness of this University is in great part reflected by the greatness of its faculty, it is critical that its faculty bring prestige to it via the faculty's worthiness both in aggregate and individually. Among many possible indicators of faculty worth is the professional prestige, competence and occasionally uniqueness of individual faculty reflected by their being wanted as consultants. Thus it is a meritorious indicator that faculty members do participate in consultation, whether compensated or not, and that all faculty annually report both the consultation as stipulated below, or that no consultation meeting these stipulations was done.*

## AMENDMENTS TO SECTION IA.

11. **To be proposed by AAUP.**  
Change the last sentence to read: *For those on less than 100 per cent time, or on any other lettered appointment, the policy shall be applied in a manner consistent with the individual's University commitment.*
12. **To be proposed by Vernon Weckwerth.**  
Add the following paragraph:  
*Since faculty members fulfill their obligations to the University in a variety of time schedules, it is difficult to arrive at any fixed pattern by days or hours. In addition, the function of a faculty is substantively and substantially different from many other job endeavors which might permit beginning and ending at any fixed times. However, it is necessary that the application of this policy not apply to the faculty member for every hour of every day during the term of appointment, since such application expresses the implied warranty that each faculty member is continuously on the job, which not only denies the person both private rights and personal obligations but is clearly publically invalid. There must be, beyond the obligation to such University commitment, time which can be legitimately considered "personal disposable time" which can be used as a discretionary good and right of the faculty member. For this reason the following definition of full-time is given in terms of a full-time week: 5 days, typically Monday through Friday, within each seven-day week, plus at most 1/2 day per week on the average during the term of the appointment if compensated consultation exceeds an average of 1/2 day per week. Where necessary, substitutions of days can be approved by the unit administrator and are subject to all other conditions of this policy.*

## AMENDMENTS TO SECTION IC.

13. **To be proposed by AAUP.**  
Change the heading to read: *Condition under which Compensated Outside Occupational and/or Professional Activities are Permitted.*  
Delete conditions 1, 2 and 3, so that the entire text reads: *Faculty members may engage in outside occupational, professional consulting or service activity which does not exceed the time limitation on outside commitments specified in Section F below.*

## 14. To be proposed by SCFA.

- In the first sentence
- (a) delete the words *consulting or service*
  - (b) replace points 2) and 3) by the following: 2) *is primarily of a referral and non-routine nature (except for activities that either enhance the faculty member's capacity or reputation as a teacher or scholar, or constitute a public service)*
  - (c) renumber 4) as 3).

## AMENDMENTS TO SECTION ID.

15. **To be proposed by John G. Darley on behalf of the Committee.**  
Substitute the following language for the present section I.D.:

*It is expected that during the term of appointment full-time faculty members will forego employment or (self-employment) activities that are unrelated to their professional competence. If, however, such activities must be pursued, this policy requires that 1) the activities not interfere with the fulfillment of the faculty member's University responsibilities, and 2) the faculty member seek approval for and report those activities in the manner prescribed below if they exceed the time limits set forth in Section F below.*

## 16. To be proposed by AAUP.

- Eliminate Section ID entirely, and renumber the subsequent sections.

## AMENDMENTS TO SECTION IE.

17. **To be proposed by Leonid Hurwicz.**  
In section I.E.1, insert *compensated* before *outside*. The section will then read: *The faculty member shall obtain prior approval for each compensated outside professional activity that is engaged in for more than an average of one day per month in any single term of University appointment.*

## 18. To be proposed by Vernon Weckwerth.

- In section I.E.1, replace average of one day per month by average of 1/4 day per full time week.

## 19. To be proposed by Vernon Weckwerth.

- Reword section I.E.2 to read: *The faculty member shall report each outside professional activity that is engaged in for more than three days during days of full-time weeks in any single term of university appointment.*

## 20. To be proposed by Josef Altholz.

- Amend I.E. by inserting the following new paragraph as paragraph 3. and renumbering the present 3. as 4.:

## 3. Activities Excluded from the Prior Approval Requirement

*Under the terms of this policy, the following activities do not require prior approval, as they represent normal forms of professional activity:*

- a. holding office in a scholarly or professional organization
- b. editorial office or duties for a learned journal.

*These activities, however, must be reported if they are engaged in for more than three days in any single term and, in any case, shall not interfere with the discharge of faculty members' other teaching, service, research or administrative responsibilities.*

## 21. To be proposed by SCFA.

- Reword the present I.E.3 as follows:

*Under the terms of this policy certain outside activities are expected of faculty members as part of their normal scholarly activities and are therefore exempted from the requirements of prior approval, reporting and from the time limitations of Section I., Sub-section F below, while remaining subject to provision Section I., Sub-section C, 1.*

*Among such exempted outside activities are the following:*

- a. attendance at professional meetings;
- b. the writing of books or articles or the creation of works of art;
- c. the giving of occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings;
- d. ad hoc refereeing of manuscripts.

## AMENDMENTS TO SECTION IF.

22. **To be proposed by Vernon Weckwerth.**  
Replace *per seven day week* by *per full time week*.

## AMENDMENTS TO SECTION IG.

23. **To be proposed by SCFA.**  
Add the following paragraph:  
*Participation in the activities of a political party does not come under the provisions of this section.*

## AMENDMENTS TO SECTION IJ.

24. **To be proposed by AAUP.**  
Change the first sentence of this section to read: *No member of the faculty shall use University equipment or services for activities not relevant to his or her University responsibilities in a way that unduly depletes University resources without first obtaining approval for and arranging for payment of a reasonable fee for such services with the University Administration.*

## AMENDMENTS TO SECTION IK.

25. **To be proposed by SCFA.**  
Change 3. to read as follows:  
*When a faculty member is appointed to or elected to public office requiring continuous full-time service for a specified period of two or more years, e.g. to offices such as Governor, U.S. Representative, or U.S. Senator, it is expected that he will resign from the University faculty position after such election or appointment.*  
*In the case of appointments for an indeterminate period of time, full or partial leaves of absence may be negotiated annually, or if requests for leave extend beyond reasonable limits, resignation may be expected.*

## AMENDMENTS TO SECTION II

26. **To be proposed by SCFA.**  
Change II.A.3 by inserting at the end of the first sentence: *within a reasonable time, normally not to exceed two weeks.*
27. **To be proposed by AAUP.**  
Change II.B.4 to read: *The Academic Vice-President shall maintain these records and shall make this information public in manners consistent with University procedures, giving proper attention to rights of privacy of individual faculty members. Information on individuals shall be kept confidential as are personnel data in general.*

## AMENDMENTS TO SECTION IV.

28. **To be introduced by SCFA.**  
Use the following sentence to replace the second sentence of IV.A, and also use it to replace the first sentence of IV.B.2: *The unit administrator, after consultation with the person accused of violation, shall take action on the complaint in accordance with established policies and procedures and report the action in writing to the person accused of the violation as well as to the complainant.*
29. **To be introduced by AAUP.**  
Replace the second sentence of IV.A with the following: *The unit administrator shall take action on the complaint which is consistent with University policy and report the action in writing to the complainant.*

**30. To be proposed by AAUP.**

Replace the first sentence of IV.B.2. by the following: *The unit administrator shall take action on the complaint which is consistent with University policy.*

**31. To be proposed by John G. Darley for the Committee.**

Change the second sentence of IV.B.2. to read as follows: *The Unit Administrator should transmit to the President through the same channels a written statement of the action taken.*

**AMENDMENT TO ENTIRE DOCUMENT.**

**32. To be proposed by Leon Reisman.**

Wherever the masculine pronoun appears it shall be joined by a diagonal slash line to the congruent form of the feminine pronoun. The Clerk of the Senate shall be responsible for revising the document as this amendment instructs.

**ADDITIONAL COMMENTS BY  
THE SENATE COMMITTEE ON FACULTY AFFAIRS**

I. The SCFA goes on record as favoring the endorsement of the spirit of Section I, Sub-sections G, H, I and J, it being understood that the precise language and certain technical aspects be subject to subsequent emendation. This is without prejudice to other provisions of the document.

II. The SCFA was not able to complete the discussion of this Report by the deadline for submitting agenda items for publication in the DAILY and therefore the balance of the comments on this Report will be made to the Senate on November 21, 1974.

MAHMOOD A. ZAIDI  
Chairperson

**V. RECESS THE UNIVERSITY SENATE**

**VI. CONVENE THE FACULTY SENATE TO RATIFY THE POLICY  
ON PROFESSIONAL CONSULTING, SERVICE ACTIVITIES,  
AND OTHER OUTSIDE WORK, AS APPROVED BY THE UNI-  
VERSITY SENATE**

**VII. RECONVENE THE UNIVERSITY SENATE**

**VIII. REPORT OF THE UNIVERSITY COMMITTEE  
ON BUSINESS AND RULES  
Reported for Action (10 minutes)**

AMEND THE CONSTITUTION Article III, Section 5:

**New Section 5 (renumber the remaining sections in Article III)**

**5. Removal for neglect of meetings**

- a. A member of the Senate shall be said to have neglected a meeting if the member does not attend and does not provide an alternate and does not notify the clerk, in writing, of the impending absence.
- b. A member of the Faculty Senate shall forfeit membership by neglecting three consecutive meetings of the University Senate. A member of the Student Senate shall forfeit membership by neglecting two consecutive meetings of the University Senate.
- c. The clerk of the Senate shall notify any member who will forfeit Senate membership by neglecting the next meeting of the Senate.
- d. A member of the Senate who holds membership in the Faculty or Student Senate, a Campus Assembly, a Campus Faculty Assembly or a Campus Student Assembly by virtue of holding membership in the Senate, shall forfeit Senate membership if membership in the other body is forfeited by failure to satisfy attendance criteria specified in the Constitution or Bylaws of the body.
- e. A member whose membership has been forfeited may appeal to the Consultative Committee for reinstatement.

RUSSELL K. HOBBIE  
Chairman

**IX. REPORT OF THE SENATE COMMITTEE ON COMMITTEES  
1. Reported for Information**

The Senate Committee on Committees will recommend, at the next meeting of the Senate, an amendment to the Senate Constitution to disestablish the Senate All-University Administrative Committee. Regularly scheduled meetings of the President with smaller administrative groups such as the Council of Academic Officers, the Central Officers Group, and the Provosts of Coordinate Campuses have made meetings of the larger group unnecessary. It is also recommended that the two committees which are mandated to report to the Senate through the Administrative Committee (the University Committee on All-University Honors and the University Committee on Social Policy) be allowed to report through the Consultative Committee on an interim basis for a period of one year while alternative arrangements are considered.

**Reported for Information**

Sylvan D. Burgstahler was elected to the Committee on Senate Committees from Duluth for a three year term (1974-77).

BETTY WALLACE ROBINETT  
Chairman

**X. QUESTIONS OF CONCERN TO THE SENATE**

**XI. REPORT OF THE SENATE LIBRARY COMMITTEE  
Reported for Information (15 minutes)**

The Senate Library Committee, at its meeting of November 7, 1974, reviewed the University's proposed legislative request for additional funds for the purchase and processing of library books. The Committee believes that the faculty, through the University Senate, should be informed of the seriousness of the inadequacy of the budget request. The following were facts that led the Committee to bring the matter to the Senate. (Although the statements are derived from Twin Cities

Campus libraries data, the implications apply to the Law Library and coordinate campus libraries as well.)

1. The book budget in 1974-5 is almost exactly the same as it was in 1969-70.
2. For U.S. publications, the price indexes for 1973 (the last published information available) was as follows, using 1967 as 100:
 

Hardcover books	145
Periodicals	202
Serial services	154
3. In 1973-74, our library experienced a 21% price increase in periodical subscription costs.
4. Foreign purchases, which represents over one-third of all purchases, have suffered both from the devaluation of the dollar and the inflationary increases abroad.
5. In 1967-8, expenditures for periodicals and serials accounted for 21% of the total book fund expenditures, leaving 79% for hardcover books. In 1974-75 this percentage is estimated to be about 50-50, this despite the fact that the periodical subscriptions have been reduced 20%, from 15,400 in 1970-71 to 12,700 in 1973-74.
6. The Director of Libraries, in analyzing the proposed legislative request, has projected a bare minimum for processing costs, and estimates that the request, should it be appropriated without change, will add approximately 23% to the book budget in 1975-76 and 13% in 1976-77. This may or may not be adequate to accommodate inflationary increases, and will do little to recover resources not obtained during the past five years.

Given the above considerations, the Senate Library Committee proposes for Senate consideration the following resolution:

*Resolved*, That the President reconsider the 45% reduction made in the proposed book fund request that had been accepted for legislative asking by various groups reviewing the University budget request, and that every effort be made to restore the purchasing power of the book budget to its 1969-70 level when it appeared to meet the major needs of the faculty and students for library resources.

LLOYD SMITH  
Chairman

**XII. OLD BUSINESS**

**XIII. NEW BUSINESS**

**XIV. DECEASED FACULTY MEMBERS**

RAYMOND W. BRINK  
1890-1973

F. STUART CHAPIN  
1888-1974

FRANCES S. DUNNING  
1896-1974

DR. JOHN LESTER EMMETT  
1903-1974

DR. WILLIAM HUGH FELDMAN  
1892-1974

DR. RAYMOND JOSEPH JACKMAN  
1906-1973

DR. FRANK HAMMOND KRUSEN  
1898-1973

DR. DUNCAN MORRISON MASSON  
1892-1972

DR. HENRY L. WILLIAMS  
1898-1974

# Academic freedom and faculty consulting policy

On November 21, the University Senate renews consideration of the recently-revised version of the Proposed Policy on Professional Consulting Service Activities and Other Outside Work, prepared by the Darley Committee this summer and early fall. The report and proposed amendments are elsewhere in today's Daily. In view of the ramifications of this policy for academic freedom, the University

Chapter of the American Association of University Professors (AAUP), in addition to presenting here the views of its Committee A, has invited others to express views on the policy and rationale for proposed amendments, in the interest of encouraging widespread discussion of the issues raised.

## Report of AAUP committee on academic freedom and tenure

Direct threats to academic freedom and to the individual faculty member's right to privacy are contained in the current version of the Darley committee's Proposed Policy on Professional Consulting Service Activities and Other Outside Work. The threat to academic freedom of expression arises, in our view, from the fact that the document provides for a permission system for outside activities, without specifying criteria. The threat to rights of individual privacy arise from the policy's provision for eliminating employment which is judged to be "unrelated" to one's professional competence.

### An arbitrary permission system

Most threatening to first amendment rights, in our opinion, is Section I-C which states that faculty members may engage in outside activities which meet all four of these conditions:

- 1) Does not interfere with the discharge of their teaching, research service and administrative responsibilities to the University;
- 2) **Either enhances their capacity or reputation as a teacher or scholar, or constitutes a public service; (emphasis added)**
- 3) **Is primarily of a referral and non-routine nature, and**
- 4) Does not exceed the time limitation on outside commitments specified in Section F.

Conditions 2) and 3) are broad, ambiguous, and impossible to apply in equal fashion. Since they do not provide criteria at all, they are inherently unfair. Existence of these provisions creates a situation allowing for and encouraging arbitrariness, and arbitrary standards pose a direct threat to freedom of expression. Conditions 2) and 3) could be used to suppress any faculty members whose views are unpopular.

### A single criterion: A time limitation

AAUP will offer an amendment to eliminate conditions 2) and 3) and to restate Section I-C in terms of a single criterion—a limitation on total time which may be spent on compensated outside activities of any kind. The total time acceptable for outside activities should be set at a level which is generally deemed as not interfering with the discharge of faculty responsibilities. A time limitation, applicable to all situations, avoids the arbitrariness inherent in I-D as now stated.

### Elimination of Section I-D

Section I-D in effect prevents employment of faculty members or self-employment in activities which "are unrelated to their professional competence." This provision represents an unwarranted intrusion into the private lives of faculty members and therefore has no place in a University document. Our view is that all compensated activities are governed by the same basic time criterion and, up to the maximum level, should require no other permission. AAUP will move to delete section I-D.

### Freedom of expression and the "University's missions."

The second paragraph of the preamble states that outside activities may be restricted if they may "adversely affect any of the University's missions." This again, is a provision which can be used to suppress unpopular views, especially view about the University itself. The fifth paragraph of the preamble argues, correctly in our view, that it would be improper to restrict criticism which could be construed as antagonistic "to the interests of the State." Precisely the same reasoning should apply to the statement about "University's missions," which should therefore be deleted.

### Lack of widespread input to date

In view of the major implications of this document, it is especially critical that it receive widespread faculty study, and that it not be rushed through the Senate in an atmosphere of hurried emergency. Faculty groups this fall have been repeatedly frustrated in attempts to make inputs into revisions of the document; neither AAUP of UMFT was given copies of at least three revisions which were developed between July and early October.

While several crucial issues are cited here, others in the document merit close study. For example, the proposal provides for an extensive reporting system; an AAUP-sponsored amendment specifies that individual confidentiality be protected in public disclosures of such reports.

Concerned persons and groups should communicate their views to senators, to organizations and individuals represented on this page, and to the Darley committee itself.

## UMFT's amendments to proposed policy on consulting

The specific amendments that follow reflect these two general positions of the UMFT: 1) Reporting procedures and sanctions should refer only to **compensated**, professional work.

The UMFT agrees to the regulation of the outside professional activity of faculty in the specific case of extensive, compensated work which either leads to neglect of the faculty member's teaching and research duties, or leads to misrepresentation of the role of the University in the business or public testimony of the faculty, or both. The only consideration in the drawing up of these regulations should be whether or not the faculty member is meeting her or his teaching and research duties. The inclusion of non-compensated work in these regulations is potentially a dangerous infringement upon the academic freedom and civil liberties of the faculty, and in any case is unnecessary. It is unnecessary because the present tenure regulations already include provisions for faculty members who neglect their teaching and research duties in favor of non-compensated outside activities, whether professional or non-professional.

2) Regulations and sanctions regarding compensated, outside work should include protection of the faculty member against arbitrary and capricious interpretations and prosecution by the unit administrators.

Specific amendments proposed by the UMFT. Words to be added are underlined.

Preamble, para. 2. Delete "2) adversely affect any of the University's missions."

Preamble, para. 5. Delete footnote 3.

Preamble, para. 5, sentence 5, "...would not serve the interests of the citizens, nor the real, long term interests of the state.

Section I B para. 1. "Outside activity" means compensated work...

para. 2. "Outside professional activity" is compensated work....

para. 4. For the purposes of this policy, work supported by grant or contract funds.....does not constitute outside activity, provided that the principal investigator(s) are not paid consultants to the grantor during the life of the grant or contract.

Section I C. Title: Conditions under which compensated outside activities are permitted. paragraph: delete 2) and 3).

Section I D. Delete this section altogether.

Section I E. 1. The faculty member shall obtain prior approval for each compensated outside professional....

I E. 2. The faculty shall report each compensated outside professional activity....

IE.3. The four items under a.b.c.d., should be understood to be examples, and not an inclusive listing of exceptions.

Section IF. Para 1. The outside compensated professional activities of the full-time faculty.....shall not exceed an average of one day per Monday-Friday work week for the term of the appointment (Delete "per seven day week".)

Section I G. Any member of the faculty who...shall make known clearly, completely and candidly whether he is, or is not, speaking on the matter as a representative of the University. If he is speaking only for himself, he shall so indicate. If not, he shall identify, if any, the sponsoring....the communication. He shall also explain the conditions of his association with the sponsor.

Participation in the activities of a political party do not come under the provisions of this section.

Section I I. Delete "1) outside non-professional activities."

Section I K. 3. When a faculty member is appointed to, or elected to public office requiring full-time service for a period of more than one elected term (delete "one year") e.g., to offices....will resign from the University faculty position after election to a second term.

Reword the last paragraph, second sentence as follows: At the same time it seeks to encourage public service, including the holding of public office, and, in any case, not to interfere with the faculty's right to participate freely in the political process.

Section II A.3. The request shall be approved or denied by the appropriate unit administrator who must respond within two weeks. The faculty member may proceed on the basis of interim approval by the unit administrator. Failure of the unit administrator to respond within two weeks shall be construed as approval. The request shall then be reviewed.....If denied at any administrative level, the reasons shall be stated in writing, and the burden of proof shall be upon the administrator...

Section IV A. The unit administrator, after consultation with the person accused of violation, shall take action on the complaint in accord with existing policies of the University (delete "as he deems appropriate") and report the action in writing to the person accused of violation as well as to the complainant.

## A Senator's view

I am grateful to the AAUP Chapter for this opportunity to present my position on the proposals of the Committee of Faculty Accountability. The Committee deserves credit for having grappled with complex issues, even though the solutions it proposes should, in my view, be revised in a number of important respects.

First, I strongly object to the scope of the professional activities that would require prior administrative approval. At the very least, the University should adopt the presumption that outside uncompensated professional activities reflect good judgment on the part of its faculty. Therefore, I have proposed an amendment restricting the requirement of prior approval (Sec.I.E.1) to compensated outside activities only. (In fact, such an amendment was passed by the Senate last year and was not rescinded; since the new draft was supposed to incorporate the sense of the Senate, it is surprising that it does not now include this amendment.)

It has been argued cogently that a similar restriction to compensated activities should be adopted with regard to reporting (I.E.2); I regard the above amendment as representing the minimal change necessary and I will support a similar amendment with regard to reporting.

Second, I hold that the requirement of (I.C.2) represents a worthy goal but has no place in administrative regulations, since it routinely imposes on the faculty member the unreasonable burden of proof that his outside professional activities are of professional or public service value. Therefore, I have proposed that Sec. (I.C.2) should be deleted.

As for Sec. (I.C.3) which prohibits 'referral' or 'routine' outside professional activities, it introduces concepts that are subject to arbitrary interpretations. If it is not altogether deleted, it should at least provide the faculty member with an opportunity to demonstrate the professional or public service value of such activities, and that is what I have proposed as an amendment to Sec. (I.C.).

Sec. (I.E.3) (Activities Excluded from the Prior Approval and Reporting Requirements) is too narrow. My amendment broadens the exclusion to all normal scholarly activities, and treats the Committee's listing as merely illustrative.

Two of my amendments are designed to provide certain procedural guarantees that are missing from the Committee's proposal. There should be a time limit on responses to a request for approval, and two weeks seems reasonable under normal circumstances (Sec. II.A.3). Also, Sec. IV on violations fails to provide adequate guarantees of due process to those who have been accused of violations. I have proposed that the unit administrator be required to consult with the accused before taking action, and to report to the accused in writing the action taken. It may well be that further guarantees should be provided.

Sec. (I.G.), on appearances before public bodies, deals effectively with an important and timely issue. I hope the Senate may have an opportunity to go on record as favoring the spirit of its provisions, as well as that of the closely related sections on the use of the University's name, stationery, address, and facilities (Sections I.H,I,J), even if the complexity of the debate does not permit the adoption of their specific language. This could perhaps be accomplished by a 'sense of the Senate' resolution, and would be without prejudice with regard to other provisions of the draft proposal.

As for the specific language of Sec. (I.G.), I have proposed an amendment stating that participation in the activities of a political party does not come under its provisions. It is my understanding that this amendment is in accordance with the Committee's intent, but an explicit exclusion is desirable since, e.g., someone might interpret a statement before a party's platform committee as 'an appearance before a public body.'

Professor Leonid Hurwicz  
Senate member CLA

\*Some amendments include those suggested by Prof. Leonid Hurwicz

MBA  
P65

**MEETING OF THE  
UNIVERSITY SENATE**  
Thursday, November 21, 1974  
3:15 p.m.

**Nicholson Auditorium—Twin Cities Campus  
Regents Room (520 Administration Building)—Duluth Campus  
106 Education Building—Morris Campus**

It will probably be necessary to adjourn the meeting until Thursday, Dec. 5, in order to complete all the business on the docket.

**ADDITIONAL AMENDMENTS TO THE  
REPORT ON FACULTY  
ACCOUNTABILITY WHICH WILL BE  
PROPOSED AT THE MEETING ON NOV.  
21 AND DEC. 5**

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Additional proposals for amendments were received from the Senate Committee on Faculty Affairs, the Tenure Committee, and the UMFT. Some of these repeated amendments which have already appeared in the printed docket; they will be acknowledged by giving the number (from 1-32) under which they appeared. Others are new, and are assigned numbers from 101-123. All are listed in the order in which they would appear in the document.

**PREAMBLE**

2. Also proposed by UMFT.

101. To be proposed by SCFA.

Preamble, third paragraph, first sentence to read: The University **encourages** some non-University service so long as University responsibilities are fully met.

8. Also proposed by UMFT.

102. To be proposed by UMFT.

Preamble, paragraph five, sentence 5, to read "...would not serve the interests of the citizens, **nor the real, long-term interests of the state.**"

**SECTION I-B.**

103. To be proposed by SCFA and UMFT.

Amend the title to read: **Definition of Compensated Outside Activity and Compensated Outside Professional Activity.**

Amend the first sentence to read: "**Compensated** outside activity" means **compensated** work of a nature..."

Amend the second sentence to read: "**Compensated** outside professional activity" is **compensated** work of a nature...."

The following rationale for these changes was submitted by the UMFT.

Reporting procedures and sanctions should refer only to compensated, professional work.  
The UMFT agrees to the regulation of the outside profes-

sional activities of faculty **in the specific case** of extensive, compensated work which either leads to neglect of the faculty member's teaching and research duties, or leads to misrepresentation of the role of the University in the business or public testimony of the faculty, or both. The only consideration in the drawing up of these regulations should be whether or not the faculty member is meeting her or his teaching and reserach duties. The inclusion of non-compensated work in these regulations is a dangerous infringement upon the academic freedom and civil liberties of the faculty, and in any case is unnecessary because the present tenure regulations already include provisions for faculty members who neglect their teaching and research duties in favor of non-compensated outside activities, whether professional or non-professional.

104. To be proposed by UMFT.

Paragraph 4 to read: For the purposes of this policy, work supported by grant or contract funds...does not constitute outside activity, **provided that the principal investigator(s) are not paid consultants to the grantor during the life of the grant or contract.**

**SECTION I-C.**

105. To be proposed by SCFA.

Amend the title to read: **Conditions under which Compensated Outside Professional Activities are Permitted.**

106. To be proposed by UMFT.

Amend the title to read: Conditions under which **com-**pensated outside activities are permitted.  
Delete paragraphs 2) and 3).

**SECTION I-D.**

16. Also proposed by SCFA and UMFT.

**SECTION I-E.**

107. To be proposed by SCFA.

Amend the title to read: **Prior approval and reporting of compensated outside activities.**

17. Also proposed by SCFA and UMFT.

108. To be proposed by SCFA and UMFT.

Amend section E2, first sentence, to read: The faculty member shall report each **compensated** outside professional activity that....

21. Also proposed by UMFT.

**SECTION I-F.**

109. To be proposed by SCFA.

Amend the title to read: **Time limitations on Compensated Outside Professional Activities.**

Amend the first paragraph, first sentence to read: The **compensated** outside professional activities....

Amend paragraph two, first sentence to read: The way in which all **compensated** outside professional activities....

Comment by SCFA:

Subject to the amendments proposed by the Committee, the draft document is acceptable to the Committee in so far as it applies to **compensated** professional activities. However, the majority of the Committee feels that the provisions of the draft pertaining to **uncompensated** professional activities would impinge on faculty rights and would fail to provide to the University any additional protection over and above what is already implied by the general conditions of employment by the University.

Moreover, two amendments restricting the applicability of the policy to **compensated** outside professional activities were adopted by the Senate on May 23, 1974. One of these two amendments referred specifically to prior approval (Sec. II.A. of the May draft), the other (in Sec. I.B, paragraph 2) resulted in the statement that "This policy is understood to cover, for both prior approval and reporting purposes, **compensated** RECURRING activities, in connection with....."

Neither of these two amendments was subsequently rescinded. On May 30, 1974 the Senate passed a motion instructing the Reconstituted Committee to "prepare a new draft of the proposal incorporating the sense of the Senate and reporting back to the Senate in the Fall. "Thus the present SCFA amendments inserting the word "compensated" essentially restore to the document the provisions previously adopted and never rescinded by the Senate.\*

110. To be proposed by UMFT.

Paragraph one. Delete "per seven day week" so that it reads: The outside **compensated** professional activities of the full-time faculty...shall not exceed an average of one day per **Monday-Friday work week** for the term of the appointment.

111. To be proposed by SCFA.

Delete the word "Professional" in the title and in the first sentence, so that they read: **Time limitation on Compensated Outside Activities** and The compensated outside activities of the full time faculty....

\*Since the minutes of the May meetings of the Senate are not yet available, the above statements are based on the **Minnesota Daily** texts of May, 1974 and personal notes and recollections.

**SECTION I-G.**

112. To be proposed by UMFT.

Amend to read:

Any member of the faculty who...shall make known clearly, completely and candidly whether he is, or is not, speaking on the matter as a representative of the University. **If he is speaking only for himself, he shall so indicate.** If not, he shall identify, **if any**, the sponsoring...the communication. He shall also explain the conditions of his association with the sponsor.

23. Also proposed by UMFT.

**SECTION I-I.**

113. To be proposed by UMFT.

Delete 1) outside non-professional activities.

**SECTION I-K.**

114. To be proposed by L. Hurwicz, SCFA and UMFT.

(This was inadvertently omitted from the printed amendments.)

Amend the last paragraph, second sentence to read: At the same time it seeks to encourage public service, including the holding of public office, **and, in any case, not to interfere with the faculty's right to freely participate in the political process.**

115. To be proposed by UMFT.

Amend I.K. 3 to read: When a faculty member is appointed to, or elected to public office requiring full-time service for a period of more than one **elected term** (delete "one year") eg, to office...will resign from the University faculty position after election to a **second term.**

**SECTION II.**

116. To be proposed by SCFA.

In A2, next to last phrase, delete: Whether or not this activity will be compensated and delete footnote 9.

117. To be proposed by SCFA.

Replace the first three sentences of A3 with the following:

"The request shall be approved or denied by the appropriate unit administrator, within a reasonable time, normally not to exceed two weeks. The request shall then be reviewed by the collegiate dean or campus administrator for academic affairs, and by the Academic Vice President, and may be approved or denied at these levels. The faculty member may proceed on the basis of approval by the unit administrator, but shall cease the activity approved by the unit administrator if a denial has occurred at the higher level unless permitted to continue pending appeal."

118. To be proposed by the Tenure Committee.

1. The Tenure Committee will move to amend the Section II.A.3. by striking out the last sentence and substituting the following:

3....If the faculty member is not satisfied with the action ultimately taken, he may invoke the procedures for resolution of disputes between faculty members and the University. In such a case the Vice President for Academic Administration shall have the burden of demonstrating that the proposed activity violates this policy.

This amendment includes two elements. The first is intended to clarify the procedures for resolution of disputes regarding this point. The procedures described are as follows:

(1) For the time being, those procedures which were used to resolve faculty-administration disputes before July 2, 1973, would



apply. In most instances this is an ad hoc committee of faculty members in the appropriate collegiate unit, subject to appeal to the University grievance officers or the Judicial Committee of the University Senate. We understand that an administrative memorandum describing these procedures will be issued in the near future.

(2) If there is collective bargaining, procedures for resolution of such disputes would be agreed upon between the bargaining agent and the administration.

(3) If the proposed Tenure Code is adopted, the procedures set forth in Section 17 of it would apply.

The second element of our proposal places the burden of persuasion on the academic administrator who denies permission. We believe that the fundamental premise of a free University is that the faculty member may act unless the administration can demonstrate that the action is improper. The faculty member does not have the burden of showing that his actions conform with administrative policy. This is especially true, because, as drafted, a certain amount of subjective judgment is exercised by the administrator in acting on the proposal.

119. To be proposed by UMFT.

Amend II.A. 3. to read:

The request shall be approved or denied by the appropriate unit administrator **who must respond within two weeks.** The faculty member may proceed on the basis of interim approval by the unit administrator. **Failure of the unit administrator to respond within two weeks shall be construed as approval.** The request shall then be reviewed....If denied at any administrative level, the reasons shall be stated in writing, **and the burden of proof shall be upon the administrator...**

#### SECTION IV.

120. To be proposed by the Tenure Committee.

Amend IV.A. so that the entire section reads as follows:

A. Students, faculty and staff may report alleged violations of this policy to the appropriate unit administrator. The unit administrator, after consultation with the faculty member involved, shall investigate the complaint. If he finds it substantiated, he shall consult with the faculty of the unit. In any event he shall report his findings and the action taken in writing to the complainant and to the faculty member. If the complainant is not satisfied with the action, he may appeal to the appropriate University grievance committee. The grievance committee shall report its findings in writing to the unit administrator, the faculty member involved, and the complainant. The unit administrator shall take appropriate action and shall report his action in writing to the faculty member involved and to the complainant.

This amendment contains several elements. It is our intention by it to protect the procedural rights of faculty members and to avoid confusions which are generated by the text of the original report.

We require the unit administrator to consult with the faculty member involved so that the faculty member may be appraised of the complaint at its initial stages. We believe this to be a requirement of fairness.

While we recognize that the administrator should be able to reject certain complaints out of hand, we do not think that the administrator should be permitted to proceed against a faculty member without first consulting with the faculty of the unit involved. Cf. the resolution of a similar matter by the Faculty Senate in Section 16.221 of the proposed Tenure Code.

We have stricken out the language "such action as he deems appropriate" as being too broad to provide any meaningful standards.

We require the administrator to report the action which he has taken to the faculty member, as well as to the complaining party, which the original report does not require.

We have clarified the appropriate committees for processing of disputes. If the faculty member is dissatisfied with the action of the department head, the faculty member may appeal as provided in our proposed Section IV. C (Eventually this would mean an appeal under Section 17 of the new Tenure Code.) If the other party is dissatisfied with the administrator's action, that party may take the complaint to the unit grievance committee. The unit grievance committee acts as an accusatory body, telling the department head whether or not there is sufficient evidence to institute proceedings. If it finds such evidence, the department head must institute proceedings, but will be required to satisfy the standards set forth under our proposed IV.C.

28. Also proposed by UMFT.

121. To be proposed by the Tenure Committee.

4. The Tenure Committee will move to amend Section IV.B.2. so that the entire paragraph will read as follows:

2. The unit administrator, after consultation with the faculty member involved, shall investigate the complaint. If he finds it substantiated, he shall consult with the faculty of the unit. In any event he shall report his findings and the action taken in writing to the President through the same channels and to the faculty member.

This paragraph replicates the changes which we made in paragraph IV.A., but deals with the "outside complaint" in which the report is made to the President, rather than directly to the complainant.

122. To be proposed by the Tenure Committee.

5. The Tenure Committee will move to amend Section IV.B.3. to read as follows:

3. If he concurs, the President shall report the action taken to the complainant. If the President does not concur, he shall return the complaint through the same channels to the unit administrator requesting consideration by the unit administrator in consultation with the faculty of the unit or an appropriate faculty committee. After such reconsideration the unit administrator shall report the findings and the action taken in writing to the President through the same channels and to the faculty member.

This amendment is intended to clarify procedures which are most ambiguous in the proposed policy. The President may return a negative decision for reconsideration. In such a case the appropriate faculty should be consulted. If the department head and the appropriate faculty concur that there is no violation, the matter should be closed.

We are concerned about the last sentence in the Committee's paragraph 3, because we believe that the procedures to which the Committee refers do not exist. We have included this statement to eliminate that ambiguity.

A faculty member may, of course, appeal in accordance with our proposed Section IV.C. (below)

123. To be proposed by the Tenure Committee.

2. The Tenure Committee will move the adoption of an additional paragraph C in Section IV which would read as follows:

C. A faculty member affected by a finding of violation of this policy may appeal the action through the procedures established for the resolution of disputes between faculty members and the University. In such an appeal, the administrator shall have the responsibility of demonstrating the fact of violation and the appropriateness of the action.

This paragraph is again intended to clarify the processes by which faculty appeals against administrative action should be taken and to place the burden of proof of the allegation and of the appropriateness of the action taken on the administrators. The procedures are those described above.

# AMENDMENTS TO OTHER ITEMS ON THE DOCKET OF THE SENATE MEETING WHICH WERE RECEIVED

## VIII. COMMITTEE ON BUSINESS AND RULES

### Proposed Constitutional Amendment

Five student senators will propose the following amendment:

Amend 5B to read:

b. A member of the University Senate shall forfeit membership by neglecting two consecutive meetings of the University Senate.

Proposed by D. Bland, J. Ciabattari,  
R. Goertz, L. Koste, R. Marsden

## SUGGESTED ORDER OF DEBATE FOR THE CONSULTING POLICY

Professors Hobbie, Reisman and Shapiro have gone over all the amendments which were submitted and suggest the following order of consideration. It is designed to take up the more controversial areas first.

A. Amendments restricting the policy to compensated activities only.

We recommend considering 109 first. The issue is stated explicitly with justification. Having decided 109, we recommend considering 103, 105, 106, 107, 17, 108, and 116.

B. Should the time involved be the only criterion for approval?

Amendment 13; followed by 7 and 14 (14b and 14c are not needed if 13 has been approved.)

C. Restrictions on non-professional compensated activity.

Amendment 15 is the committee compromise. Amendment 16 deletes the restriction completely. Follow whatever decision is made here by considering 111.

D. No restriction on the right to participate in the political process.

23, 114

E. Procedures for approval.

117 (which incorporates 26); 27; 118; 119 (The first change recommended in 119 is also in 117. The third change is also in 118. Hence if 117 and 118 have been passed, only the second change would have to be moved.)

F. Violations of the policy.

120 (This incorporates 28. Amendment 29 could be moved as an amendment to 120.)

121 (Amendments 30 and 31 could be moved as amendments to 121)

122; 123

G. Professional activities excluded from the policy.

20; 21

H. Definition of the full time week.

12; 18; 19; 22; 110

I. Resignation by holders of public office.

25; 115

J. Outside activities and the University's mission.

1; 2; 101; 24

K. Gender of pronouns.

32

L. Miscellaneous.

3; 4; 5; 6; 102; 8; 9; 10; 11; 14; 112; 113