

university of minnesota memo

To David Klaasen

From Marilee Ward, Univ. Senate

- For your information
 - For your approval
 - Per your request
 - For your attention
 - Note and file
 - Note and return
 - Note and forward
 - Please advise
 - Please reply
 - Send copy
 - Please see me
- These are amendments
that have been
handed out at the
Faculty Senate meetings
to discuss the
proposed Tenure Code.

Date _____

University of Minnesota
BA Form 507

S92046

Amendments for Consideration
February 9, 1984

1

Material to be deleted is ~~stricken out~~; material to be added is PRINTED IN CAPITAL LETTERS.

MOTION 1

The Equal Employment Opportunity for Women (EEOW) Committee will move to amend Section 3.2 at page 2, as follows:

3.2 Regular Appointments. A regular appointment is either with indefinite tenure or is probationary, leading to a decision concerning indefinite tenure within a specified period of time. A faculty member with indefinite tenure is entitled to retain that position until retirement in accordance with University regulations or until the appointment is terminated pursuant to the provisions of Sections 10. or 11. A faculty member on probationary appointment (a) is entitled to consideration for indefinite tenure, and (b) is entitled to timely notice of termination in accordance with Section 6. A regular appointment may only be held in an academic unit¹ of a degree-granting college,² or similar unit. A regular appointment must be for two-thirds time or more over the academic year, EXCEPT THAT THIS MAY BE REDUCED TO ONE-HALF TIME IF THE PURPOSE OF THE PART-TIME APPOINTMENT IS TO PERMIT THE FACULTY MEMBER TO DEVOTE MORE TIME TO PARENTING.

MOTION 2

The Tenure Committee will move to amend Section 3.4 at page 4, as follows:

3.4 Limitation on Use of Non-Regular Appointments.

Faculty appointments must be regular (either probationary or with indefinite tenure) unless one or more of the following conditions is met, in which case the appointment may be classified as non-regular:

(a) The duration, the percentage of time, or both require less than service for two-thirds time for the academic year.

11 (b) The appointment is designated a Visiting appointment because the
12 faculty member is from another educational institution or is a qualified
13 professional from a government or private agency on a leave of absence to accept
14 a temporary appointment at this University.

15 (c) The appointment is designated a Clinical appointment because the
16 faculty member is a clinician in the community who gives service to the University
17 part-time.

18 (d) The appointment is designated an Adjunct appointment because the
19 faculty member's primary employment is outside the University or is in another
20 unit of the University.

21 (e) The appointment extends courtesy faculty rank without salary.

22 (f) The position is subject to the joint control of the University and another
23 institution.

24 (g) The specific funding for the position is subject to the discretion of
25 another agency.

26 (h) The funding for the position is for a limited time.

27 (i) The appointment is in a unit or program that is experimental or
28 otherwise restricted in duration.

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1 (j) The person is enrolled in a University of Minnesota degree program. A
2 regular faculty member on a probationary appointment ~~must~~ MAY transfer to non-
3 regular status during enrollment in such a program, IF THE FACULTY MEMBER
3a AND THE VICE PRESIDENT AGREE. This transfer suspends the running of the
4 maximum period of probationary service, but the faculty member retains other
5 rights of regular appointment, including annual review, the right to timely notice
6 and a terminal appointment period as provided in Section 6.

MOTION 3

The Tenure Committee will move to amend Section 5.3, page 6, as follows:

9 **5.3 Definition of Academic Year.** A faculty member is considered to have
10 served an academic year if the appointee serves at least two-thirds time for three
11 quarters or full-time for two quarters of the academic year or any equivalent
12 combination. An academic year during which the faculty member serves for less
13 than this amount is not counted in computing the number of years for purposes of
14 this section.

15 Unless otherwise agreed in writing, periods during which a faculty member is
16 on paid leave for professional development (single quarter leave, sabbatical
17 furlough, etc.) or on leave to teach or conduct research ~~elsewhere~~ AT ANOTHER
17a ACADEMIC INSTITUTION count as service, but periods in which the faculty
18 member is on sick or disability leave or on leave in some non-faculty capacity do
19 not count as service.

20 If a faculty member transfers to a position in the non-regular faculty, the
21 time spent in the non-regular position does not count for the purpose of this
22 section.

MOTION 4

The Tenure Committee will move to amend Section 6.4, page 8, as follows:

9 **6.4 Rank of Appointees with Indefinite Tenure.** The grant of tenure to an
10 Instructor must be accompanied with a promotion to Assistant Professor. SINCE
10a THE STANDARDS FOR GRANTING TENURE ARE ORDINARILY AT LEAST AS
10b RIGOROUS AS THOSE FOR PROMOTION TO ASSOCIATE PROFESSOR, THE
10c GRANTING OF TENURE TO AN ASSISTANT PROFESSOR WILL NORMALLY BE
10d ACCOMPANIED BY A PROMOTION TO ASSOCIATE PROFESSOR. Otherwise, a
11 grant of indefinite tenure need not be accompanied with a promotion in rank.

MOTION 5

The Tenure and EEOW Committees will move to amend section 6.2 at page 7, as follows:

page 7

16 6.2 Notice Requirements. Except as provided below, a probationary
17 appointment may be terminated at the end of any academic year by giving notice
18 of termination (in the form provided in Section 16) not later than May 15 of the
19 preceding academic year. THE NOTICE MUST INFORM THE FACULTY MEMBER
19a OF THE RIGHT TO REQUEST A HEARING BEFORE THE JUDICIAL COMMITTEE
19b AND MUST ADVISE THE FACULTY MEMBER OF THE APPLICABLE TIME LIMIT
19c FOR MAKING SUCH A REQUEST.

MOTION 6

Faculty Senators Don Rasmusson, George Blake, Frank Busta, Vance Morey, Kent Crookston, and Mark Brenner will move to amend Section 7.11 at page, 9 as

follows:

page 8

26 7.11 General Criteria. Indefinite tenure will be granted only to those
27 persons who demonstrate (a) effectiveness in teaching and advising students, and
page 9
1 (b) professional distinction in research and writing or artistic production. The
2 relative importance of these primary criteria may vary in different academic units.
3 ~~but neither may be disregarded in any decision.~~ Probationary appointments must
4 be terminated whenever appointees fail to satisfy these criteria in their last year
5 of maximum probation and may be terminated earlier if it appears that they are
6 not making sufficient progress toward satisfying these criteria.

7 A probationary faculty member's service contributions to the University, the
8 community, the state and nation may also be relevant to a decision, though it
9 should not be expected that faculty members will have made significant
10 contributions of this kind during their probationary period. Performance as a
11 member of the academic unit may also be relevant.

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

MOTION 7

The Tenure Committee will move to amend Section 7.12 at page 9, as follows:

15 7.12. Departmental Statement. Each academic unit must have a document
16 that articulates with reasonable specificity the indices and standards which will be
17 used to evaluate whether candidates meet the criteria of Section 7.11. The
18 document must comply with those standards, but should make their application
19 more specific. Each such document is subject to review by the dean or other
20 appropriate academic administrator and approval by the Vice President. Each
21 academic unit must provide each probationary faculty member with a copy of the
22 document at the beginning of the probationary service.

MOTION 8 & 9

The Tenure and EOW Committees will move to amend Section 7.4 at pages 10 and
11, as follows: (Motion 8 will insert the material at lines 21a - 21d. and will
renumber the remaining paragraphs. Motion 9 will make the changes at lines
24 - 25.)

12 7.4 Procedures for Taking Formal Action. The academic unit must observe
13 procedures established by the Vice President with the approval of the Tenure
14 Committee. Those procedures will provide that:

15 (i) There is a good faith effort to gather all relevant information necessary
16 to the decision. The academic units have the primary obligation to assemble the
17 file, but the faculty member also has the right to add any material the faculty
18 member considers relevant.

19 (2) The decision is made by vote, by written unsigned secret ballot, at a
20 meeting of the regular faculty who have indefinite tenure in the academic unit.
21 The rules may provide for absentee ballots by informed absent faculty members.

21a (3) MEMBERS OF THE FACULTY WHO HAVE A PERSONAL CONFLICT
21b OF INTEREST MAY NOT PARTICIPATE IN THE DECISION. THE RULES WILL
21c PROVIDE STANDARDS AND PROCEDURES FOR DETERMINING SUCH
21d QUESTIONS.

22 ~~(3)~~(4) Action is taken by majority vote.

23 ~~(4)~~(5) The unit reports the vote of the faculty, together with the reasons for
24 the action taken. THIS STATEMENT OF REASONS MUST TAKE THE FORM OF A
24a SUMMARY OF BOTH MAJORITY AND MINORITY VIEWS EXPRESSED IN THE
24b COURSE OF FORMAL CONSIDERATION OF THE ACTION. ~~and any EXPRESSED~~
25 ~~minority view which has substantial support.~~ All statements must be made without
26 personal attribution. A preliminary draft is open to members of the faculty
27 eligible to vote so they may comment and suggest changes. The final draft is sent
28 to the affected faculty member and is open to the faculty eligible to vote.

Page 11

1 ~~(5)~~(6) In academic units which are widely scattered geographically so that
2 collegial deliberation is difficult, the rules may specify special procedures which,
3 to the maximum extent practicable, conform to the procedures generally required.

4 ~~(6)~~(7) Before submitting a formal recommendation for an appointment with
5 indefinite tenure or for termination of a probationary appointment, the head of the
6 academic unit informs the appointee of the recommendation and gives the
7 appointee a copy of the final report. The appointee may submit any comments
8 upon the report to the academic administrator who will review the report, with a
9 copy to the head of the academic unit.

MOTION 10

The Tenure and EEOW Committees will move to amend Section 7.5 at page 11, as follows:

10 7.5 Non-disclosure of grounds for recommendation of termination. The
11 reasons for a recommendation to terminate a probationary appointment may not be
12 disclosed, except as part of the review process, unless the faculty member requests
13 such disclosure or makes a public statement concerning the reasons for
14 termination. ~~The head of the academic unit may counsel the faculty member~~
15 ~~concerning the possible disadvantages of such wider disclosure.~~

MOTION 11

The Tenure and EEOW Committees will move to amend Section 7.61 at pages 11 and 12, as follows:

19 7.61 Procedures. The Vice President, with the approval of the Tenure
20 Committee, establishes general rules for such review. These should provide for
21 review and recommendations by the head of the academic unit, by the dean of the
22 collegiate unit, by faculty committees at the collegiate or University level, or by
23 other academic administrators. The review must be conducted on the basis of the
24 standards and criteria established by subsections 7.11 and 7.12 and the applicable
25 rules and procedures. The rules may permit an administrator to refer the matter
26 back to the unit for reconsideration, but if the administrator and the unit do not
27 agree after such reconsideration, both the recommendation and the administrator's
28 comments must be sent forward for final administrative action. A copy of any
Page 12
1 recommendation that tenure not be granted or that an appointment be terminated
2 must be supplied to the faculty member. A COPY OF EACH REVIEW OR
2a RECOMMENDATION MUST BE SUPPLIED TO THE FACULTY MEMBER. The
2b faculty member may comment thereon in writing to those who will review the
3 matter further.

MOTION 12

The EEOW Committee will move to amend Section 7.7 at page 13, as follows:

7.7. Improper Termination of Probationary Appointments. A person holding a regular probationary appointment who has been given notice of termination may petition the Judicial Committee to review that action. The Judicial Committee will not base its ruling on the merits of the decision itself, but will review allegations that the decision was based in significant degree upon any of the following:

(a) Personal beliefs, expressions or conduct which fall within the liberties protected by law or by the principles of academic freedom as established by academic tradition and the Constitutions and laws of the United States and the State of Minnesota;

(b) Factors proscribed by applicable federal or state law regarding fair employment practices;

(c) Substantial and prejudicial deviation from the procedures prescribed in Subsections 7.4 and 7.6 and the procedural rules promulgated pursuant to those subsections;

(d) Failure to consider data available at the time of decision bearing materially on the faculty member's performance;

(e) Demonstrable material prejudicial mistakes of fact concerning the faculty member's work or conduct;

(f) Other immaterial or improper factors causing substantial prejudice;

OR

(G) OTHER VIOLATION OF UNIVERSITY POLICIES OR REGULATIONS.

Such proceedings are governed by Section 14.

MOTIONS 13 & 14

The EEOW Committee will move to amend Section 8 at page 13-14, as follows:
(Motion 13 involves the addition at lines 3-3a on page 14. Motion 14 involves the deletion at line 21 on page 13.)

**SECTION 8. IMPROPER REFUSAL OF A NEW APPOINTMENT
TO A NON-REGULAR FACULTY MEMBER**

A person holding a non-regular faculty appointment who has been refused a renewal of that appointment or has applied for and been refused a regular or a different non-regular faculty appointment within six months of the end of that appointment may petition the Judicial Committee to review the refusal, but only on the ground that the decision was based in significant degree upon one or more of the following:

(a) Personal beliefs, expressions or conduct which fall within the liberties protected by law or by the principles of academic freedom as established by academic tradition and the Constitutions and laws of the United States and the State of Minnesota;

(b) Factors proscribed by applicable federal or state law regarding fair employment practices;

(c) Essential and substantial written misrepresentation of the nature of the original appointment; OR

(D) . OTHER VIOLATIONS OF UNIVERSITY POLICIES OR REGULATIONS.

Such proceedings are governed by Section 14.