

MEETING OF THE UNIVERSITY SENATE

Thursday, May 17, 1984

3:15 p.m.

25 Law Building—Twin Cities Campus
305 Selvig Hall—Crookston Campus
502 Darland Adm. Bldg.—Duluth Campus
Behmler Hall Conference Room—Morris Campus
Learning Resources Center Conference Room—Waseca Campus

The voting membership of the University Senate totals 210, including the President, 149 members of the faculty (including the Faculty Consultative Committee) and 60 students (including the Student Consultative Committee). For a quorum, a majority of the voting membership (106) must be present. Advance notice is required for amendments to the constitution and 140 affirmative votes at one meeting or 106 affirmative votes at each of two meetings, the second of which shall be the next regular meeting. Advance notice is required for amendments to the bylaws and 106 affirmative votes. Other actions require only a simple majority of the members present and voting.

Any member of the faculty and any student eligible to vote for senators shall be entitled to speak at the discretion of the Senate. Only elected members (or alternates), the Senate Consultative Committee and, in case of a tie, the Chair, shall be entitled to vote.

Representatives may designate any eligible alternates from their colleges, schools, or student constituencies as the alternates to serve in their places by written notice to the Clerk of the Senate prior to the commencement of any meeting of the Senate.

ATTENDANCE RECORD

A roll of elected and ex officio members will be available at each door of the meeting room, and members are asked to sign in. A summary of attendance for the year will be included in the minutes of the last meeting of the year.

RULES

Rules are available at the door.

I. COMMITTEES OF THE SENATE, 1984-85

Action (3 minutes)

Due to an unavoidable delay, the names of the chairs of the following committees will be published in the *Minnesota Daily* on Tuesday, May 15.

EDUCATIONAL POLICY Faculty: Lael Gatewood, Van Gooch (UMM), Lawrence Goodman, William Hanson, F. Gerald Kline, Robert McCollister, David Thompson, Gloria Williams, Mary Young, 1 to be named. Ex Officio: John Wallace. Students: 5 to be named.

SOCIAL CONCERNS Faculty: John Dickey, Mariam Frenier (UMM), Sheldon Goldstein, Delbert Hastings, Timothy Knopp, Tatiana Prokopov, Palmer Rogers. Ex Officio: Anna Shaver, Lillian Williams. Alumni: 3 to be named. Civil Service: 3 to be named. Students: 7 to be named.

PHYSICAL PLANT & SPACE ALLOCATION Faculty: Dwight Brown, Daniel Feeney, Paul Grambsch, Henricus Hogenkamp, Richard Jones, Tap Payne (UMM), Robert Sloan. Ex Officio: Clint Hewitt, Cherie Perlmutter, Peter Roll. Civil Service: 2 to be named. Students: 3 to be named.

EXTENSION & COMMUNITY PROGRAMS Faculty: Howard Bissonnette, Ken Egerton, Donald Houge, John Kearnes (UMM), William Kleinhenz, Lois Mann, Leonard Polakiewicz, Peter Robinson, June Tapp, Travis Thompson. Ex Officio: Patrick Borich, Harold Miller, John Wallace. Alumni: 1 to be named. Students: 5 to be named.

INTERNATIONAL EDUCATION Faculty: Robinson Abbott (UMM), Vicki Cass, Donald Marion, Byron Marshall, Dario Menanteau, Karen Olness, Marilyn Rossmann, G. Edward Schuh. Ex Officio: Josef Mestenhauser, Michael Metcalf. Students: 4 to be named.

LIBRARY Faculty: John Chipman, Reynold Dahl, John Dahler, Don Gillmor, Leon Green, Louise Hawley (UMD), James Hearn, Brian Job, Jennifred Nellis (UMM), 3 to be named. Ex Officio: Russell DuBois (UMM), Harold Opgrand (UMC), Donald Pearce (UMD), Kathleen Price, Peter Roll, Eldred Smith, Nan Wilhemson (UMW). Civil Service: 2 to be named. Students: 4 to be named.

RESEARCH Faculty: John Aldrich, Paul Anderson (UMD), Ronald Anderson, Paul Gassman, Ellen Ordway (UMM), Heddie Sedano, John Sullivan, 1 to be named. Ex Officio: Signe Betsinger, Robert Holt, Stan Kegler, Al Linck, Anton Potami, Kenneth Reid, Neal Vanselow. Civil Service: 2 to be named. Students: 3 to be named.

SUMMER SESSIONS Faculty: Edward Cushing, Dan Dahlberg, Allen Glenn, Donald Harriss (UMD), Ruth Jones, Byron Marshall, Chester Miracle. Ex Officio: Al Linck. Students: 5 to be named.

EQUAL EMPLOYMENT OPPORTUNITY FOR WOMEN Faculty: Katherine Benson (UMM), Sara Evans, Warren MacKenzie, Susan Olson, Ester Wattenberg. Ex Officio: Betty Robinett, Lillian Williams.

ACADEMIC FREEDOM & RESPONSIBILITY APPEALS Faculty: Jooinn Lee (UMM), H. E. Mason, Philip Regal, Marion Pour-Ei, Harvey Sarles, David Weissbrodt, 1 to be named. Civil Service: 2 to be named. Students: 4 to be named.

PLANNING Faculty: Mark Brenner, Richard Christenson (UMC), Joseph Galaskiewicz, Bruce Overmier, Douglas Pratt (Chr.), W. Donald Spring (UMM). Ex Officio: David Berg. Students: 2 to be named.

BUSINESS & RULES Faculty: Caroline Czarnecki, David Giese, Wladyslaw Godzich, Richard Purple (Chr.). Ex Officio: Marilee Ward, 1 to be named. Students: 2 to be named.

FINANCE Faculty at-large: John Adams, David Storvick. Students at-large: 2 to be named.

INFORMATION:

EQUAL EMPLOYMENT OPPORTUNITY FOR WOMEN Elected Faculty: Charlotte Striebel, 1 to be named.

COMMITTEES Faculty: Marion Brooks-Wallace, Shirley Clark, Richard Goodrich, Charlotte MacLeod (UMD), Paul Quie, Philip Tichenor, C. Arthur Williams, 1 to be named from UMM and UMC. Students: 7 to be named.

II. BUSINESS & RULES COMMITTEE

STUDENT GOVERNANCE AMENDMENTS

(10 minutes)

MOTION:

That the University Senate approve the following proposed amendments to the Senate Constitution, Bylaws, and Rules:

- Amend the Constitution, Article III, Section 6, by making the existing text paragraph "a." and adding the following new paragraph "b." (please note that the language in this amendment is changed from that provided in the memo attached to the notice of this meeting sent to Senators):

The officers of the Student Senate shall be a chair, a vice chair, a clerk, and a treasurer. The chair shall be elected by the Student Senate at its last regularly scheduled spring quarter meeting from the members of the Student Senate. Term of office shall be July 1 to June 30, and the person holding office is eligible for re-election. The chair of the Student Senate shall not serve as chair of the Student Consultative Committee. The vice chair of the Student Senate shall be elected by the Student Senate at its last regularly scheduled spring quarter meeting from the membership of the Student Consultative Committee taking office July 1. The clerk and treasurer shall be appointed by the chair subject to the approval of the Student Senate. The duties of the clerk and treasurer shall be prescribed in the Bylaws.

- Amend the Bylaws, Article I, by adding the following new Section 9:

The treasurer of the Student Senate shall be the chief budget officer of the Student Senate. The treasurer shall chair the Budget Committee of the Student Senate.

- Amend the Bylaws, Article III, Section 1, Subsection A under (3) Duties & Responsibilities point 2 by substituting:

- to serve with the student body presidents from the Crookston, Duluth, Morris, Twin Cities, and Waseca campuses, the president of the St. Paul Board of Colleges, and the chair of the student representatives to the Board of Regents, all as ex officio voting members, as the executive and steering committee of the Student Senate.

- Amend the Bylaws, Article III, by adding the following new Section 3:

3. Committee Reporting to the Student Senate

A. Budget Committee of the Student Senate

The Budget Committee of the Student Senate shall be the budgetary body of the Student Senate. It shall be chaired by the treasurer of the Student Senate. Its remaining membership shall be determined by the Student Committee on Committees subject to approval by the Student Consultative Committee and the Student Senate.

- Amend the Rules, Article III, by adding new Section 4 and renumbering the rest of the items:

4. Removal of Student Committee Members for Neglect of Meetings

A student member of a committee of the Senate shall forfeit membership by neglecting three consecutive meetings of the committee for which notification was given. A student member whose membership has been forfeited may appeal to the Student Committee on Committees for reinstatement.

RICHARD PURPLE
Chair

COMMENT:

At our March 1, 1984, meeting, the SSCC approved and moved to forward toward action by the Senate the enclosed proposed amendments to the University Senate Constitution, Bylaws, and Rules. These amendments have come out of a process activated during the 1982-83 academic year by the Student Consultative Committee. The intention is to provide a structure for the Student Senate which, while parallel to the University and Faculty Senate, provides for some characteristics which students believe are a special and necessary part of the Student Senate.

These amendments have been discussed by representatives of students on all campuses of the University and we believe they will help students to function more actively and effectively through the University governance structure. We believe that at this time the amendments proposed are necessary for the defining of a student role in the University Senate.

SCOTT SINGER
PAUL SCHULTE
Co-Chairs, Student Consultative Committee

III. FACULTY AFFAIRS COMMITTEE

SEXUAL HARASSMENT POLICY & PROCEDURES

(30 minutes)

MOTION:

That the Senate endorse the Policy Statement on Sexual Harassment and the Procedures for Handling Complaints of Sexual Harassment Against Academic Staff, as presented below.

MOTION:

That the Senate endorse the three recommendations contained in the Report of the Subcommittee on Sexual Harassment Policy and Procedures in Section V. Summary of Recommendations.

POLICY STATEMENT ON SEXUAL HARASSMENT

Sexual harassment in any situation is reprehensible. It subverts the mission of the University, and threatens the careers of students, faculty, and staff. It is viewed as a violation of Title VII of the 1964 Civil Rights Act. Sexual harassment will not be tolerated in this University. For purposes of this policy, sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

As defined above, sexual harassment is a specific form of discrimination in which power inherent in a faculty member's or supervisor's relationship to his or her students or subordinates is unfairly exploited. While sexual harassment most often takes place in a situation of power differential between persons involved, this policy recognizes also that sexual harassment may occur between persons of the same University status, i.e., student-student, faculty-faculty, staff-staff.

It is the responsibility of the administration of this University to uphold the requirements of Title VII, and with regard to sexual harassment specifically, to insure that this University's working environment be kept free of it. For that purpose, these Senate procedures and guidelines are promulgated to avoid misunderstandings by faculty, students, and staff on (1) the definitions of sexual harassment, and (2) procedures specifically defined to file and resolve complaints of sexual harassment.

Justice requires that the rights and concerns of both complainant and respondent be fully assured. The University shall make every effort to assure and protect these rights, and shall undertake no action that threatens or compromises them.

In determining whether alleged conduct constitutes sexual harassment, those entrusted with carrying out this policy will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the suitability of a particular action will be made from the facts, on a case by case basis.

CONSENSUAL RELATIONSHIPS

Consenting romantic and sexual relationships between faculty and student, or between supervisor and employee, while not expressly forbidden, are generally deemed very unwise. Codes of ethics for most professional associations forbid professional-client sexual relationships. In the view of the Senate, the professor-student relationship is one of professional and client. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and future employment, etc., greatly diminish the student's actual freedom of choice should sexual favors be included among the professor's other, legitimate, demands. Therefore, faculty are warned against the possible costs of even an apparently consenting relationship, in regard to the academic efforts of both faculty member and student. A faculty member who enters into a sexual relationship with a student (or a supervisor with an employee) where a professional power differential exists, must realize

that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove immunity on grounds of mutual consent.

Relationships between senior and junior faculty are subject to much the same conditions as those between professor and student. Therefore, all faculty members should carefully consider the risk to their professional careers which even consenting sexual relationships entail.

The administration and the Sexual Harassment Board involved with a charge of sexual harassment shall be expected, in general, to be unsympathetic to a defense based upon consent when the facts establish that a professional faculty-student or supervisor-employee power differential existed within the relationship.

This policy on sexual harassment applies to the entire University and to the conduct of students, civil service persons, and academic staff alike. The responsibility for administering the policy, however, varies with the status of the respondent. If the respondent is a student, the procedures for dealing with complaints will be found in "A Statement of Standards of Student Conduct Enforceable by University Agencies," approved by the Board of Regents at its December, 1974 meeting. If the respondent is a civil service employee, the procedures are outlined in the "Civil Service Rules" as amended by the Board of Regents at its January, 1981 meeting. If the respondent is a member of the academic staff, the procedures are set forth in the document entitled "Procedures for Handling Complaints of Sexual Harassment Against Academic Staff." If the respondent is a student appointed as a graduate assistant (Teaching Assistant, Research Assistant, etc.) and was acting in that capacity when the alleged offense occurred, the same procedures will be followed as are required for academic staff, except in regard to appeals.

PROCEDURES FOR HANDLING COMPLAINTS OF SEXUAL HARASSMENT AGAINST ACADEMIC STAFF

Scope: These procedures are applicable to complaints by students, civil service persons, and academic staff against academic staff and apply to the conduct of academic staff in their capacity as members of the academic staff of the University of Minnesota. In all proceedings regarding allegations of sexual harassment the provisions of the Regulations Concerning Faculty Tenure shall be faithfully observed.

I. An Entry Level Office.

A. The administration will provide and appropriately publicize an entry level office. This office shall have resources made available to it 1) for handling sexual harassment complaints, 2) for disseminating adequate information on the University policies and procedures for dealing with sexual harassment, and 3) for securing resource personnel who have either legal training, counseling skills, or other such skills as are necessary for the effective operation of the office in resolving complaints assisting those who may have been victimized by sexual harassment. It is expected that in cases involving academic staff, this office will maintain close liaison with the Office of the Vice President for Academic Affairs.

B. Complaints of sexual harassment may be brought by students, civil service persons, and academic staff. It shall be a duty of this office to design forms and to maintain fair and adequate procedures to process a complaint if a complainant wishes to formalize it.

C. It will be a function of this office to discuss specific incidents in an informal fashion and to draw on other support and counseling services to assist complainants. Advice shall also be given concerning the details of formalizing a complaint, the safeguards of due process, and the possible sanctions and modes of relief. Counseling and informal discussion shall be an integral part of the functioning of this office.

D. As part of the process, this office will also apprise appropriate line officers of units from which complaints arise of the nature of charges raised, and assist them in resolving the problem at the lowest appropriate level. The intent of this section is to insure that all line officers of the administration be aware of their responsibilities toward securing an academic atmosphere within their province that properly deters sexual harassment. A record of line officer involvement with each complaint will be kept by this office.

E. If the complaint cannot be resolved informally, this office shall ask the complainant to submit a formal written complaint, including a statement of the alleged incident and the remedy desired. This office shall ask the respondent to reply to the written complaint within ten days of the receipt of the complaint. The filing of such response shall be mandatory and the person responding shall be required to indicate denial in whole or in part, or agreement with the assertions in whole or in part. Failure to respond shall be deemed a breach of academic responsibility requiring notice of such failure to respond to be given to the Academic Vice President by this office.

F. Upon receipt of the response, this office may further investigate the complaint and may schedule a meeting of the parties. Each party may have an advisor present at this meeting. This office shall settle the formal written complaint in one of the following three ways:

1. It may dismiss the complaint as being without merit.
2. It may arrange for the parties to sign a written statement of agreement in which the parties resolve the differences between them according to terms set out in writing.
3. It may find reason to suspect that the respondent acted in violation of the University Policy Statement on Sexual Harassment; in this case, this office shall describe the nature of the alleged violation, the evidence that supports its judgment, and the sanction, if any, that it recommends that the Vice President for Academic Affairs apply. The possibility of violation and any recommendation of sanction by this office will be forwarded to the Vice President for Academic Affairs. Only the Academic Vice President can officially find a respondent in violation of the University Policy on Sexual Harassment and issue a sanction. Both parties shall be notified immediately in writing of the action of this office.

G. If this office dismisses the complaint and the complainant does not appeal the dismissal or if the parties sign a written statement of agreement, the file shall be closed. The material retained in the file shall include a copy of the formal written complaint, a copy of the respondent's reply, a statement of the action of this office and a copy of any agreements. This file shall be kept in a secure place. The information in the file will be forwarded to the appropriate line officers.

H. If the complainant wishes to appeal the dismissal of the complaint, he or she may do so by filing a notice of appeal with the Sexual Harassment Board within ten days of written notification of the action of this office. In the case of appeal, all materials shall be retained in the files and the files shall be forwarded to the Board.

I. If this office finds reason to suspect that the respondent may have acted in violation of the University Policy on Sexual Harassment, or recommends a sanction, the Vice President may direct the Sexual Harassment Board to conduct a hearing. Any hearing shall be conducted in accordance with basic and traditional principles of fairness and in accordance with procedures that guarantee full procedural due process to complainant and respondent.

J. Responsibility for reviewing the activities of the entry level office shall be assumed by the Sexual Harassment Board. This Board shall receive summaries of all dispositions of cases and shall see that the University Policy on Sexual Harassment is administered properly and fairly by this office. It is also the responsibility of this Board to report periodically to the University Senate through the Senate Committee on Faculty Affairs.

II. The Sexual Harassment Board

A. The main body for reporting on the entry level office to the Senate and for hearing appeals of the actions of the entry level office is a nine-person Board to be appointed by the President. In order to achieve continuity, the Board members shall be appointed initially for staggered terms of service varying in length from one to three years, and thereafter for terms of three years. The membership of the Board shall consist of five faculty members, one academic professional-administrative person, one civil service person, and two students.

B. A Board member of any class (faculty, academic professional-administrative, civil service, or student) may participate in any hearing or appeal without regard to the class to which the complainant belongs.

C. The office of the University Attorney shall serve to advise the Board on substantive or procedural issues that arise under the University Policy on Sexual Harassment.

D. A primary function of the Board is to hear appeals and conduct hearings. The Board shall hear appeals from complainants whose complaints have been dismissed by the entry level office, and shall conduct hearings when directed to do so by the Academic Vice President. The Board shall also review the findings and recommendations of the office when the office has found reason to believe that a respondent acted in violation of the Policy on Sexual Harassment. It will also hear appeals by student respondents against whom complaints have been filed regarding their actions in an instructional capacity (as Teaching Assistants, Research Assistants, etc.).

E. In carrying out its appeal and hearing function, the Board shall adopt hearing procedures that accord due process to every party and are consistent with the Procedures for Committees of the Senate.

F. Standard of Proof. A violation of this policy on sexual harassment shall be found by the Board only where there is a preponderance of evidence that a violation occurred.

G. In hearing appeals made by a complainant, in hearing cases referred to it by the Vice President for Academic Affairs, or in reviewing an action by the Vice President, the Board may make up to three determinations. It may determine the truth or falsity of the evidence considered. It may decide whether the factual allegation constitutes a violation of the University Policy on Sexual Harassment. Lastly, the Board may decide what if any sanction is appropriate.

H. The Board will conduct a continuous review of the Sexual Harassment Policy and Procedures, as described in I.J. above.

III. Appeals

A. The complainant may appeal the action of the office to dismiss his or her complaint to the Sexual Harassment Board.

B. Respondent faculty may appeal the actions of the Vice President for Academic Affairs to the Senate Judicial Committee. The respondent may appeal a ruling by the Academic Vice President that the respondent acted in violation of the University Policy on Sexual Harassment or may appeal any sanction proposed by the Academic Vice President. The Senate Judicial Committee shall hear the issues.

IV. Sanctions

A. Violations of the University Policy on Sexual Harassment may be met with a variety of responses. The Academic Vice President may rule that a respondent acted in violation of the University Policy on Sexual Harassment and propose no further official action. If in the opinion of the Academic Vice President, the violation is more serious and warrants more severe treatment, a variety of sanctions may be imposed. Those could include such sanctions as a reprimand, denial of merit pay, reassignment of teaching responsibilities, or suspension without compensation for a period of one quarter or longer. Acts of sexual harassment of a very serious nature may warrant a recommendation of removal for cause, or may warrant criminal action.

REPORT OF THE SENATE COMMITTEE ON FACULTY AFFAIRS SUBCOMMITTEE ON SEXUAL HARASSMENT POLICY AND PROCEDURES

February 28, 1984

Submitted by: Margery Durham (Chr.), Richard Arvey, Nancy Brekke, Katherine Holt, Patricia Kattleman, Anne Pick, Richard Purple.

I. STATEMENT OF PURPOSE AND OBJECTIVES:

The subcommittee was charged with reviewing the University policy on sexual harassment and the procedures by which complaints of sexual harassment have been registered and resolved since June, 1981. It investigated the frequency of such complaints since the current policy and procedures were instituted, as well as the relative seriousness of the allegations and the relative severity of sanctions applied in various cases. The subcommittee also sought to coordinate the policy and procedures with other aspects of University and public policy, with recent court decisions, and with what the committee and its advisors consider to be responsible professional conduct.

II. PROCEEDINGS AND GATHERING OF DATA:

The subcommittee was composed of four faculty members, one civil service representative, and two students. It sat from November, 1983 through February, 1984. During that time it consulted with those in the University who had done most to design and implement the present policy and procedures. It also sought advice as to how it could best coordinate the complaint procedures with the Tenure Code now in force and with the proposed new Tenure Code. Members reviewed information on relevant court decisions and on state and national human rights and anti-discrimination policy. The subcommittee also examined materials on sexual harassment from universities of a size and quality comparable to the University of Minnesota. An open hearing elicited opinions from both students and members of the University staff. (See Appendix A.)

III. GENERAL STATEMENT:

Dealing with sexual harassment as it is defined in University policy is both imperative and complex. Sexual harassment is viewed by the courts as a violation of Title VII of the 1964 Civil Rights Act. In addition, the courts have begun to make an analogy between violations of Title VII and those of Title IX, which specifically concern equal rights in education (Alexander v. Yale [D. Conn. 1977]). At least one major institution has been penalized for the sexual harassment of students under the latter section. Hence the University must consider alleged offenses against students as carefully as it must consider those against its civil service employees.

Furthermore, the commitment to education requires a university faculty to maintain an atmosphere of trust, first of all between students and faculty, but also as a necessary part of a sound educational environment, between faculty and civil servants, and among the faculty themselves. Sexual harassment abuses and destroys this trust while also, more often than not, abusing the power of faculty over students, of supervisors over employees, and of senior faculty over their junior colleagues. The harm thus done to those who deserve our professional consideration cannot be tolerated.

At the same time, we recognize the complexities involved in confronting this problem. Primarily, we must guarantee the rights of both complainants and respondents, both under the law and within the purview of professional ethics. The courts require that efficient procedures exist for reviewing complaints and redressing injuries. On the other hand, both the law and our commitment to academic freedom require scrupulous compliance with the rules of due process. For the victims we must provide protection, and help in recovering, as far as possible, the personal and professional losses which sexual harassment inflicts. At the same time, we must avoid any improper interference in the personal lives of our colleagues, for while sexual harassment is intolerable, harassment of a personal or political nature is equally so.

The sexual harassment policy and procedures put into effect in the spring of 1981 have made possible a start in dealing with this problem at the University of Minnesota and in relieving at least some victims. The committee believes that much more remains to be done. It recommends the retention of the present arrangements, with some elucidation in the policy and with both increased efficiency in and expansion of the procedures.

IV. FINDINGS AND RECOMMENDATIONS:

A. The present policy and procedures—general assessment:

The subcommittee was encouraged to learn that the present procedures are serving their purpose. Approximately one hundred complaints against civil service and academic staff have been filed during the past two and one-half years, with allegations ranging in seriousness from mild insensitivity to rape and at least partial cause of suicide. None of the complaints was found to be unwarranted. Between twenty-five and thirty cases were called

"serious," that is, they had caused lasting damage to the victims and so had severely compromised the respondent's usefulness to the University. Each case was handled in a timely fashion, although the demand on the time and energy of the University personnel charged with resolving these matters was considerable. The subcommittee expects that complaints will be made with greater frequency as the sexual harassment policy and procedures become known throughout the University community, and until potential respondents come to realize what behavior is and is not acceptable. It is clear that the procedures are needed, that they are for the most part efficiently designed, and that they have enabled those entrusted with their implementation to act promptly and responsibly with respect for the rights of all concerned.

B. RECOMMENDATIONS:

1) TITLE VII AND TENURE

As the courts interpret Title VII of the 1964 Civil Rights Act, the University cannot protect itself from legal responsibility for sexual harassment. It can, however, mitigate the judgment of the courts by: 1) expediting the registration, investigation, and resolution of sexual harassment complaints; 2) dealing effectively with offenders; and 3) publicizing its sexual harassment policy and procedures widely, clearly, and often.

The location of the office where complaints are filed (the entry level office) has a significant effect on the efficiency with which they are handled. For this reason the entry level office was originally placed within that of the Vice President for Academic Affairs. This arrangement assured the complainant immediate attention at the highest levels of authority, and therefore best satisfied the requirements of Title VII. Other universities of a size and quality comparable to the University of Minnesota, however, place this responsibility with that for other Title VII concerns, in their Office of Equal Opportunity and Affirmative Action (EO&AA), and it seems appropriate that sexual harassment complaints should be first presented to the EO&AA office and then complaints against faculty will still go directly from EO&AA to the Office of the Academic Vice President. The subcommittee recommends that the Faculty Affairs Committee and the Senate approve this arrangement.

Once a complaint has been filed, it becomes an issue between the University administration and the respondent. In an estimated sixty percent of all cases involving faculty at this University, the respondent has been tenured. When this is the case, the administration must follow the procedures outlined in the Tenure Code. Section 10.3 of the proposed new Tenure Code prescribes the steps to be followed in initiating proceedings which may lead to the suspension or termination of tenured faculty. A proposed amendment to this section remands cases for which approved procedures exist, to the appropriate University panels. (See appendix B) The appropriate panel in sexual harassment cases will be the Sexual Harassment Board.

2) THE SEXUAL HARASSMENT BOARD

According to present procedures, sexual harassment complaints of students against members of the academic staff, or of members of the academic staff against each other, are heard by the Sexual Harassment Board, at the choice of the Academic Vice President or on appeal by the complainant against the Academic Vice President. Several factors make it advisable to retain this Board, whose members are drawn from the faculty, the academic professional/administrative staff, the civil service, and the student body. First, the Board insures the University's credibility under Title VII, as a departmental or other academic unit's reviewers, presumably composed of the respondent's closest associates, would not. Secondly, it can provide the complainant with a necessary avenue of appeal in case of a perceived injustice when EO&AA or the Academic Vice President refuses to consider a complaint or, having considered it, neglects to act. Thirdly, the Board can both safeguard respondent faculty against having to face unprovable charges and assure him or her of adequate warning as to possible sanctions.

The subcommittee understands that tenured faculty have the right to appeal any decision of the Vice President to the Judicial Committee. In most cases, if the Vice President applies sanctions less serious than suspension or termination, only procedures will be subject to Judicial Committee review. When suspension or termination is recommended, however, the Judicial Committee will hear appeals *de novo*.

These alternatives are required so that sexual harassment cases will not be overwhelmed by procedural and bureaucratic difficulties. They are intended to protect tenure rights and the right to due process, while at the same time providing reasonable efficiency in the handling of complaints. The committee's proposal balances these claims in a manner which it believes will provide a sufficient review and, if desired, appeal of each case, and yet prevent as far as possible both the complainant's and the respondent's having to describe and document more than once all matters of fact. (See Appendix C.)

3) CONSENSUAL RELATIONSHIPS

The University's educational function requires it to offer its students protection beyond the minimal safeguards which the law demands. Students depend on their teachers for encouragement and approval, and therefore a teaching faculty deeply affects its students emotionally as well as intellectually. In no way can a teacher evade his or her responsibilities in this area of personal trust and ratification.

In the opinion of the subcommittee, romantic and sexual relationships interfere with the professional objectivity needed for the reliable direction and evaluation of students, and therefore should be construed as having lessened the instructor's professional effectiveness, as is now done by the University administration. Furthermore, the actual freedom with which a student may consent to such a relationship is suspect. Since students are conditioned to meet their teachers' demands and to appreciate their teachers' approval, requests for sexual favors have confused students sufficiently to nullify, in actuality, their freedom to refuse. Therefore, while consensual relationships are not expressly forbidden in the reformulated policy, they are termed professionally inappropriate. At this time they are not viewed sympathetically by either the University administration or the courts, when and if complaints are filed. The procedures have been clarified to reflect current practice in these cases.

4) COUNSELING

During its review, the subcommittee received unanimous testimony on the need for counseling sexual harassment victims. At least three factors render counseling necessary: First, the intimate nature of the matter makes victims reluctant to subject themselves to official scrutiny. Secondly, the inequality in power which pertains in most sexual harassment cases makes victims fear reprisals should they file a complaint. Third, the superior status of most offenders and the bond of trust which exists in professional relationships, confuses victims and makes it difficult for them to see that they have been exploited. Rather than leave the victims to friends and associates, it seems incumbent upon the University to provide professionally trained counselors for consultation by victims, before a complaint is filed and during and after any official proceedings. Efforts are at present being made by the Women's Center and EO&AA to obtain help from Boynton Health Service and Student Counseling. The subcommittee foresees a need for additional personnel in the counseling offices, and all personnel engaged in this work will need additional training.

The intimate nature of sexual harassment complaints requires also a variety of possible counselors, so that victims can feel sufficiently at ease to explain the circumstances fully. This problem is particularly acute on the outstate campuses, where very few women, for example, hold high administrative positions, and where counseling personnel are also few.

5. PUBLICATION

The subcommittee also found unanimous agreement that the University sexual harassment policy and procedures must be more widely published. Here we quote one of our consultants:

It is important that every member of the University community be informed about (1) what behavior constitutes sexual harassment, (2) the University's policy in regard to sexual harassment, and (3) the process by which such behavior is dealt with and corrective action taken.

Making such information available to faculty, staff, and students should serve the dual purpose of (1) letting recipients of such behavior know of their rights and procedural options and (2) preventing such behavior on the part of those who are informed that it will not be tolerated.

While information may be provided through recordings and films, and while EO&AA has conducted workshops on sexual harassment with every academic unit, the most immediate way is through printed material. Both the University of Iowa and Michigan State have already developed and distributed useful materials. The subcommittee recommends that the Vice President for Academic Affairs arrange as soon as possible for the following:

1. policy statement to be posted on all departmental bulletin boards, those for faculty as well as those for students;

2. a pamphlet, written in simple, clear language, advising students and employees of their rights and describing the complaint procedures. These should also describe a wide range of possible sanctions (e.g., denial of merit pay, postponement of tenure, reassignment of teaching responsibilities, suspension, or termination). The pamphlet should be distributed at the time and place of student registration. It should also be included in the orientation materials for all new University students and in the information given new University civil service employees. The same material should also be printed in students handbooks and should be given to new faculty, academic administrators, and academic professional staff as well;
3. anonymous descriptions of cases involving typical sexually harassing behavior, with appropriate sanctions and legal implications, distributed to students, faculty, and staff;
4. development and promulgation of a code of ethics for faculty, administrators, and supervisors;
5. publication of the sexual harassment policy and procedures in the *Daily* every quarter.

In addition, the subcommittee recommends that the topic of sexual harassment be included in relevant courses, such as those in human sexuality and those in civil rights. We believe that the EO&AA Office and the Academic Vice President's Office should publish at least once a year the number of sexual harassment complaints filed, the number or percentage of these offenses judged to have been seriously harmful, and the range of sanctions applied.

6. SURVEY

In recent studies, 31-90% of the respondents report having received some form of unwanted sexual attention. Estimates of "serious" incidents (unwanted touching, subtle pressure or overt demands for sexual favors, or physical assault) range from 2-12%. Several studies conducted in university settings estimate that 33-41% of the female students have encountered some form of harassment from someone in authority. In a recent study at Harvard University, 32% of tenured female professors and 49% of untenured female professors report having encountered some form of sexual harassment. Few of these studies have used stratified random samples or a rigorous research design. Therefore, it is difficult to project the true level of incidence at the University of Minnesota for particular categories of students, faculty, and civil service employees. (See Appendix D)

Our subcommittee recommends that the University sponsor a study of sexual harassment. Through such a study the University would be able to assess the prevalence of sexual harassment and the level of awareness, within the University community, of our existing policy and procedures. We would also learn how the respondents typically deal with this problem and what their needs are. Such a survey would have at least an immediate benefit in raising the level of awareness about this problem. Moreover, this study would demonstrate our continued commitment to eliminating all forms of sexual harassment at the University of Minnesota.

7. BUDGETARY CONSIDERATIONS

Few can be unaware that the past several years have been difficult ones, financially, for the University. We also know that it is easy for specialized groups to urge the spending of money in order, supposedly, to save it. Yet the subcommittee must observe that sexual discrimination has recently been one cause of oppressive costs to this institution. Sexual harassment, which is treated under the law as discrimination, can also prove expensive, in court costs and damages as well as in the waste of professional knowledge and potential. Consequently, we believe that the amount needed for counseling and educating the University community in this matter will be wisely invested.

Besides eventually saving money, prompt and proper attention to the problem of sexual harassment will confirm our professional commitment and improve the health of the entire scholarly enterprise here at Minnesota. In this regard we find appropriate the statement of John Imholte (Provost, University of Minnesota, Morris), "Civilized relationships among sensitive and intelligent human beings preclude all forms of harassment, including sexual." This University is fortunate in having in large measure prevented other forms. Nor is it wholly responsible for the lapse from professional integrity which the sexual harassment policy and procedures are intended to remedy. It is, however, obliged to help in correcting any abuse of professional authority and trust, and at this time sexual harassment requires its attention.

8. REVIEW

The original sexual harassment policy required continuous review of the procedures. Unfortunately, this was not done. The subcommittee members were forced to educate themselves in the complexities of this problem, as well as in its prevalence and seriousness, in a very short time. An unusual degree of interest and cooperation from members of the University community made it possible for the subcommittee to do an adequate job. We do not want future reviews to depend on this exceptional goodwill, nor should they require such concentrated effort from the review committee. We recommend, therefore, that the Sexual Harassment Board conduct a continuous review, as stipulated in the reformulated procedures.

V. SUMMARY OF RECOMMENDATIONS:

The subcommittee recommends that the Faculty Affairs Committee forward to the Senate the motion: "That the Senate endorse the Policy Statement on Sexual Harassment and the Procedures for Handling Complaints of Sexual Harassment against Academic Staff," as reformulated in 1984.

It also recommends the following:

1. wider and more frequent publication of the policy and procedures within the University community;
2. designation and training of counselors for victims;
3. a survey of University students, staff, and faculty to determine the extent and severity of sexual harassment.

The University must publicize its policy and procedures more widely than it has thus far, or risk having its measures declared inadequate should cases of sexual harassment go to the courts. Counseling is especially important before complaints are filed, because while the EO&AA Office is indeed the most effective place to lodge a complaint, Morrill Hall does not appear accessible to those who are most likely to need assistance in cases of sexual harassment. Again, recent court decisions make it clear that policy and procedures alone are not enough, that both complainants and respondents must know what constitutes sexual harassment, must be informed exactly how complaints are handled, and must have easy access to the appropriate relief. Therefore publication and counseling are to be considered not auxiliary, but substantive (see Heelan v. Johns Manville [D.D.C. 1978]). Finally, a survey of the problem, as it exists at this University, will produce reliable data on which to base future decisions.

APPENDIX A

The subcommittee owes a debt of thanks to many members of the University community for their time and their careful attention. The subcommittee consulted personally with Betty Robinett, Assistant Vice President for Academic Affairs, who handled all sexual harassment cases after June, 1981; Lillian Williams, Director, Office of Equal Opportunity and Affirmative Action (EO&AA), who had handled all civil service cases since that date and had consulted with Dr. Robinett on many others; Ann Bailly, Assistant to the Vice President for Academic Affairs; Patricia Mullen, Assistant Director, EO&AA; Stanley Sahlstrom, Provost, University of Minnesota, Crookston; Ed Frederick, Provost, University of Minnesota, Waseca; Fred Morrison, Professor of Law and Chair of the Tenure Committee; Ann Truax, Director, Women's Center; and Steve Dunham, General Counsel. Two members of the Sexual Harassment Board served on the subcommittee: Anne Pick, Professor of Child Development, and Richard Purple, Professor of Physiology. The subcommittee also held an open hearing on January 23, at which both students and staff expressed their views. The Chair spoke briefly with University grievance officers at their meeting January 10.

Letters expressing opinions as to the policy and procedures and providing suggestions were received from Gregory R. Fox, Assistant Vice Provost for Academic Administration, University of Minnesota, Duluth; Elizabeth Blake, Academic Dean, University of Minnesota, Morris; Phyllis Freier, Professor of Physics and former chair of the Sexual Harassment Board; Dorothy Loeffler, Student Counseling Bureau, who helped frame the policy and procedures; and Nicholas Barbatsis, Director, Special Counseling Office.

The subcommittee reviewed available policy and procedural statements and official publicity from the Committee on Institutional Cooperation. Other documents consulted include: the "Policy Statement on Sexual Harassment" and "Procedures for Handling

Complaints of Sexual Harassment against Academic Staff" (University Senate Minutes, April 16, 1981, V, page 36); "Procedures to be Followed in Sexual Harassment Complaints Involving Civil Service and Academic Staff Personnel" (Office of Equal Opportunity and Affirmative Action, Office of the Vice President for Academic Affairs, University Personnel Department, October 20, 1981); "Regulations Concerning Faculty Tenure" (University of Minnesota, February 9, 1945, with amendments to March 13, 1981); "Regulations Concerning Faculty Tenure (draft December 20, 1983); the Sexual Harassment Task Force Report of the State of Minnesota Council on the Economic Status of Women (March 1982); "Sexual Harassment: Critical Review of Legal Cases with General Principles and Preventive Measures," Robert H. Foley (Purdue University), unpublished paper; and *Sexual and Gender Harassment in the Academy: A Guide for Faculty, Students, and Administrators*, Phyllis Franklin, Helene Moglen, Phyllis Zatin-Boring, and Ruth Angress (New York: Modern Language Association, 1981).

APPENDIX B

..... will move to amend section 10.3, page 15, lines 5-18, by striking out the present text and substituting the following:

10.3 Initial Procedures. Only a dean or an academic administrator specially designated by the Vice President may initiate preliminary procedures leading to unrequested leave of absence or to suspension or removal.

The administrator must first attempt to discuss and resolve the matter with the faculty member involved.

If the grounds for the action involve an alleged violation of a University policy, approved by the Faculty Senate, which provides for the review of such allegations by a panel established by that policy, the administrator must submit the matter to that panel for its recommendation.

In all other cases, the administrator must submit the matter to the tenured faculty of the academic unit involved for their recommendation. (The tenured faculty may decide to submit the issue to the entire regular faculty of the unit.)

Both the faculty member and the administrator may submit their views, in person or in writing, to the body making the recommendation, but neither of them may participate in the deliberation or vote. The body making the recommendation makes a written report to the administrator, indicating the number of votes for and against the proposed action and the reasons articulated. After considering the report, the administrator makes a written recommendation to the Vice President. The recommendation must include a copy of the report of the panel or of the tenured faculty, as the case may be. A copy of the report must be sent to the faculty member.

and by amending section 10.4 at page 15, line 20, by striking out the words "and the report of the faculty."

APPENDIX C

An administrative committee reviews and coordinates all sanctions for sexual harassment applied to faculty, academic professional and administrative staff, and civil service personnel. Its members are: Cherie Perlmutter, Assistant Vice President for Health Sciences; Betty Robinett, Assistant Vice President for Academic Affairs; William Thomas, Associate Vice President for Planning and Academic Support Activities and Director of Personnel; and Lillian Williams, Director, Office of Equal Opportunity and Affirmative Action.

Certain exceptions apply to the current sexual harassment procedures: Professional/administrative academic staff may appeal to the Academic Staff Advisory Committee Appeals Committee, at least two-thirds of whose members are professional/administrative staff, rather than to the Judicial Committee, whose members are all faculty. Respondents on the staff who are also students (e.g., TA's and RA's) come under the jurisdiction of rules appropriate to the role in which they acted at the time of the alleged offense. They may appeal judgments and sanctions against them to the Sexual Harassment Board.

APPENDIX D

Gutek, B. & Nakamura, C. "Sexuality in the Workplace," *Time*, October 8, 1979.

Lott, B., Reilly, M. E. & Howard, D. R. "Sexual Assault and harassment: A campus community case study," *Signs: Journal of Women in Culture and Society*, 1982, 8, 296-319.

McCain, N. "Female faculty members and students at Harvard report sexual harassment," *Chronicle of Higher Education*, November 2, 1983.

Safran, C. (*Redbook-Harvard Business Review Survey*). *Redbook*, March, 1981, 47-51.

Safran, C. "What men do to women on the job: A shocking look at sexual harassment," *Redbook*, November, 1976, 149, 217-223.

Wilson, K. R. & Kraus, L. A. "Sexual harassment in the university," *Journal of College Student Personnel*, May 1983.

MARIO BOGNANNO
Chair

IV. CONSULTATIVE COMMITTEE

REPORT BY COMMITTEE CHAIR
(10 minutes)

V. ACADEMIC FREEDOM & RESPONSIBILITY APPEALS COMMITTEE

ANNUAL REPORT, 1983-84

The committee met three times during the year.

The committee considered three potential cases. The first case was determined to be outside the jurisdiction of the committee because it dealt principally with a faculty appointments issue.

The committee accepted jurisdiction over a second case and designated a hearing panel. The complainants then challenged one member of the panel and requested the Judicial Committee to hear this case instead of the Academic Freedom and Responsibility Appeals Committee. The case is presently in abeyance awaiting a definitive decision by the Judiciary Committee on its jurisdiction and active pursuit of the case by the complainants.

The committee decided that a third potential case did not present a sufficiently substantial issue of academic freedom to justify a full hearing.

W. PHILLIPS SHIVELY
DAVID WEISSBRODT
Co-Chair

VI. USE OF HUMAN SUBJECTS IN RESEARCH COMMITTEE

ANNUAL REPORTS, 1982-83, 1983-84

I. Revisions in Procedures

As a result of revisions made in January, 1981, by the Department of Health and Human Services (DHHS) in the regulations governing the protection of human subjects in research (Part 46 of Title 45 of the Code of Federal Regulations), the committee was required to make comparable changes in the Policies and Procedures of the Board of Regents. These changes were approved by the University Senate on November 18, 1982, and by the Board of Regents on February 11, 1983. The primary change is the addition of two procedures to the review process: expedited review and screened for exempt status. Those research projects which fall within seven categories specified by DHHS as exempt from review need only be reported by way of a one-page form to the administrative office of the committee, and upon notification of the investigator that the research does meet the specifications for this category, the research may be initiated. For expedited review, research projects which fall within ten categories set forth by DHHS may be reviewed by only one reviewer (a member of the committee with at least a year's experience) who may approve the project as submitted, or with stipulations, but may not disapprove it. Projects which the reviewer believes do not merit approval must then be reviewed by the committee.

The effect of these changes in procedure has been a lessening of the number of research projects needing review by full committee. Since early 1983, approximately 140 projects have been reviewed under expedited procedures and 1600 determined to be exempt from review. Because the major portion of projects reviewed in these two ways has been in the social and behavioral sciences, there have been insufficient projects for review to necessitate the existence of two committees in this area, and, accordingly, in January, 1984, the two social sciences committees were merged.

II. New Assurance of Compliance with Federal Regulations

A second result of the revisions in federal regulations governing the use of human subjects in research was the requirement to submit a new assurance of compliance to DHHS. A revision of the existing assurance was, accordingly, submitted to DHHS in December, 1982. After several further revisions were made at the request of DHHS, the assurance was approved, to be effective May 1, 1984, for a period of five years.

One of the changes requested by DHHS was in the structure of the committee. The existing structure of one overall committee comprising four review panels was unacceptable to DHHS; it was necessary, therefore, to alter the description of the committee to that of four (originally, now three) separate committees. This change does not affect the function of the committees, but it will necessitate further revisions in the Board of Regents Policy and Procedures. Copies of the new multiple project assurance are available in the committee office to interested investigators.

III. General

The main activity of the committee, processing research proposals, has proceeded in orderly fashion. During the period from July 1, 1982, to date, the committee reviewed 709 new proposals, 142 previously reviewed proposals which required amendment or involved changes, and 1530 renewals. There have been 48 scheduled meetings of the Health Sciences Committees and 32 scheduled meetings of the Social Sciences Committees.

This report would like to stress the necessity for investigators to check with the committee, before conducting any research involving human subjects, about the avenues of review open to them. In addition, the committee would like to emphasize the need for advisers to oversee carefully the work of those student advisees who plan to use human subjects in research projects.

PAULINE BOSS
LAWRENCE S. LOCKMAN
JOHN J. SAUK, JR.
Chairpersons

VII. STUDENT ACADEMIC SUPPORT SERVICES COMMITTEE

ANNUAL REPORT, 1983-84

The committee met six times during the academic year. It focused its attention on an analysis of the Office of Student Financial Aid. Two aspects of financial aid were discussed: (1) packaging guidelines, and (2) academic progress standards.

Financial aid is available from a bewildering array of sources including the federal government, the state government, and internal University funds. Each student's needs are first determined using a formula. From this total need the amount an individual is expected to contribute by self-help (employment and/or guaranteed student loans) is subtracted; an individual must have a need greater than this amount (\$1440 for freshmen; \$2800 for advanced undergraduates) to remain in the pool. A maximum of 32% of remaining need or \$2280 (for undergraduates this represents tuition and fees) is awarded by a combination of gifts and loans. (Work-study assistance is in addition to the above.)

Should the amount of available funding be insufficient to meet needs as defined above, the committee recommended that aid should be reduced as follows:

(1) As a first step, the percentage of need awarded and the maximum award should be reduced concurrently, such that the percentage that the maximum award represents of usual undergraduate total need would be reduced at the same rate that the percentage of need awarded was reduced.

(2) At the point where the minimum amount awarded to upperclassmen reaches \$700 and the minimum amount awarded to freshmen reaches \$350, the amount of need necessary to enter the pool should be increased to sustain these minimum awards. Some thought might be given to raising the freshman minimal need amount more rapidly than that for upper classmen.

The federal government requires that we develop academic progress standards for a student to be able to continue to receive financial aid. The committee has endorsed a *Proposed Minimum Standards of Academic Progress for Financial Aid Recipients* policy and has forwarded the proposal to the Consultative Committee with the recommendation that they be published as an information item in the State docket.

NORMAN S. KERR
Chairman

VIII. INTERNATIONAL EDUCATION

ANNUAL REPORT, 1983-84

Those who served on the Senate Committee on International Education 1983-84 included Chang Hee Chae, Dario Menanteau, Donald Marion, Marilyn Rossmann, Richard Christenson, Vicki Cass, Joseph Mestenhauser (ex-officio), Michael Metcalf (ex-officio), Lorri Segar, Martha Lind.

Major topics discussed during monthly meetings included all University international exchange agreements, the Exxon grant for faculty development for curricular improvement in international education, an invitation to Governor Perpich to speak on international education at the University, follow-up to an August 1983 meeting on the proposed National Council on International Research, evaluation of achievement by foreign students, International Education Week at the University of Minnesota, draft report of the President's Task Force on the International Character of the University, guidelines prepared by the National Association of Foreign Students for Universities and Colleges, and coordination of international units.

Action items recommended by the International Education Committee on the basis of its discussions were as follows:

1) The committee recommended that international exchange agreements initiated and developed by University of Minnesota faculty members should be monitored by the office of International Programs or its equivalent and by the Vice President for Academic Affairs. It would seem reasonable that each agreement should also be submitted to the Committee on International Education for information and approval. The committee could then raise questions about any agreement by asking those involved to appear before the committee, and its recommendation reported to SCEP for approval or non-approval.

2) The committee unanimously recommended the invitation of Governor Perpich to speak on the University of Minnesota campus during Winter Quarter. (This invitation was issued by President Magrath but the Governor was unable to accept.)

3) In a separate report the committee unanimously and enthusiastically supported the overall objective of the draft report of the President's Task Force on the International Character of the University. The committee studied this report in detail and has submitted a summary of its reactions and recommendations to SCEP.

4) The committee unanimously voted to endorse the National Association of Foreign Student guidelines and to forward this endorsement to the Senate Committee on Educational Policy.

KAREN OLNESS
Chair

IX. ANIMAL CARE COMMITTEE

ANNUAL REPORT, 1983-84

The use of laboratory animals is essential for basic research and for effective instruction in many academic fields. The University has a longstanding policy that the animals used in carrying out these essential functions receive humane treatment at all

coming years. The possibility of student service fees from the campuses is being looked into and seems to be the most popular solution. The final proposal will depend on the relationship between the Student Senate and the system-wide lobbying effort.

**ALICE EDWARDS
SCOTT SINGER**

III. STUDENT CONSULTATIVE COMMITTEE

STUDENT SENATE PRINCIPLES, OBJECTIVES, AND POLICIES (5 minutes)

MOTION:

That the Student Senate adopt the Principles, Objectives, and Policies Statement:

I. PRINCIPLES

- A. The University of Minnesota Student Senate shall seek in all of its actions and deliberations to consider equally the interests of the present student body, future students, and the institution.
- B. The University of Minnesota Student Senate shall consider the interests and concerns of each campus within the University to be of equal importance.

II. OBJECTIVES

- A. To provide the structure for carrying on the necessary and appropriate activities of the students by providing the means in which to identify and air student concerns and take action on any subject pertaining to students.
- B. To make decisions, propose solutions, to formulate policies and programs or take action on matters of significance to students, especially those which involve the protection of student rights and interests in the development of University policy.
- C. To promote all forms of communication between students, faculty, administrative groups, and staff which will benefit them and their individual members, especially regarding matters of University policy.

- D. To provide an additional educational experience for the benefit and development of students and to recognize their contributions.
- E. To represent the views and interests of the students at the University, internally and to other bodies.
- F. To assist and make recommendations to organizations that form and operate in the University.

III. POLICIES

- A. To approve, administer, and allocate funds that are the responsibility of the Student Senate.
- B. To enforce the provisions of this organization.
- C. The Student Senate limits its purview to those issues within the institution that affect all campuses and those issues which arise at state or national levels with direct impact on individuals as regards their student status. Exceptions to this may be granted by the Executive Committee of the Student Senate under certain conditions (e.g., consensus that an issue of concern to only one campus is deserving of all possible student support; a political issue with widespread consensus).

IV. ELECTION OF 1984-85 STUDENT SENATE OFFICERS

INFORMATION:

Pending University Senate ratification of amendments needed to formalize all these positions, the Student Consultative Committee recommends that the permanent election be postponed until the first fall quarter 1984 meeting of the Student Senate. At today's meeting an interim election for Student Senate Chair will be held.

V. ADJOURNMENT

MEETING OF THE FACULTY SENATE Thursday, May 17, 1984 (immediately following the University Senate Meeting)

The Senate constitution provides that all members of the faculty who hold regular appointment as defined in the *Regulations Concerning Faculty Tenure* may be present at Faculty Senate meetings and shall be entitled to speak and to offer motions for Faculty Senate action. Only elected faculty members (or their designated alternates) shall be entitled to vote.

I. COMMITTEES OF THE FACULTY SENATE, 1984-85

Action (2 minutes)

Due to an unavoidable delay, the names of the chairs of the following committees will be published in the *Minnesota Daily* on Tuesday, May 15.

JUDICIAL Faculty: Laird Barber (UMM), Dale Dahl, Amos Deinard, Martin Dworkin, Ellen Egan, William Flanigan, Arnold Flikke, Ruth Franzen, Leonard Greenberg, Janice Hogan, Arnold Ismach, Walter Johnson, Douglas Lewis, Donald MacEachern, Timothy Mazzoni, Susan Meyers, Roger Park, Stephen Prager, Edward Stauffer (UMD), Gordon Swanson, Eugenia Taylor, Mathew Tirell, Cecil Waddington, Paul Waibel, Marla White.

FACULTY AFFAIRS James Berry, Raymond Bohling, William Boylan, Charles Campbell, Thomas Clayton, David Davis, Margery Durham, Richard Goldstein, Roland Guyotte (UMM), Royce Hanson, Charlotte MacLeod (UMD), John Munholland, Tim Nantell, Anne Pick, Warren Roberts, George Sell, Robert Ulstrom. Ex Officio: Harold Bernard, Betty Robinett. Graduate Assistant: 1 to be named.

TENURE Mary Dempsey, Mary Dietz, Sam Krislov, Fred Morrison, W. Donald Spring (UMM), 2 to be named. Ex Officio: Betty Robinett. Students: 2 to be named.

II. FACULTY AFFAIRS COMMITTEE

LEAVES OF ABSENCE, UNPAID
(10 minutes)

MOTION:

That the Faculty Senate approve the following policy with respect to faculty members on leave:

Beginning July 1, 1985, a faculty member on leave without pay will receive no contributions from the University toward retirement benefits. Faculty members on partial leave of not more than 50 percent time will receive these contributions in direct proportion to the extent of their appointment.

Exceptions to this policy are the following:

1. Faculty members on sabbatical furlough.
2. Faculty members on leave without pay for a period of less than one month.
3. Faculty members on disability leave.
4. Faculty members on phased retirement as described in the Regents' policy.
5. Faculty members on leave for purposes that enhance the faculty member's instruction, scholarships, and/or professional expertise, and that benefit the department, college, or other academic unit of origin. For this exception it must also be shown that the organization providing income to the faculty member during the leave has a policy that does not permit it to pay retirement benefits, directly or indirectly, to any recipient of income from the same or similar funding sources.
6. Faculty members taking unpaid leave from the University for the purpose of providing service in administrative posts to organizations whose roles include the advancement and/or support of the academic or scientific community. This exception will be made only when it is shown that the policy of that organization prohibits payment, directly or indirectly, of retirement benefits of the faculty member for such a period of service.

For the faculty member who qualifies for leave under exceptions #1 through #4 above, both the University and faculty member contributions under the faculty retirement plan will be made during the period of such leave.

For the faculty member who qualifies for leave under exceptions #5 or #6 above, both the University and faculty member contributions will be made upon the faculty member's return to University payroll. Contributions will be made over a period of time equal to the length of the leave, except that if the total contributions to be made in a calendar year would exceed the limits allowed under the Internal Revenue Code, the period of time shall be extended.

To qualified for leave under exceptions #5 or #6 above, the faculty member must receive approval at each step in the relevant chain of academic authority with final approval resting with Academic Affairs.

For the faculty member who does not qualify for leave under exceptions #1 through #6 above, the following options for plan participation will be available:

1. The University will permit other institutions or organizations which fund a faculty member on a full or partial unpaid leave from the University to make retirement contributions on that part of the leave for which the individual and the University is not making such contributions.
2. The University will permit the individual faculty member on full or partial unpaid leave from the University to make retirement contributions on his/her own behalf up to the total

amount that would have been made by the University and faculty member in the event that the leave would not have been taken. Note that direct payment contributions made during the period of leave may not be eligible for tax deferral under the Internal Revenue Code. Upon returning to the University's payroll, contributions made through an income reduction agreement entered into with the University are eligible for tax deferral.

MARIO BOGNANNO
Chair

III. CONSULTATIVE

FACULTY AFFAIRS COMMITTEE

SEXUAL HARASSMENT POLICY & PROCEDURES

Please refer to the agenda for the University Senate.

IV. FACULTY AFFAIRS COMMITTEE

INCOME DISABILITY
(5 minutes)

MOTION:

That the Faculty Senate approve that, if a faculty member should become totally disabled for four months (provided he/she has not then passed his/her mandatory retirement date, which is the June 30th following or coinciding with his/her 70th birthday) he/she would receive a monthly income equal to 60% of monthly salary, not to exceed \$3,250 per month. Monthly salary would mean average monthly salary based on compensation earned in the 12 months preceding disability onset date.

MOTION:

That the Faculty Senate approve that the eight disabled faculty who were adversely affected by the \$1,000 maximum set in 1968 and the \$2,000 maximum set in 1977 have their benefit level adjusted under the proposed \$3,250 maximum. Cost of proposed change: Non-recurring cost of \$208,000.

MOTION:

Henceforth, that the appropriate maximum covered salary should be reviewed by the Senate Committee on Faculty Affairs every two years. The next study should be made in 1985-86.

INFORMATION:

The present policy provides 60% of the first \$40,000 of salary or a maximum benefit of \$24,000 per year. The proposed policy would provide 60% of the first \$65,000 of salary or a maximum benefit of \$39,000 per year.

Why cap covered salary at \$65,000? (1) From 1976-77, to 1983-84, average faculty salaries increased approximately 63%. $\$40,000 + (\$40,000 \times .63) = \$65,000$. (2) When last increase occurred in 1977, there were approximately 70 individuals out of 4400 covered who were over the maximum covered salary. $\frac{70}{4800} = 1.6\%$ over \$40,000; $\frac{77}{4800} = 1.6\%$ over \$65,000.

MARIO BOGNANNO
Chair

V. FACULTY AFFAIRS COMMITTEE

RETIREMENT PLAN
(10 minutes)

MOTION:

That the Faculty Senate approve that a faculty member have, at the time of retirement, the option of transferring the proceeds of his/her Faculty Retirement Program in the Minnesota Mutual-Northwestern National Plan into an individual retirement account of his/her own choosing.

INFORMATION:

The advantages of the rollover option are relevant to both males and females in providing additional flexibility and inflation protection which are not now available.

We have considered that this option, if chosen by a large number of males, might perturb unisex rates as they currently apply. However, a significant perturbation is unlikely because, if the past is any indication, over 75% of males choose the joint survivorship annuity, which is sex neutral and does not affect unisex rates.

times. Regulations and inspections are two means of ensuring adherence to this policy. Another is informing all individuals who use animals about what constitutes clean and comfortable animal holding facilities, proper feeding, and humane care and use, and about the importance of these things to the validity of the scientific data obtained from the animals. Conducting thorough investigations of complaints regarding allegedly inappropriate use or care of animals in University programs is another means of ensuring that the animals which serve in our programs are properly treated.

In the summer and fall of 1983 the Animal Care Committee conducted an extensive investigation of a formal complaint which had been registered by the Animal Rights Coalition (ARC) of Minneapolis. The complaint alleged that cats were being abused in a human neonatal resuscitation training course given at North Memorial Medical Center but administered by the Department of Family Practice and Community Health of the University of Minnesota Medical School. The Committee's inquiry found that this is a highly specialized, 8-hour training course on a number of critical, technical procedures. It is given to experienced health-care professionals (e.g., MDs, RNs, CRNAs) to enable them to respond more effectively to certain life-threatening situations involving infant asphyxia. Moreover, we learned that the course, which began in 1979 as an effort to improve local training in neonatal resuscitation, has become nationally recognized. The course has several parts, one of which involves the endotracheal intubation of anesthetized cats. The committee reviewed data from follow-up course evaluations which indicated that the endotracheal intubation of the anesthetized cats was a key component in ensuring the practical efficacy of the training. The committee reviewed in detail all of the materials and procedures surrounding the use of the cats in this course, and found no grounds for the charges of cruelty and abuse contained in the complaint. The fall quarter meeting at which the course materials and procedures were reviewed and at which the results of a special executive subcommittee investigation into the matter were reported was attended by Barbara Raye, Executive Director of the Minnesota Humane Society. She concurred with the findings of the committee. Although the committee found the procedures in practice to be well within the domain of humane care and treatment of the cats, to reinforce and maintain these high standards it recommended that: (1) the Department of Family Practice and Community Health, in consultation with the Department of Research Animal Resources, develop training/information sessions for those physicians directly responsible for teaching the endotracheal intubation part of the course to ensure that they are familiar with any special topics pertinent to the appropriate care of the cats under the conditions in which they are used in the course, (2) a senior member of the faculty of the Department of Family Practice and Community Health make a brief commentary to the class members relative to the need for humane and respectful treatment of the animals as preface to the videotaped demonstration of the endotracheal intubation procedure, and that (3) the published procedural protocol of the course be periodically reviewed and updated to incorporate and coincide with the procedural details which experience in teaching the course has found to be appropriate and desirable.

The committee also moved forward on last year's recommendation to the administration that the Health Sciences seek accreditation of its animal facilities by the American Association for the Accreditation of Laboratory Animal Care (AAALAC). The National Institutes of Health (NIH) is presently reviewing the regulations governing the care and use of laboratory animals by those who have NIH funding, and it is generally anticipated that NIH will eventually require all grantees to have AAALAC accreditation. In view of the fact that the University of Minnesota and, in particular, the Health Sciences receive several million dollars of NIH support annually for biomedical research involving animals, we believe the University is well advised to seek AAALAC accreditation now so as to ensure continuity of funding when this anticipated requirement is adopted. Accordingly, in consultation with the Animal Care Committee and the Department of Research Animal Resources, the Vice President for Health Sciences applied for AAALAC accreditation in October 1983. The application covered 15 units in the Medical School, School of Dentistry, and College of Pharmacy. An AAALAC inspection team visited these sites in April 1984, and the results of the evaluation are expected in July 1984.

Coordination of the AAALAC site visit of the Health Sciences animal care and use facilities constituted the first step in the committee's next complete inspection program of all University facilities. The committee is presently preparing to conduct comprehensive inspections of remaining University animal care and use facilities in the 1984-85 academic year. The information obtained from these inspections will serve as the basis of the next complete assurance statement that is required by NIH. It is due in 1985.

In recent years there has been a significant increase in the general public's interest in why and how animals are used in scientific research. Much of the committee's time this year was spent providing such information in different forums. For example, the committee Chair and the Director of Research Animal Resources prepared a status report on laboratory animal care and use at the University for the Board of Regents. They also represented the University in discussions of the subject in various public media. The committee also worked with the Department of University Relations in developing informational materials on the topic.

As part of its continuing effort to remain abreast of the latest developments in laboratory animal care and management technology, federal regulations, efficient animal care committee procedures, etc., the committee is sending its Chair to a two-day conference on such matters in Baltimore in May 1984. The conference is cosponsored by the Scientists Center for Animal Welfare and the Johns Hopkins Medical Institutions. A report on this conference will be a major agenda item in the committee's final meeting of the year in early June.

The University Animal Care Committee firmly believes that, through its activities in 1983-84, the quality of the care provided laboratory animals at the University of Minnesota has remained exemplary and has continued to make a significant contribution to the overall high quality of our research and teaching programs.

GAIL PETERSON
Chair

X. QUESTIONS TO THE PRESIDENT (15 minutes)

Questions shall be submitted in writing to the Clerk eight calendar days before the meeting. The Consultative Committee shall review them. Because a limited time is allotted to answering questions, it may be necessary for the committee to combine similar questions and to withhold others. The committee will also be guided by the breadth of interest in the issue. All questions received, together with the names of the questioners, shall be distributed at the meeting. The Consultative Committee shall group questions by general topic and shall indicate those which have been forwarded for answers. The person answering a question may if he/she chooses, entertain additional questions from the floor which extend the original question.

XI. OLD BUSINESS

XII. NEW BUSINESS (15 minutes)

Please feel free to use this agenda item to comment on a topic you believe is of general interest to the Senate. The Senate is reminded that this entry in the agenda (not to be confused with the Senate's "Questions to the President") may be used to raise specific issues, concerns and/or ideas of general interest. A motion is not required. As much as anything, the Business and Rules Committee wishes to remind the Senate that all ideas presented to the body need not flow from a committee.

XIII. TRIBUTE TO DECEASED FACULTY MEMBERS

HELEN G. CANOYER, 1903-1984

XIV. ADJOURNMENT

MEETING OF THE UNIVERSITY STUDENT SENATE Thursday, May 17, 1984 3:45 p.m.

25 Law Bldg.—Twin Cities campus
305 Selvig Hall—Crookston campus
502 Darland Adm. Bldg.—Duluth campus
Behmler Hall Conference Room—Morris campus
Learning Resources Center Conference Room—Waseca campus

The voting membership of the University Student Senate totals 56, including the Student Consultative Committee.

I. MINUTES OF THE FEBRUARY 16 MEETING Action (2 minutes)

II. STUDENT CONSULTATIVE COMMITTEE

INFORMATION:

Interim Report on the Existence, Structure, and Mission of the University Student Senate

A major task befalling this year's committee was to continue the revision work of the Student Senate Constitution. As the committee labored through several attendant issues such as State Lobby Advisory Committee (lobbying), Mr. Lenander pointed out that, when the University Senate Constitution was revised in 1981, the Student Senate was fully incorporated. In order to promote some initial solutions to the problems we were facing, a retreat was held at Mary Jane Plunkett's cabin in Wisconsin at which 16 student leaders from most campuses attended. Substantial progress was made. This led to a reformation of the previously Lenander-chaired task force to the larger extended subcommittee on the Student Senate. Alice Edwards, who by this time had almost become a member of the committee through her good SSCC attendance, and Scott Singer co-chaired the extended subcommittee. The other members are Susan Hunstiger, Charles Farrell, Mitch Richter, Colleen Traxler, Wade Wilde, and Professor Don Spring.

Following is the interim report of the extended subcommittee.

PAUL SCHULTE
SCOTT SINGER
Co-Chairs

The extended subcommittee divided into four major working groups: Structure, chaired by Scott Singer; Funding, chaired by Charles Farrell; Lobbying, chaired by Mitch Richter; and Principles Objectives and Policies Statement, chaired by Colleen Traxler. The extended subcommittee has been meeting since February and has accomplished much of what it set out to, but there is still a lot of work to do.

The structure group was concerned with looking at the Senate Constitution to see what, if anything, needed to be changed. The group decided that there were four areas of the constitution that needed to be amended. The first area deals with removal of students from Senate committees. If a student misses three consecutive meetings for which notification was given they are removed from the committee. If they wish, they can appeal to the Student Committee on Committees. It is felt that there needs to be a mechanism to remove students that are not attending meetings. It is then to then appoint other students to those positions who will fulfill their responsibilities.

The second area is that of the membership of the Executive and Steering Committee of the Student Senate. In the past the Student Consultative Committee has been the Executive and Steering Committee. It was felt that there should be more diverse input into the decisions that this group would be making so it was decided to expand it to include the student body president from all campuses including the President of the St. Paul Board of Colleges and the chair of the student representatives to the Board of Regents as ex officio voting members.

The third area deals with the officers of the Student Senate. There is nothing mentioned in the present University Constitution regarding officers of the Student Senate. This amendment states that there shall be a chairperson, elected from the membership of the Student Consultative Committee by the membership of the Student Senate, a clerk, and a treasurer. The clerk and treasurer shall be appointed by the chair subject to the approval of the Student Senate. Their duties shall be prescribed in the Bylaws. (At a subsequent Business and Rules meeting, Dave Lenander, Bill Meyer, and Julie Bates introduced an amendment to this stating that the chairperson of the Student Senate shall be elected from the membership of the Student Senate by the membership of the Student Senate. It also adds the office of vice chair who would be a member of the Consultative Committee. This amendment passed.) The Bylaw change states that the treasurer of the Student Senate shall be the chief budget officer and chair the Budget Committee.

The fourth area of concern was the committees of the Student Senate. This amendment states that the Budget Committee shall be the budgetary committee of the Student Senate. Because of the increased activity of the Student Senate we will be needing additional funding and an appropriate body to administer it.

The Principles, Objectives, and Policies group was concerned with the Principles, Objectives, and Policies of the Student Senate. The consensus was that functioning under the Senate gave us greater visibility and support and so should be pursued. We were concerned, however, that a separate statement would be necessary in order to identify the Student Senate more clearly to its constituents and members as well as dealing with certain items of business or ideological commitments which should/could not be included in the full Senate Constitution. The Principles, Objectives, and Policies Statement will be up for approval at the May 17, 1984, meeting. There is an additional section of the Principles, Objectives and Policies Statement dealing with lobbying that is pending resolution of the lobbying issue. This section will be brought before the Student Senate for action in the coming year.

The lobbying group was concerned with deciding whether or not lobbying should be included in the Student Senate and if so how. The group is still working and will continue to do so through the life of the extended subcommittee. The issues under discussion are whether or not the lobbying effort for the entire system should be connected with the Student Senate and if so how closely. The monetary needs of the lobbying group will be dependent on its relationship to the Student Senate.

The funding group is concerned with the funding of the Student Senate. The work of this group will also be continued. The funding to support the Student Senate next year will come from the Student Associations. The group is exploring various forms of funding for the

It has been suggested that males choosing this option return to the pension fund a portion of the money they are taking out, based upon a formula calculated to reconstitute the expected perturbation that the rollover might cause of the current unisex rates. A calculation indicates this would require each male choosing the rollover option to forfeit about 1.1% of that portion of the accumulated value of the funds due to his and the University's contributions since July 1, 1982 (the time of adoption of the unisex policy). [This figure is based upon the difference between the male and unisex annuity rates (as calculated by Minnesota Mutual-Northwestern National actuaries) and the percentages of males who have chosen different modes of annuity distribution over the past seven years, i.e. single life annuity, joint survivorship, ten year certain, etc.]

However, knowledgeable persons within the University administration and the insurance company have indicated it is likely that the requirement of such a restitution would be illegal in that it violates the recent Norris decision by the Supreme Court, which mandates that both genders be treated equally in the retirement annuity matters. Each faculty member has a fully vested interest in his/her pension and to require males to return some of their vested funds is alleged to be in conflict with the equal treatment concept. For this reason the committee is not proposing such a restitution in its recommendation.

MARIO BOGNANNO
Chair

VI. FACULTY AFFAIRS COMMITTEE REGULARIZING INSTRUCTION GUIDELINES (5 minutes)

MOTION:

That the Faculty Senate endorse the following guidelines on regularizing instruction:

- A. Protecting Individual Faculty Rights
 1. The minority interests among faculty and those of individual faculty members should be protected through such schemes as "grandparenting;"
 2. No individual faculty member should be forced to abandon his/her regular B-term (fall, winter, and spring) appointment and the benefits related thereto; and
 3. Regularization should not be the cause for increasing a faculty member's teaching load.
- B. Insuring Collaborative Processes
 4. A program to regularize instruction should not be compulsory. College-wide initiatives should be the product of negotiations with the department housed therein;
 5. Democratic processes, at a departmental level, should govern the development of regularization plans;
 6. Regularization plans at the departmental level should be motivated through a system of rewards and cost minimizing considerations.

INFORMATION:

The prospect of declining enrollments has led University administrators to consider new ways of maintaining revenue levels and the University's commitment to a broad and diverse set of course offerings. These administrators have been weighing the advisability of folding summer session and "for credit" extension classes into the regular course offerings of colleges. Technically, credit hours earned during the summer terms and through extension classes are credited as Summer Session and CEE hours, respectively. These credit hours receive little, if any, state subsidy. However, by "regularizing" these same course offerings the hope is that state funding will follow. Questions regarding prospective funding levels remain unanswered.

There is no all-University policy to guide the regularization process. Each college and department is free to proceed with its own plan for regularizing instruction. However, there are a number of faculty welfare issues that are tied to this process. A short listing will help to illustrate this point:

1. Who will teach these courses? Will the summer term and extension courses be "in loaded" into a department's set of regular teaching responsibilities? If so, will teaching loads increase?
2. Will resources associated with the regularization of instruction flow directly to the affected departments? If so, may the departments (a) hire new faculty, (b) continue to permit incumbent ("needy") faculty to teach on an "overload," second income, basis or (c) continue to hire graduate student instruction or temporary faculty?
3. Will faculty in the affected colleges/departments lose control over the time of day they must teach and over the discretionary use of their summer time?

SCFA considered these and related questions having to do with faculty welfare. The committee met with the Vice President for Academic Affairs. Subsequently, SCFA agreed upon the preceding short list of factors that should serve as a minimum set of guidelines that colleges and departments should follow if/when they engage the strategy of regularizing instruction.

MARIO BOGNANNO
Chair

VII. FACULTY AFFAIRS COMMITTEE FACULTY SALARY ADJUSTMENTS

INFORMATION:

April 4, 1984

MEMORANDUM

TO: Senate Committee on Faculty Affairs
Mario Bognanno, Chairperson

FROM: SCFA Sub-Committee on 1983-84 Performance Review and Salary Adjustments
Ellen Berscheid (Chairperson), Marvin Stein, Rick Arvey, John Fossum

BACKGROUND:

In the spring of 1983, as is customary, the SCFA was asked to make a recommendation to the administration concerning the distribution of faculty salary increases. For each of the previous eight years, a portion of the salary monies had been designated as "across-the-board" (e.g., 2%) with the remainder to be allocated according to "merit." After vigorous discussion of the "across-the-board and merit" versus "all-merit" alternatives, the SCFA voted, by a very narrow margin, to recommend an all-merit allocation. Because several members expressed strong reservations about the all-merit plan, and because the SCFA has not in the past been provided with information about the outcomes of various salary adjustment schemes, the SCFA also voted to establish a sub-committee to investigate current practices regarding salary adjustments as well as the outcomes of the '83-'84 salary allocation.

Thus, Craig Swan, then Chair of the SCFA, wrote to Vice-President Keller (June 29, 1983) to request that the Office of Academic Affairs help the work of the sub-committee by: a) requesting from each department a brief description of the process used in annual performance review and salary adjustments, including a statement of the criteria used to make such adjustments and information about who is responsible for applying the criteria; b) gathering information about the frequency distribution of salary increases by departments; c) paying special attention to "especially low increases" in their routine monitoring of proposed salary adjustments.

The Office of Academic Affairs has cooperated extensively on all counts. In addition, Academic Affairs has initiated its own "3-step process" in analyzing salary increases for the 1983-84 academic year. The first step, as reported in a letter to the Board of Regents from Vice-President Keller (November 7, 1983), was to scrutinize all increases equal to and greater than 15% or less than 2%. (A college's budget was approved only after all questions with respect to those increases had been resolved, either through the receipt of adequate justification or through subsequent modification of the increase.) In that letter, Keller stated that, in the end, "fewer than 1.5% of the staff received increases less than 2%

and fewer than 3% received increases greater than 15%." It might be noted that our own independent analysis of the data corroborates that fewer than 1.5% received increases less than 2% (i.e., in our sample, 11 received no increase and 9, earning under \$40,000, received less than 2%).

The second step in the process initiated by Academic Affairs has been a more thorough computerized analysis of all salary changes, and the third step will be the design of "an analytical model for comparing current salaries against predicted salaries, taking into account the wide variety of factors on which salary determinations are made" (Keller, November 7, 1983). To this last end, Vice-President Keller appointed a task force to design an ongoing process for the quantitative monitoring of academic salaries (October 14, 1983):

The charge of this task force is to design a procedure which the University can utilize at least annually to analyze salary increases of faculty and other academic personnel. The procedure should provide for examining and interpreting individual salary increases as a function of the parameters on which those increases should depend. In designing the procedure, I expect you to consider the literature on academic salary discrimination as well as the growing body of case law on the topic. However, I also believe it is very important to recognize that salaries be set on the basis of merit and must be set on the basis of market considerations, and that factors such as these are necessarily judged on a somewhat subjective basis. I hope that your proposed process will build on as broad a data basis as is feasible. At the same time, the approach must strike a balance with organizational efficiency and cost.

THE 1983-84 SALARY ADJUSTMENT PROCESS:

What is merit?

As John Fossum of our sub-committee observed, "Merit is not a tomato; it's ketchup." The fact that "merit" may have many ingredients was reflected in a memorandum from President Magrath to Provosts, Deans, Directors and Department Heads regarding the Preparation of the 1983-84 University Budget (June 16, 1983) which started "Salary resources should be allocated to reward merit, to protect and enhance the institutional quality, to recognize and respond to demonstrable market factors, and to correct inequities and inappropriate imbalances." It was also reflected in a memo from Vice-Presidents Keller and Vanselow to Provosts, Deans, Directors, and Department Heads on the subject of "setting academic salary increases" (June 30, 1983) where they said: "We believe that the added flexibility provided to units by this approach [all-merit] will allow them to reward the outstanding performances of individual faculty members and to correct inequities in salaries that may have developed over many years through a combination of market pressures during a period of high inflation rates and low faculty salary increases." Their memo also requested that the Deans review the faculty adjustments proposed by the departments to assure that: a) the increase was actually reflected in assessment of merit, noting their hope and expectation that the Departments would use the flexibility provided to differentiate among faculty in the level of increase recommended; b) that the assessment of merit be justifiable and explainable, warning that any increases below 2% or above 15% would be especially in need of justification; c) that the process be understood and accepted by the departmental faculty. Finally, the Keller-Vanselow memo urged particular attention to women and minority faculty members, assuring that their salaries be no less than their departmental peers given length of service, rank, and comparable performance.

How was Merit Determined?

Despite the fact that a "merit" allocation may reflect many different considerations, most people presume that just as tomatoes are the main ingredient of ketchup, actual performance is the primary ingredient of "merit." It was not, of course, possible for us to determine the degree to which the 1983-84 salary increases were based on consideration of actual performance since no performance data were available to us. The Office of Academic Affairs, however, did collect information about the manner in which units made salary allocations and content analyzed it to determine: a) whether the review was based on an annual report submitted by a faculty member; b) the mechanism used in arriving at a recommendation (e.g., whether a faculty committee made the merit recommendation or whether the head/chair did so); c) whether the provost/dean reviewed and discussed the appropriateness of the recommendations with the head/chair; d) whether the individual faculty member was merely notified of the allocation or whether the salary adjustment was also discussed with that person; e) whether the faculty was informed of the procedures by which the allocation was made; f) the mechanism the unit used to adopt the procedures for allocation (e.g., constitution, formal procedures, vote, faculty consensus, etc.). The tables reporting this information were forwarded to our Sub-committee. About them, it can only be said that there is variance in the procedures used, particularly with respect to the mechanism that is used to adopt the allocation procedures. Whatever the procedures are, however, it appears that the faculty are informed of their nature (at least according to the self-reports of the department heads/chairs/directors). These tables will be made available to any member of the SCFA who thinks he or she can make further sense out of them.

Although we could not determine the extent to which performance accounted for actual variations in salary allocation, we could investigate the extent to which certain factors that we had no reason to believe ought to covary with performance were, in fact, significantly associated with amount and percentage of salary increase. The results of our analyses are reported in the next section. Here, it shall suffice to say that when the variance in salary allocation accounted for by these "extraneous" factors is removed, a very large portion of the variance is "unexplained"; thus, the data are at least not incompatible with the likelihood that actual performance does account for the major portion of the variance in salary allocation.

WHAT WERE THE OUTCOMES OF THE 1983-84 SALARY ALLOCATION?

For women? The results of preliminary analyses conducted by the Office of Academic Affairs (duplicated in Table 1 attached) suggested to some persons that women may have done a bit better than men. Our own analyses (to be reported shortly) indicate that, given the same situation as men (e.g., college, length of service, etc.) women fared no better, and no worse, than their male counterparts.

For faculty in different ranks? It will be noted in Table 1, prepared by the Office of Academic Affairs, that there appears to be an inverse relationship between rank and size of percentage increase, such that Assistant Professors tend to receive higher percentage increases than Associates do, and they, in turn, receive higher percentage increases than Full Professors. This was of concern to the sub-committee for at least two reasons:

1. **Compression.** It will be recalled that one of the major concerns expressed by SCFA members last spring was the problem of "compression." There is widespread belief (undocumented by appropriate analyses) that the percentage differential in salary between new assistant professors and senior full professors has been shrinking. Such compression may indeed result from market competition for entering assistant professors combined with a relatively small amount of salary monies overall for many years; given a fixed and small amount of salary funds, proportionately more must be allocated to new assistant professors. In addition, in the past the President often set a "floor" for assistant professors, or an amount under which they could not be paid. These floors often resulted in assistant professors currently on board having their salaries raised just to meet the minimum floor.

Compression may result from yet another factor, to wit: When the amount of monies available for salary increases is small, and when assistant professors are making little money on an absolute basis (and are thus particularly adversely affected by inflation), then the absolute amount (rather than percentage) of salary increase becomes an important factor in salary allocation; those with lower salaries are often granted greater percentage increases so that the dollar amount will be large enough for them to keep body and soul together in hard times.

In any event, there are a number of factors that may have operated in recent years to result in compression, and it has been a continuing concern of the SCFA. It will be recalled that it was also Vice-President Keller's hope that this year's allocation would not exacerbate any compression that may have occurred over the past several years.

2. **Complaints** about the 1983-84 allocation. The concern of the SCFA at the time the all-merit decision was made appears to have been warranted by several spontaneous, unsolicited comments made by faculty to various members of the committee. For example, one SCFA member wrote to Chairperson Craig Swan (August 14):

We have had our experiment with 'total merit' (which I supported at the time of advising), and many who have spoken to me about it have not liked the results. Generally speaking, it appears that higher-paid faculty members fared less well than they would have fared with 2% across the board and the rest merit, not because of the arbitrariness of their chairs but

because of built-in mathematical constraints. This was unforeseen by many who looked idealistically to 'total merit' to decelerate the 'compression effect' and begin to compensate meritorious performance of long standing and short reward. It was foreseeable (it is easy to "foresee" now) and some of the economically savvy must have foreseen it who didn't approve but were willing to call a spade (or a knife) a spade. If recognition is to favor junior at the expense of senior faculty members of long-standing deserts, let the policy be acknowledged as such; it does not seem to me to be legitimate to bootleg such policy under cover of total merit, if this is in fact what happened and I have only the complaints (not the statistics).

Other complaints were of the same order (e.g., "They're targeting older faculty").

To investigate the compression factor, as well as whether there was justification for these complaints, we performed our own analyses.

SUB-COMMITTEE ANALYSES:

It should be noted that our sample was slightly different from the sample on whom data are reported in Table 1. First, we asked that "retention" cases (those people for whom special salary adjustments were made) be identified and then excluded these from our analysis. Further, to reduce as much as possible the analysis of noncomparable data in the personnel data files we received (a mix of faculty and administrators) certain rules were established for inclusion in our analyses. To be included an individual must have held a "P" or "N" appointment for a "BI" or "AI" term, and have held the rank of Regents Professor, Professor, Associate Professor, Assistant Professor, or Instructor, and have been employed on the Twin Cities campus. In addition, and as for Table 1, only faculty whose appointments in 1982-83 were the same as 1983-84 were included; those who were promoted or had their appointments changed for other reasons were not included. Thus, a total of 1,847 faculty members were included in our analyses and the results refer only to the outcomes for these faculty members. (Of our sample, over half are professors or regents professors, about 85% are male, about 86% are tenured, and the average length of service is just over 10½ years. Table 2 itemizes the means [or proportions] for the independent and dependent variables).

We also asked Academic Affairs to provide us with length of service as well as age data so that we could determine if these were associated with variance in salary allocation. Age and length of service were highly correlated. Since length of service is a variable which the organization influences and which has particular meaning for some decisions, it was retained and age was dropped for purposes of analysis. (However, the interpretation of the results would not differ in any significant manner if age were substituted for length of service.)

In preparation for multiple regression analysis, the following variables were dummy coded: Rank (regents professor, professor, and associate professor; with assistant professor and instructor as the base); Gender (female; with male as the base); Appointment type (tenured; with non-tenured as the base); and College (CLA, IT, Agriculture, Forestry, Home Economics, Medical School, Dentistry, Pharmacy, Nursing, Public Health, Biological Sciences, Veterinary Medicine, Center for Educational Development, Hubert Humphrey Institute, Law, Education, Graduate School, Management, University College, General College, and Agricultural Experiment Station; with General College and all units with less than 3% of total faculty in the base [Forestry, Pharmacy, Nursing, Public Health, Center for Educational Development, Humphrey Institute, Law, Graduate School, University College and Agricultural Experiment Station]).

These variables were regressed on four salary variables:

- 1) Percentage increase in individual 1983-4 salaries over 1982-3;
- 2) Dollar increase in 1983-4 salaries over 1982-3 (with the increases in "AI" appointment terms multiplied by 9/11 to equate appointment periods);
- 3) The absolute difference of the percent increase from the mean percent increase (a measure of variation);
- 4) The squared difference of the percent increase from the mean percent increase (also a measure of variation).

Regressions were done hierarchically entering those variables which would be most likely to be susceptible to policy decisions on increases: professorial rank and school or college unit. These were followed by length of service and gender, and, finally, by tenure. A stepwise approach, or different orderings of the entry of the variables, might result in slightly different regression weights being assigned to the variables since the hierarchical technique partials out the effects of the variables entered into the equation from those remaining. Thus, if there is collinearity among variables, the regression weights of variables entered earlier in the equation capture this influence.

Regression on Dollar Amount of Salary Increase

Several variables were significantly associated with the dollar salary increase (see Table 3). In all, the rank, college, gender, entry, and tenure variables were associated with just over 21% of the variance in salary increases:

- 1) Rank (Regents professors: \$2,629; Professors: \$1,185; and Associate Professors: \$452; all as compared with Assistant Professors and Instructors.)
- 2) College (CLA, -\$551; IT, -\$326; Medical School, \$666; Dentistry, \$359; and Biological Sciences, -\$390; all as compared to schools and units in the base and with other school increases not significantly related.)
- 3) Gender (not significantly related).
- 4) Years of service to Minnesota (-\$55 for each year).
- 5) Tenure status (not significantly related).

The constant (or intercept) value was \$2,244.

Regression on Percent of Salary Increase

The variables regressed on the percent salary increase figures accounted for just under 13% of the variance (see Table 4):

- 1) Rank (Regents professors, 1.20% [p < .10]; Professors, .75% [p < .05]; Associate professors, .57% [p < .10], all as compared with Assistant Professors and Instructors).
- 2) College or unit (Education, 1.20 [p < .05]; all others not significantly related).
- 3) Gender (not significantly related).
- 4) Years of Service (-.17% per year of service [p < .01]; and .0018% per year of service squared [p < .01]).
- 5) Tenure (-.65%) [p < .10].

Since length of service was so strongly associated with the percent salary increases, separate analyses were performed within each rank (Full, Associate, Assistant) to determine whether the relationships occurred only within one rank. The results show length of service to be the most strongly associated variable with salary in every rank: Professor: average service, 13.2 years, length of service regression weight on percent salary change, -.14; Associate: 8.5 years, regression weight, -.26; Assistant: 6.5 years, regression weight, -.49.

Regression on Absolute Increase Deviations from the Mean

This regression attempted to identify correlates of the variance in salary increases. Only about 6% of the variance in deviations from the mean were associated with factors in the regression equation (see Table 5). Significantly related variables are associated with either more highly variant (positive coefficients) or invariant (negative coefficients) predictors.

There were no significant Rank relationships although there was a tendency for more senior ranks to have lower variations as shown by negative coefficients. Across schools, six of the nine analyzed had significant coefficients: IT (.41), Medical School (.99), Dentistry (-.57), Biological Sciences (.85), Education (.52), and Management (.79). Gender was related (female, .36), indicating more variance in women's salary increases than men's, as was years of service (-.029 per year and .00045 per year squared). Tenure was unrelated.

Regression of Squared Deviations From the Mean

This regression examines the effects of the predictor set on a dependent variable which is heavily influenced by extreme increases, particularly upward (see Table 6). A note of caution: The dependent variable is neither normally nor symmetrically distributed, and the results may not be unbiased or efficient estimates of the dependent variable. Just over 2% of the variance in squared deviations was explained by the predictor set. Rank variables were not related. Three of the college or unit variables were significantly related: (in order of magnitude) Management, Medical School, and Education. Years of service was also negatively related.

DISCUSSION:

It will be recalled that cursory inspection of the Academic Affairs analyses seemed to suggest to some people that women faculty might have received larger percentage increases than men, and that the larger percentage increases awarded to persons of lower rank may have exacerbated compression between ranks. Our analyses suggest that neither conclusion is warranted. First, holding other factors constant (particularly length of service, since women are preponderantly in the lower ranks), there were no significant overall percentage increase or dollar increase differences associated with gender, although the evidence suggests that pay raises for women were more variant when other factors were considered.

Second, and again when other factors were held constant, higher ranks *did* receive larger percentage increases; however, the longer length of university service factor, associated with attaining higher ranks for those who have not entered rank from outside the University, accounts for the lower percentage increases overall in the higher ranks. Thus the apparent compression is *not* based on rank, but on length of University service. Further, when length of service is not held constant, it should be noted that what appears to be compressing is the *percentage differential* in salary between ranks (e.g., the percent difference in average salary between Assistant and Full), not necessarily the dollar range between those of lower and higher ranks.

With respect to the length of service factor, it should be noted that the negative relationship between length of service and salary increase (whether dollar amount or percentage increase) is not only highly significant statistically (i.e., extremely unlikely to be due to chance), but many will regard it as practically significant (e.g., \$55 x 20 years of service = \$1,100 for the '83-84 salary allocation alone). Several factors, either singly or in combination, may be responsible for the negative association between length of service to Minnesota and salary increase in '83-'84, and only a few will be mentioned here:

1) It is possible that the longer one serves the University of Minnesota, the less productive and "meritorious" one becomes. If so, this says something about the University, as well as about the long-term faculty. "Faculty vitality," in fact, has been a recent concern (see the Merwin Report, as well as the Clark and Corcoran study). The data here underscore that concern. One response might be to examine policies associated with Faculty Summer Research Appointments, Equipment awards, Graduate School Research Grants, Single-quarter and Sabbatical leaves, etc., to determine if they are systematically biased in favor of newer (and younger) faculty. If an institutional bias against facilitating the scholarly efforts of those who have been on the Minnesota faculty for a long time (and are older) is revealed, its wisdom, morality, and legality should be severely scrutinized.

2) It is possible that length of service is *not*, in fact, truly associated with performance (and merit). Rather:

a) Merit monies are allocated partially on a "need" basis, as previously discussed, with newer faculty (who are primarily assistant professors) being viewed as more needy.

b) Because length of service is associated with age, and because age discrimination in our society has been so prevalent that it has had to be explicitly prohibited by law (1967), it seems possible that unfavorable age stereotypes may flourish even in organizations in which accumulated knowledge, wisdom, and experience might be supposed to be especially valued; the association may represent, then, at least in some part, age discrimination.

c) The association may derive from the belief that those who have served longer are less likely to terminate their employment with the University should their performance contribution not be fairly recognized and compensated; that is, the length of service factor may be, at least in part, a mobility factor. For example, the longer one has served Minnesota, the more "invested" in the University and community one may be perceived to be and, thus, less mobile. Further, the longer one has served the University, the older one tends to be and, given biases against older people in the job market, alternative job opportunities may diminish with age. In any event, a person's *performance* may become confused with his or her *mobility* in salary allocation; the fact that performance is probably a necessary but not sufficient condition for mobility may be overlooked. Thus, the negative association between length of service and salary increase may represent a "market" or "anticipated retention" consideration in salary allocation, rather than a consideration of "all-merit."

RECOMMENDATIONS:

1) The Office of Academic Affairs should be encouraged to move forward with their plans to monitor faculty salary compensation. The SCFA should routinely be provided information about the process and outcomes of their efforts.

2) The negative association between length of service and salary increase should be further investigated to determine the true mediating variable(s) for the association signifies that this University may have some problems along one or more dimensions (e.g., faculty vitality, age discrimination, "all-merit" allocations that are, at least partly, "need" and/or "market" allocations, etc.).

3) Current efforts to keep the faculty "vital" should focus importantly on the faculty already here rather than rely upon schemes to bring in new faculty as a solution.

4) If allocations of percentage salary increase are to be made partially on a "need" basis and/or on a "market" basis (both of which may be defensible considerations in salary allocation policy), then this should be made explicit and the term "all-merit" as a descriptor of the allocation process should be avoided; it adds unnecessary insult to injury for those who fare poorer than others, not because they are less "meritorious" but because they are not as "needy" or "marketable."

VIII. JUDICIAL COMMITTEE

ANNUAL REPORT, 1983-84

Since the last report, dated May 12, 1983, the Senate Judicial Committee has had under consideration a total of fourteen cases, four of which had been filed prior to the last report. Of these four cases one resigned from the University, another decided to bypass the Committee and proceed directly to the civil court, and the remaining two cases were heard and the findings and recommendations forwarded to the President.*

Of the ten cases filed since May 12, 1983, two were settled prior to the assignment of panels. Four cases have been heard, with the findings and recommendations of two submitted to the President; the remaining two are expected to reach the President before the end of May. Three cases have recently begun the hearing process and the last case was recently withdrawn.

Most of the cases received this year involved tenure decisions for probationary faculty members. In addition we received two complaints involving dismissal for cause, one case initiated last year, and one new case. Of the three cases dealing with the T appointment, two were settled and the third is about to begin the hearing process. With the exception of one case, which required twenty hearing days, the remaining cases fell within the usual hearing time i.e., about three to five days. As a consequence, all twenty-four committee members served on at least one panel. Indications are that the caseload for next year will be at least as large, if not larger, thus approaching saturation limits. With this in mind the committee went on record in opposition to a tenure code amendment which would increase the panel size from three to five members in dismissal cases, the underlying consideration being that the increased panel size would place an extra burden on the committee without any assurance of a better hearing for the faculty member.

Annual Meeting with the President

This year two recurring issues were discussed at length with the President. The first issue was that of ensuring witness cooperation at hearings. Aside from providing the committee with subpoena power, which is not currently considered a viable option, it was generally agreed that the central administration should intensify its efforts to urge faculty to fulfill their obligation to cooperate in the judicial process.

The second problem area was that of non-compliance with presidential decisions. The committee registered concern about the rather blatant disregard of presidential decisions involving two cases of faculty harassment which were heard in the same year. In an effort to remedy this situation, the President drafted a compliance procedure which was slightly modified by the committee and incorporated into the Rules of Procedure.** Questions also arose about the adequacy of remedies in harassment cases, i.e., should the perpetrator merely be told not to continue his or her abusive treatment or should some sanctions be imposed? The President suggested that the panel recommend whatever remedy it deemed appropriate.

*Abstracts of these cases on file in the office of the Senate Clerk.

**Procedure for Compliance is appended to this report.

Revision of the Proposed Tenure Code

In addition to regular monthly meetings, the committee spent many additional hours deliberating on the proposed new tenure code. Beside numerous changes in language, the following major changes were recommended:

- 1) Eliminate Section 13 (Programmatic Cuts). This was based on the belief that it undermines the role of the faculty in deciding on programmatic change.
- 2) Remove the President's veto power over Judicial Committee findings in Sections 11 and 16. If faculty, in effect, make decisions to hire, then it is also appropriate for faculty representatives to make the decision to fire or promote. In any case, the Board of Regents retains final authority; our amendment simply takes that power from the President.
- 3) Eliminate paragraphs (d), (e), and (f) from Section 12.7. These paragraphs suggest termination of tenured faculty under a declaration of financial emergency.
- 4) Incorporate Section 14 from the 1945 Code into the new code. This section is needed to protect all aspects of academic freedom.

Final Thought

Service on the Judicial Committee is a most demanding and seemingly thankless task but one of the most important functions for both faculty and administration. This year the job was more demanding because of the need to scrutinize the new tenure code. I wish to express my sincere appreciation and commendation to the faculty members who have given so generously of their time to the committee this year.

PROCEDURE FOR COMPLIANCE WITH PRESIDENTIAL DECISIONS IN GRIEVANCE CASES

1. It is understood that in Judicial Committee grievance cases, the President will explicitly state, in his letter of decision, and expectation and intention of compliance by all parties concerned, and will request the appropriate administrative officers within the academic unit to send in writing the statement of their intent and specific actions to implement the corrective actions that the President has requested within three weeks.
2. In grievance cases, the Chair of the Judicial Committee should check with the parties involved six weeks after the issuance of a presidential decision accepting the findings and recommendations (whether in whole or in part) of a Judicial Committee panel to see if the decision is being satisfactorily implemented.
3. If the reports back from the affected parties to the Judicial Committee indicate that there is substantial non-compliance with the presidential decision, this fact should be immediately transmitted to the President. The President will then convene both parties to the dispute, review the earlier Judicial Committee findings, and his or her decisions with regard to those findings. This meeting should include the appropriate Vice President and Dean, as well as the University Hearing Officer.
4. If, after this informal hearing, the President determines that the persons with designated administrative responsibilities at the University are not executing the letter and the spirit of the corrective action, the President will institute appropriate administrative remedies directed against all University persons who may have responsibilities for compliance with the decision. Such remedies will be implemented within a reasonable period of time so that there is one final opportunity for the responsible persons to take the necessary corrective actions.
5. The President will inform the Chair of the Senate Judicial Committee and the panel that made the initial findings and recommendations of the actions taken in paragraph 4 above.

LEONARD J. GREENBERG
Chair

IX. FACULTY AFFAIRS COMMITTEE ANNUAL REPORT, 1983-84

Again this year, the Senate Committee on Faculty Affairs enjoyed a full plate of agenda items. Thirteen meetings of SCFA, assembled in full committee, were held throughout the year. Countless more meetings were held by subcommittees of SCFA. The year began on a light note. During the summer of 1983, the University Hospitals decided not to participate in a "cost-containment" program offered by Blue Cross/Blue Shield called Aware. The practical consequence of this decision was that, when some faculty and staff returned to campus in the fall, they were confronted with an unexpected change, namely: Blue Cross/Blue Shield subscribers who receive care at the University Hospitals would have to make out-of-pocket payments for treatments whose costs exceed Blue Cross/Blue Shield's prospectively set rates. Following SCFA's discussions with the administration over this concern, the University Hospitals joined the Aware program.

Last fall, SCFA brought to the Senate a proposal to expand the number of 403b(7) (Mills II) options open to faculty and staff. The proposal was adopted. Richard Goldstein chaired SCFA's Mills II subcommittee. With him on this project were Warren Roberts, A. Whitman, and Harold Bernard. In relation to this initiative, SCFA sponsored several informational seminars for faculty and staff during the winter term. At these seminars representatives from TIAA-CREF, Minnesota Mutual, Fidelity, T. Rowe-Price, and Scudder came to campus to explain their respective tax-sheltered annuity alternatives.

During the fall and winter quarters, SCFA and the Tenure Committee spent many long, and sometimes difficult, hours together working on a revision of the tenure code. The minutes of the Senate's special tenure meetings held during this time are replete with accounts of the differences separating the two committees. The most significant differences were over provisions in Section 11, Financial Emergency. SCFA took a very strong stand in support of institutional planning and faculty training as a means of protecting general and individual tenure rights. SCFA's position on this critical aspect of the tenure code revision did not prevail. The length and significance of the debate over Section 11 might cause the casual observer to mistakenly conclude that SCFA and the Tenure Committee shared no common ground. This is not the case. The two committees agreed on most aspects of the revision. Senate debate over tenure code revision continues.

Ellen Berscheid chaired the SCFA subcommittee charged with studying the University's 1983-84 experience with "merit" pay. Rich Arvey, Marvin Stein, and in particular, John Fossum, worked with Ellen on this significant project. The subcommittee's report will be printed in the minutes for the May 1984 meeting of the Senate for all to read. Of main concern is the fact that in 1983-84 salary increases (measured in either dollar or percentage change terms) were inversely related to "length of service" with the University, *ceteris paribus*. Numerous explanations for this result are offered. Follow-up analysis is recommended. As a related item, in April 1984 SCFA recommended to Academic Affairs, on a divided vote, that 1984-85 salary increases be based exclusively on merit. Further, SCFA set 4% as the raise guideline for rewarding the average competent level of performance. Since the raise pool increased by 6%, under this guideline "significant" resources are available to compensate above-average performance. Academic Affairs accepted SCFA's recommendation in this regard.

Earlier this spring, SCFA approved five items that will be proposed for Senate action in May 1984. First, SCFA will be presenting to the Senate a report prepared by its subcommittee on sexual harassment. More importantly, SCFA will move for adoption a number of this subcommittee's recommendations: (1) a new Policy Statement on Sexual Harassment; (2) a new statement on Procedures for Handling Complaints of Sexual Harassment Against Academic Staff; and (3) a number of related action items having to do with publicizing the new policy/procedures, providing more counseling and counselor training in this area, and commissioning a study to fully investigate the extent and effects of sexual harassment on campus. Margery Durham chaired the SCFA subcommittee on sexual harassment. With her in conducting this huge effort were Rich Arvey, Nancy Brekke, Katherine Holt, Patricia Kattleman, Anne Pick, and Richard Purple.

Second, last year Academic Affairs concluded that the University ought to severely cut back the contributions it makes to the basic faculty retirement plan when a faculty member is on unpaid leave of absence. This decision caused many faculty to raise significant objections. Thus, at Academic Affairs' request, SCFA (through the good offices of Robert Ulstrom, Harold Bernard, and Betty Robinett) reformulated and approved a new policy governing contributions from the University toward retirement. To be acted upon by the

Senate during May 1984, SCFA will propose that the set of *exceptions* to Academic Affairs' first initiative to cut back in this area be expanded to include the following: (1) faculty members on unpaid leave to take temporary employment as teacher/researcher at another academic institution; and (2) faculty members on unpaid leave to take temporary employment as administrators at an organization closely linked to the academic/scientific community.

Third, the faculty income disability policy plan caps income benefits of \$24,000/year, or \$2,000/month. This ceiling was set back in 1977. After careful consideration, SCFA will propose to the Senate that this cap be increased to \$39,000/year, or \$3,250/month. Harold Bernard was extremely helpful in bringing this effort to a close this year.

Fourth, since 1981, administrators across the University have looked upon the "regularizing" (i.e., "inloading") of Summer Session and Extension courses as a way of increasing revenues and protecting the breadth of courses that can be offered by colleges/departments faced with declining enrollments. Some colleges and departments have begun the regularization process. There is no all-University plan governing this process. Thus, in affirmative response to numerous faculty notices of concerns, SCFA developed and will propose that the Senate adopt its resolution of guidelines that should be followed by colleges and departments that plan to regularize their curriculum.

Finally, SCFA adopted and will propose to the Senate an amendment to the faculty's basic retirement plan. This proposal was the brain child of SCFA's subcommittee on Mills I alternatives, chaired by Harry Foreman and assisted by Jean Ward, John Darley, George Benson, Richard Goldstein, George Sell, Leonid Hurwicz, and Harold Bernard. The proposal, simply stated, is as follows: That at the time of retirement, faculty members may transfer their specific retirement account from Minnesota Mutual/Northwestern National to an individual retirement account of their own choosing.

Next year's agenda will again be heavy. I will spare the reader the details of that agenda. It was a distinct pleasure to have served on SCFA. More importantly, I appreciated the opportunity to work with such valued friends and SCFA colleagues as Harold Bernard, Ellen Berscheid, Raymond Bohling, Thomas Clayton, Margery Durham, Richard Goldstein, Robert Gustafson, Roland Guyotte, Leonid Hurwicz, Hugh Kabat, Charlotte MacLeod, John Munholland, Tim Nantell, Burton Paulu, Anne Pick, Warren Roberts, Betty Robinett, George Sell, Marvin Stein, Robert Ulstrom, and Marilee Ward.

MARIO BOGNANNO
Chair

X. ADJOURNMENT

TABLE 1 (Prepared by Office of Academic Affairs)

| SALARY INCREASES 1982-83 vs. 1983-84 | | | | |
|---|-------|--------|-------|--------|
| Twelve Month Faculty* (A-Base) | | | | |
| | Full | Assoc. | Asst. | Totals |
| Women: | | | | |
| Number | 28 | 51 | 128 | 207 |
| Average Percent Increase | 6.26% | 6.18% | 6.74% | 6.54% |
| Men: | | | | |
| Number | 481 | 279 | 269 | 1029 |
| Average Percent Increase | 6.11% | 6.44% | 7.19% | 6.48% |
| Nine and Ten Month Faculty* (B-Base) | | | | |
| | Full | Assoc. | Asst. | Totals |
| Women: | | | | |
| Number | 35 | 80 | 93 | 208 |
| Average Percent Increase | 6.57% | 7.16% | 7.15% | 7.06% |
| Men: | | | | |
| Number | 555 | 273 | 156 | 984 |
| Average Percent Increase | 6.52% | 6.70% | 7.42% | 6.71% |

*This includes only faculty whose appointments in 1982-83 were the same as 1983-4. Individuals who were promoted or had their appointments changed for other reasons are not included.

TABLE 2
Means and Standard Deviations

| Variable | Mean or Proportion | Standard Deviation |
|--------------------------------|--------------------|--------------------|
| Regents Professors | .0076 | .0868 |
| Professors | .5376 | .4987 |
| Associate Professors | .2799 | .4491 |
| Other Ranks | .1749 | |
| CLA | .2122 | .4090 |
| IT | .1803 | .3845 |
| Agriculture | .1164 | .3208 |
| Home Economics | .0303 | .1715 |
| Medical School | .1364 | .3433 |
| Dentistry | .0336 | .1802 |
| Biological Sciences | .0384 | .1923 |
| Education | .0742 | .2621 |
| Management | .0379 | .1910 |
| Female | .1456 | .3528 |
| Tenured | .8619 | .3451 |
| Years of service | 10.6835 | 7.4748 |
| Years of service ² | 169.9791 | 332.7845 |
| Percentage salary increase | 6.3820 | 2.5325 |
| Salary increase (\$) | 2369.0855 | 1236.0171 |
| Absolute percentage deviations | 1.7844 | 1.7965 |
| Squared percentage deviations | 6.4099 | 20.0601 |

TABLE 3

Regression on Difference in Salary

| Variable | Regression Weight | Standard Error | F-Level |
|-------------------------------|-------------------|----------------|---------|
| Regents Professors | 2628.72 | 328.02 | 64.22 |
| Professors | 1184.77 | 144.65 | 67.09 |
| Associate Professors | 451.94 | 146.42 | 9.53 |
| CLA | -551.25 | 88.61 | 38.70 |
| IT | -326.08 | 93.17 | 12.25 |
| Agriculture | -138.48 | 102.88 | 1.81 |
| Home Economics | -192.62 | 164.91 | 1.36 |
| Medical School | 666.19 | 98.13 | 46.09 |
| Dentistry | 358.57 | 156.14 | 5.27 |
| Biological Sciences | -390.28 | 148.34 | 6.92 |
| Education | 57.98 | 117.15 | .24 |
| Management | 165.60 | 149.38 | 1.23 |
| Female | -82.93 | 80.37 | 1.06 |
| Tenured | -64.32 | 158.46 | .16 |
| Years of service | -55.33 | 6.65 | 69.22 |
| Years of service ² | .59 | .14 | 18.43 |
| Multiple Correlation | .47 | | |
| R ² | .22 | | |
| Adjusted R ² | .21 | | |
| F-Level | 32.01 | | |

TABLE 4

Regression on Percentage Change in Salary

| Variable | Regression Weight | Standard Error | F-Level |
|-------------------------------|-------------------|----------------|---------|
| Regents Professors | 1.195 | .707 | 2.86 |
| Professors | .749 | .312 | 5.76 |
| Associate Professors | .572 | .316 | 3.28 |
| CLA | -.147 | .191 | .59 |
| IT | .003 | .201 | .00 |
| Agriculture | -.266 | .222 | 1.44 |
| Home Economics | -.396 | .356 | 1.24 |
| Medical School | .256 | .212 | 1.47 |
| Dentistry | -.189 | .337 | .31 |
| Biological Sciences | .310 | .320 | .94 |
| Education | 1.197 | .253 | 22.47 |
| Management | .131 | .322 | .17 |
| Female | .220 | .173 | 1.61 |
| Tenured | -.646 | .342 | 3.57 |
| Years of service | -.171 | .014 | 142.48 |
| Years of service ² | .002 | .000 | 37.40 |
| Multiple Correlation | .37 | | |
| R ² | .13 | | |
| Adjusted R ² | .13 | | |
| F-Level | 17.80 | | |

TABLE 5

Regression on Absolute Deviations from Mean Salary Percentage Increases

| Variable | Regression Weight | Standard Error | F-Level |
|-------------------------------|-------------------|----------------|---------|
| Regents Professors | -.553 | .521 | 1.12 |
| Professors | -.069 | .230 | .09 |
| Associate Professors | .026 | .233 | .01 |
| CLA | .168 | .141 | 1.42 |
| IT | .413 | .148 | 7.78 |
| Agriculture | -.159 | .164 | .95 |
| Home Economics | -.419 | .262 | 2.56 |
| Medical School | .991 | .156 | 40.33 |
| Dentistry | -.572 | .248 | 5.31 |
| Biological Sciences | .854 | .236 | 13.13 |
| Education | .523 | .186 | 7.90 |
| Management | .787 | .237 | 10.99 |
| Female | .360 | .128 | 7.93 |
| Tenured | -.118 | .252 | .22 |
| Years of service | -.029 | .011 | 7.70 |
| Years of service ² | .0005 | .0002 | 4.38 |
| Multiple Correlation | .26 | | |
| R ² | .07 | | |
| Adjusted R ² | .06 | | |
| F-Level | 8.03 | | |

TABLE 6

Regression on Squared Deviations from Mean Salary Percentage Increases

| Variable | Regression Weight | Standard Error | F-Level |
|-------------------------------|-------------------|----------------|---------|
| Regents Professors | -2.023 | 5.924 | .12 |
| Professors | .057 | 2.610 | .00 |
| Associate Professors | .213 | 2.644 | .01 |
| CLA | .072 | 1.600 | .00 |
| IT | 1.970 | 1.683 | 1.37 |
| Agriculture | -1.480 | 1.858 | .64 |
| Home Economics | -3.044 | 2.978 | 1.04 |
| Medical School | 6.171 | 1.772 | 12.13 |
| Dentistry | -3.076 | 2.820 | 1.19 |
| Biological Sciences | 4.202 | 2.679 | 2.46 |
| Education | 4.183 | 2.116 | 3.91 |
| Management | 10.456 | 2.698 | 15.02 |
| Female | 2.049 | 1.452 | 1.99 |
| Tenured | -.946 | 2.862 | .11 |
| Years of service | -.316 | .120 | 6.94 |
| Years of service ² | .004 | .002 | 2.52 |
| Multiple Correlation | .18 | | |
| R ² | .03 | | |
| Adjusted R ² | .02 | | |
| F-Level | 3.83 | | |

MARIO BOGNANNO
Chair

Additional items, University Senate and Faculty Senate meetings, May 17, 1984:

I. COMMITTEES OF THE SENATE, 1984-85
(action)

EDUCATIONAL POLICY Faculty: F. Gerald Kline (chr.), Elaine May. Students: Jeffrey Frey, Andrew Lee, David Lutz, Tom Lussenhop, 1 to be named.

SOCIAL CONCERNS Faculty: Sheldon Goldstein (chr.). Students: Barbara Bachellor, Ann Hartigan, Paul Larson, Russell Nettle, Karen Schultz, Virginia Stein, Thuy Vo.

PHYSICAL PLANT & SPACE ALLOCATION Students: William McKinney, Gregory Mitchell, Scott Strodthoff.

EXTENSION & COMMUNITY PROGRAMS Faculty: June Tapp (chr.). Students: Eugene Goetz, John Lindholm, Karen Schuele, Stephen Topetzes, 1 to be named.

INTERNATIONAL EDUCATION Faculty: Dario Menanteau (chr.). Students: Benjamin Bornzstein, Cynthia House, Lisa Lindley, Anne Stack.

LIBRARY Faculty: John Chipman (chr.), Christopher Bingham, Evelyn Firchow. Students: Mary Kate Boylan, Scott Fogelson, Tony Hill, 1 to be named.

RESEARCH Faculty: Ed Ney, John Sullivan (chr.). Students: Brian Blow, Tim Pratt, David Sulciner.

SUMMER SESSIONS Faculty: Allen Glenn (chr.). Students: Michael Chevrier (UMM), Jim Hirst, Ron Kubeik (UMM), Colette Morse, Trond Stockenstrom.

ACADEMIC FREEDOM & RESPONSIBILITY APPEALS Faculty: David Weissbrodt (chr.). Students: Adam Kern, David Lutz, Deborah Shands, Thy-Nga Vo.

EQUAL EMPLOYMENT OPPORTUNITY FOR WOMEN Faculty: Charlotte Striebel (chr.)

PLANNING Students: Julie Bates, Jeffrey Moser.

BUSINESS & RULES Students: David Lenander, Bill Meyer.

FINANCE At-large students: Linda Hanson, David Madison.

PHYSICAL PLANT & SPACE ALLOCATION Faculty: Robert Sloan (chr.)

INFORMATION:

COMMITTEES Faculty: James Gremmels (UMM).

CONSULTATIVE Faculty: Shirley Clark, Phyllis Freier, Joseph Latterell (UMM), Jack Merwin, Paul Murphy, Irwin Rubenstein, Frank Sorauf, Deon Stuthman, Wesley B. Sundquist, 1 to be named from UMC. Students: Eric Ahlgren (UMD), Cathy Birk, Douglas Melby, Michael Olstead, David Shope, Paul Schulte, Colleen Traxler (UMC), 1 each to be named from UMC and UMM.

over

INFORMATION CONT.

EDUCATIONAL DEVELOPMENT Faculty: James Terwilliger (chr.)
STUDENT ACADEMIC SUPPORT SERVICES Faculty: Elwood Caldwell (chr.)
SERVICES FOR THE HANDICAPPED Faculty: Bill Rempel (chr.)
ANIMAL CARE Faculty: Gail Peterson (chr.)
ALL-UNIVERSITY HONORS Faculty: Robert Kudrle (chr.)

I. COMMITTEES OF THE FACULTY SENATE, 1984-85
(action)

JUDICIAL Faculty: Leonard Greenberg (chr.)
FACULTY AFFAIRS Faculty: Thomas Clayton (chr.), Harvey Keynes.
TENURE Faculty: George Copa, Larry Miller, Fred Morrison (chr.)

ACTION ITEM FOR APPROVAL BY THE TWIN CITIES COMPONENT OF THE UNIVERSITY SENATE ONLY

COMMITTEES OF THE ASSEMBLY, 1984-85

(These are in addition to those approved at the April 19, 1984 Assembly meeting)

INTERCOLLEGIATE ATHLETICS Faculty: Robert Brasted, John Clark (chr.), Eleanor Fenton, Andrea Hinding, Alan Hunter, James Jernberg, Sander Latts, Mariah Snyder. Ex Officio: Merrily Baker, Paul Giel, Chet Grygar, Jo-Ida Hansen, Robert Stein, Frank Wilderson. Alumni: 3 to be named. Civil Service: 2 to be named. Students: Jim Anderson, Bradley Carlson, Mary Pat Dorn, Daniel Holte, John Keiser.

STUDENT AFFAIRS Faculty: Ruth Jones. Students: Mark Banker, Ann Biller, Jana Erickson, John Haag, Laura Jachim, Anne Marie Jones, David Lenander, Lisa Marshal, Tom Nordyke, Molly Ochsner, Anita Returi, Robert Siemering, Michael Terrien.

CONVOCATIONS & THE ARTS Students: John Banks, David Dahlgren, Barb McCarthy.

HONORS PROGRAMS Students: David Gross, Jeff Moser, Benjamin Weber.

UNIVERSITY-ROTC RELATIONSHIPS Students: Steve Florman, Kathy Keigan, Kerry Sheehy.

STUDENT BEHAVIOR Faculty: Roy Pickens, Eric Sheppard. Students: Keath Clark, James Garbarini, Sharon Giorgini, David Gross, Kenneth Hayes, Marjorie Holstein, Daniel Keete, Marci Mannis, Martha Ulrich, Benjamin Weber.

Additional items for May 17 University Senate meeting:

III. FACULTY AFFAIRS COMMITTEE
SENATE CONSULTATIVE COMMITTEE

SEXUAL HARASSMENT POLICY AND PROCEDURES

- A. The Faculty Affairs Committee will move to amend the last paragraph of the POLICY STATEMENT ON SEXUAL HARASSMENT as follows (additions are underlined; deletions have line through them):

This policy on sexual harassment applies to the entire University and to the conduct of students, civil service persons, and academic staff alike. The responsibility for administering the policy, however, varies with the status of the respondent. If the respondent is a student, the procedures for dealing with complaints will be found in the current Regents' policy concerning "A Statement of Standards of Student Conduct Enforceable by University Agencies. ~~approved by the Board of Regents at its December, 1974 meeting.~~ - If the respondent is a civil service employee, the procedures are outlined in the current "Civil Service Rules." ~~as amended by the Board of Regents at its - January, 1981 meeting.~~ If the respondent is a member . . .

B. Sexual Harassment Procedures

- I. I. If this office finds reason to suspect that the respondent may have acted in violation of the University Policy on Sexual Harassment, ~~or recommends a sanction,~~ the Vice President may direct the Sexual Harassment Board to conduct a hearing. Any hearing shall be conducted in accordance with basic and traditional principles of fairness and in accordance with procedures that guarantee ~~full procedural~~ due process to complainant and respondent.
- II. B. A Board member of any class (faculty, academic professional-administrative, civil service or student) may participate in any hearing or appeal without regard to the class to which the respondent or complainant belongs.
- II. D. A primary function of the Board is to hear appeals and conduct hearings. The Board shall hear appeals from complainants whose complaints have been dismissed by the entry level office, and shall conduct hearings when directed to do so by the Academic Vice President. The Board shall also review the findings and recommendations of the office when the office has found reason to believe that a respondent acted in violation of the Policy on Sexual Harassment. It will also hear appeals by student respondents against whom complaints have been filed regarding their actions in an instructional capacity (as Teaching Assistants, Research Assistants, etc.), if administrative action has already been taken.
- III. B. ~~Respondent faculty may appeal the actions of the Vice President for Academic Affairs to the Senate Judicial Committee. The respondent~~ Respondents may appeal a ruling by the Vice President for Academic Affairs that they have acted in violation of the University Policy on Sexual Harassment or may appeal any sanction imposed in this regard by the Academic Vice President, as follows:
1. Faculty may appeal to the Senate Judicial Committee.

2. Academic Professional and Administrative Staff may appeal to the Appeals Committee of the Academic Staff Advisory Committee.
3. Students may appeal to the Campus Committee on Student Behavior.

MARIO BOGNANNO
Chair

Additional item for May 17 University Senate Meeting:

III. SENATE CONSULTATIVE COMMITTEE
FACULTY AFFAIRS COMMITTEE

SEXUAL HARASSMENT POLICY AND PROCEDURES

MOTION:

To strike the two sentence paragraph under the section Consensual Relationships in the proposed Policy Statement on Sexual Harassment that begins "Relationships between senior and junior faculty are subject . . . "

COMMENT:

My view is that the paragraph is gratuitous and ambiguous. I believe that "consenting romantic and sexual relationships" between faculty members are not of the order of those between faculty and student. They involve neither the ethical constraints of the professional-client relationship nor the significant power differential inherent in faculty and student statuses.

SHIRLEY M. CLARK
Senator,
College of Education

Additional items, University Senate meeting, May 17, 1984:

ALL-UNIVERSITY HONORS COMMITTEE

ANNUAL REPORT, 1983-84

The All-University Honors Committee met on October 11, 1983, January 24, 1984, and April 10, 1984. The committee recommended granting eight Outstanding Achievement Awards and one Alumni Service Award. It approved the following building and room names:

Twin Cities campus: The Hubert H. Humphrey Center for the new building to house the Humphrey Institute, the School of Management, and CURA, and Donald N. Ferguson Building for the new music building;

Crookston: The Brown Dining Room honoring Myrtle (Ma) Brown

The committee also approved a revision of the Regents' Policy on Lectureships, Fellowships, Professorships, and Chairs and approved the nominees for the membership on the Regents' Professorship Committee.

: GAYLE GRAHAM YATES
Chair

Question to the President:

In view of the fact that Men's Intercollegiate Athletics is currently being required to fund Women's Intercollegiate Athletics for approximately 25% of its '84-'85 budget, has the time come to say that the duo athletic directorship administration was a noble experiment that has failed? Has the time come to administer the University's Athletic Department under one director?

ELLSWORTH HARPOLE
Student member,
University Senate