

**2011-12 UNIVERSITY OF MINNESOTA  
DECEMBER 1, 2011**

**UNIVERSITY SENATE MINUTES: No. 2  
FACULTY SENATE MINUTES: No. 2  
STUDENT SENATE MINUTES: No. 2**

The second meeting of the University Senate and Faculty Senate for 2011-12 was convened in 25 Mondale Hall on Thursday, December 1, 2011, at 2:32 p.m., as a joint meeting of the two bodies. Coordinate campuses were linked by ITV. Checking or signing the roll as present were 24 academic professional members, 23 civil service members, 124 faculty/academic professional members, and 26 student members. President Kaler presided.

**1. ADMINISTRATIVE RESPONSES TO SENATE ACTIONS  
Information**

**UNIVERSITY SENATE**

Resolution on the Personal Floating Holiday

Approved by the: University Senate March 3, 2011  
Approved by the: Administration PENDING  
Approved by the: Board of Regents – no action required

Resolution on Consultation Prior to Reorganization

Approved by the: University Senate October 6, 2011  
Approved by the: Administration November 18, 2011  
Approved by the: Board of Regents – no action required

**FACULTY SENATE**

Amendment to the Policy on Expected Student Academic Work per Credit: Twin Cities, Crookston, Morris, Rochester

Approved by the: Faculty Senate March 4, 2010  
Approved and Administration September 2011  
Implemented by  
the:  
Approved by the: Board of Regents – no action required

Amendment to the Policy on Grading and Transcripts: Withdrawals and Repeating Courses

Approved by the: Faculty Senate September 30, 2010  
Not approved by Administration November 18, 2011\*  
the:  
Approved by the: Board of Regents – no action required  
\* Policy amendments are not enforceable in PeopleSoft. However, the Registrar, when requested to do so by a department or college, will continue to de-register a student from a course when abuses to the system are discovered.

Amendment to the Regents Policy: Code of Conduct

Approved by the: Faculty Senate December 2, 2010  
Approved by the: Administration PENDING

Approved by the: Board of Regents PENDING

Amendments to the Policy on Teaching Awards  
Approved by the: Faculty Senate May 5, 2011  
Approved by the: Administration PENDING  
Approved by the: Board of Regents – no action required

Amendments to the Policy on High School Preparation Standards  
Approved by the: Faculty Senate May 5, 2011  
Approved by the: Administration November 18, 2011\*  
Approved by the: Board of Regents – no action required  
\* The policy will be implemented immediately for the Twin Cities, Rochester, and Morris campuses. The Crookston campus will maintain a separate set of requirements as they cannot comply with the new standards at this time.

## **2. SENATE CONSULTATIVE COMMITTEE Protocol on Committee Resolutions Information for the University Senate**

### **PROTOCOL ON COMMITTEE RESOLUTIONS**

A copy of any resolution<sup>1</sup> adopted by a Senate committee is to be sent to the Chair of the appropriate Consultative Committee (that is, the Consultative Committee to which that Senate committee reports). That Consultative Committee will consider the resolution for inclusion in the appropriate Senate docket. Resolutions will ordinarily be reported to the Senate for information. The originating committee should indicate if it does not wish the resolution to be so reported.

The reporting to the Senate of a resolution adopted by a committee provides information to the University and its governance system about actions being taken by its committees; it does not imply Senate endorsement.

Originally adopted unanimously by the Senate Consultative Committee 12/3/98

Approved as amended by the Senate Consultative Committee for the University Senate 11/18/10

Approved as amended by the Faculty Consultative Committee for the Faculty Senate 9/30/10

Approved as amended by the Senate Consultative Committee 11/17/11

Approved as amended by the Faculty Consultative Committee 11/17/11

Approved as amended by the P&A Consultative Committee PENDING

Approved as amended by the Student Consultative Committee PENDING

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<sup>1</sup> "Resolution" means any statement of a Senate committee, however identified or titled, the wording of which has been agreed upon by the committee and upon which a vote has been taken. A resolution is not a policy document; it expresses the sense of the committee on the matter at hand; it may or may not seek further action, and it does not require Senate approval. Letters to members of the administration are considered resolutions if the conditions of content, agreement, and voting are met.

Approved as amended by the Civil Service Consultative Committee PENDING

**CHRISTOPHER CRAMER, CHAIR  
SENATE CONSULTATIVE COMMITTEE**

**3. SENATE CONSULTATIVE COMMITTEE  
Technical Changes to the University Senate Bylaws and Rules  
Information for the University Senate**

**FOR INFORMATION:**

According to the charge to the Senate Consultative Committee, it has the authority "[t]o correct grammatical and punctuation errors and to approve other non-substantive technical amendments in existing administrative policies previously approved by the University Senate and in University Senate documents (including the constitution, bylaws, and rules); such actions will be reported to the University Senate at its next meeting and the University Senate may then overrule the Senate Consultative Committee."

The Senate Consultative Committee voted unanimously to approve the following changes to the University Senate Bylaws and Rules (language to be added is underlined; language to be deleted is ~~struck out~~):

**ARTICLE I. UNIVERSITY SENATE MEMBERSHIP AND OFFICERS (Changes to this article are subject to vote only by the University Senate)**

**1. Voting Units**

The Faculty Senate, the Student Senate, the ~~Council of Academic Professionals and Administrators~~ P&A Senate, and the Civil Service ~~Senate Committee~~ shall each determine their own voting units.

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**5. Removal for Neglect of Meetings**

a. A member of the University Senate shall be said to have neglected a meeting if the member does not attend, does not provide an alternate, or does not notify the Clerk of the impending absence.

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

c. The Clerk of the Senate shall notify any member who will forfeit University Senate membership by neglecting the next meeting of the University Senate.

d. A member of the University Senate who holds membership in the Faculty Senate, the Student Senate, the ~~Council of Academic Professionals and Administrators~~ P&A Senate, and the Civil Service ~~Senate Committee~~, shall forfeit University Senate membership if membership in the other body is forfeited by failure to satisfy attendance criteria specified in the constitution or Bylaws of that body.

e. A member whose membership has been forfeited may appeal to the Senate Consultative Committee for reinstatement.

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**ARTICLE I. RULES OF THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)**

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**2. Agenda and Minutes**

The Senate Consultative Committee shall plan the agenda for any meeting of the University Senate, for which it serves as the executive and steering committee. This responsibility may be delegated to a Committee on Business and Rules, which the Senate Consultative Committee and Faculty Consultative Committee may jointly agree will be responsible for the agendas of the University and Faculty Senates. The agenda shall be prepared and distributed by the Clerk of the Senate. The agenda consists of items submitted for University Senate consideration by the Faculty Senate, the Student Senate, a campus assembly, the Faculty Consultative Committee, the Student Consultative Committee, the ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee, the Civil Service Consultative Committee, by any committee of the University Senate or campus assemblies, or by any member of the Senate. At the discretion of the Senate Consultative Committee, the Clerk of the Senate may be instructed to include additional items on the agenda for any regular meeting of the University Senate. Items for the docket must be delivered to the Clerk no later than two weeks prior to the date of each meeting.

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**CHRISTOPHER CRAMER, CHAIR  
SENATE CONSULTATIVE COMMITTEE**

**4. ACADEMIC FREEDOM AND TENURE COMMITTEE  
Academic Freedom and Responsibility Information for Parents and Families  
Information for the University Senate**

**Academic Freedom and Responsibility Information for Parents and Families**

Academic freedom is the cornerstone of a university. At the University of Minnesota, as elsewhere, it means the freedom to explore all avenues of scholarship, research, and creative expression, and to speak or write on matters of public concern.

Academic freedom includes the freedom to discuss all matters relevant to a course and may include presentation and/or discussion of diverse viewpoints on controversial matters. Students are responsible for learning the content of any course in which they enroll, and the learning process may include discussion about and reflection on varying points of view.

Along with this freedom comes the responsibility to exercise academic freedom respectfully and to show consideration for the academic freedom of others. Students and instructors should expect their views to be challenged and everyone—students and instructors alike—has the obligation to be respectful, fair, and civil to others in discussing divergent points of view.

Academic freedom and academic responsibility are taken seriously at the University of

Minnesota. Students are encouraged to contact the instructor, the department chair, their adviser, or the campus student-conflict resolution office or center if they have questions or concerns.

Approved by the Academic Freedom and Tenure Committee November, 2011.

**BARBARA ELLIOTT, CO-CHAIR  
ACADEMIC FREEDOM AND TENURE COMMITTEE**

**CHRISTINE MARRAN, CO-CHAIR  
ACADEMIC FREEDOM AND TENURE COMMITTEE**

## **5. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY**

### **FACULTY/ACADEMIC PROFESSIONALS/STAFF**

Frederick A. Cooper  
Professor  
Art History  
1936 – 2011

Bryce Crawford, Jr.  
Professor  
Chemistry  
1914 – 2011

Lydia A. Ericson  
Staff  
Psychology  
1943 – 2011

Marion P. Gorman  
Staff  
HHH Institute of Public Affairs  
1942 – 2011

Jeremy C. Halfen  
Staff  
Environmental Health Sciences  
1978 – 2011

David B. Johnson  
Staff  
Restorative Sciences  
1949 – 2011

Frederick W. Kill  
Staff  
Plant Services – University of Minnesota Morris  
1924 – 2011

Judith Martin  
Professor  
Geography

1948 – 2011

David L. Olson  
Staff  
Radio K  
1939 – 2011

Karen Sheldon  
Staff  
Agricultural Experiment Station  
1939 – 2011

Janet Spector  
Professor  
Anthropology  
1944 – 2011

Rita Suek  
Staff  
Boynton Health Services  
1931 – 2011

## **STUDENTS**

Christopher Holland  
College of Liberal Arts

Shayla Johnson  
College of Liberal Arts - University of Minnesota Duluth

## **6. INTRODUCTIONS**

### **Chancellor Lendley Black, University of Minnesota Duluth**

Chancellor Lendley Black was introduced to the Senate.

## **7. SENATE CONSULTATIVE COMMITTEE REPORT**

Professor Christopher Cramer, Chair of the Senate Consultative Committee (SCC), noted that SCC has met twice since his last report to the Senate. The committee endorsed proposed changes to the Senate Committee on Student Affairs designed to foster increased student participation and it will be monitoring that initiative moving forward.

SCC spoke with Ms. Michele Gross, Director of the University Policy Office, about University policies up for comprehensive review this year as well as procedures available for providing consultation and input.

On another consultation front, SCC adopted a streamlined set of procedures for coordinating governance participation in search committees and candidate interviews for senior administrative positions. The goal was to recognize the new senate structures for civil service and P&A staff while simultaneously reducing the burden on the administration in terms of reaching out to all possible interested constituencies. These streamlined procedures have seen their first use in the

interviews of the finalists for the Vice President and Chief Information Officer position. He is pleased to report that there was excellent participation of faculty and staff in those interviews. Unfortunately, in spite of his best efforts as Chair of SCC, he was less successful in arranging student participation, and he hopes that in the future, working with the Student Senate Consultative Committee (SSCC) Chair, more student participation can be arranged.

**8. MINUTES FOR OCTOBER 6, 2011  
Action by the University Senate**

**MOTION:**

To approve the University Senate and Faculty Senate minutes, which are available on the Web at the following URL.

<http://www1.umn.edu/usenate/usenate/111006.pdf>

**STUART GOLDSTEIN, CLERK  
UNIVERSITY SENATE**

**DISCUSSION:**

With no discussion, a vote was taken and the motion was approved.

**APPROVED**

**9. SENATE CONSULTATIVE COMMITTEE  
Administrative Policy on Outside Consulting and Other Professional Commitments  
Action by the Faculty and Staff Delegation**

**MOTION:**

To approve the following policy:

**ADMINISTRATIVE POLICY**

**Outside Consulting and Other Professional Commitments**

**Policy Contents**

- **Policy Statement**
- **Reason for Policy**
- **Procedures**
- **Forms/Instructions**
- **Additional Contacts**
- **Definitions**
- **Responsibilities**
- **Appendices**
- **FAQ**
- **Related Information**
- **History**

**Effective Date:** July 2006

**Last Updated:** October 2011

**Responsible University Officer:**

Senior VP for Academic Affairs and Provost

**Policy Owner:**

Senior VP for Academic Affairs and Provost

**Policy Contact:**

Sharon Reich Paulsen

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## POLICY STATEMENT

University employees may participate in outside professional commitments during the term of their appointment, as long as these commitments do not interfere with the performance of regular employment duties, or compete with coursework offered by the University or services offered by the employee's unit. Faculty and academic professional and administrative (P&A) employees eligible to engage in outside professional commitments may not exceed the time limits allowable as noted below. Employees whose outside commitments present a conflict of interest must comply with Board of Regents Policy: *Individual Conflicts of Interest*, and the administrative policies *Individual Conflicts of Interest* and *Individual Conflicts of Interest: Standards Governing Those Involved in Clinical Health Care* and related procedures.

### **Eligibility for Outside Professional Commitments: Faculty and Academic Professional and Administrative (P&A) Employees**

Faculty and P&A employees on appointments of 75% or more are eligible to engage in outside consulting and other outside professional commitments that do not exceed, on the average, one day per seven-day week. These individuals may not exceed the maximum number of days per term of appointment:

- A term: 48 days
- B term: 39 days. (Those employees on B appointments are not subject to this time restriction during the months they are not on appointment, regardless of whether they elect to be paid over 9 months or 12 months.)

Faculty and P&A employees who hold appointments of less than 75% may participate in outside professional commitments only during non-work hours and provided that these commitments do not interfere with the performance of regular employment duties, or compete with coursework offered by the University or services offered by the employee's unit during the term of their employment. No time restrictions apply to these individuals. Individuals with part-time teaching appointments (less than 75%), excluding tenured and tenure-track faculty, may teach outside the University.

### **Eligibility for Outside Professional Commitments: Civil Service and Non-Faculty Union-Represented Employees**

Civil service and non-faculty union-represented employees may participate in outside professional commitments only during non-work hours and provided that these commitments do not interfere with the performance of regular employment duties, or compete with coursework offered by the University or services offered by the employee's unit. No time restrictions apply to these individuals.

### **Reporting and Approvals for Outside Professional Commitments**

All faculty and P&A employees eligible to engage in outside consulting and other outside professional commitments must obtain prior approval when the number of anticipated consulting days per term of appointment exceeds the threshold of 12 days for an A term appointment or 9 days for a B term appointment, as specified in the administrative procedure. (For the Athletics Department staff, the governing procedure is *Outside Consulting and Other Commitments by Intercollegiate Athletics Staff*). There is no reporting and approval procedure for civil service and union-represented employees or for faculty and P&A employees who hold part-time

appointments of less than 75%, as these outside professional commitments must take place outside of work hours.

### **Reporting Exclusions**

The following activities, when they are related to the normal course of work as a faculty member and P&A employee, do not count as outside professional commitments. The activities listed below do not need to be reported unless they are compensated by a business entity beyond expense reimbursement (receipt of royalties for scholarly publications does not constitute “compensation by a business entity” for purposes of this policy). Regardless of compensation, these activities must not interfere with the performance of regular employment duties or compete with coursework offered by the University or services offered by the employee’s unit.

- Preparing scholarly or artistic works;
- Peer review of articles and grant proposals;
- Attendance and presentations at professional meetings (and other similar gatherings);
- Serving on advisory committees or evaluation panels for governmental agencies, non-profit higher education institutions or non-profit entities organized solely for educational, religious, philanthropic, or research purposes (with the exception of non-profit entities created by for-profit corporations);
- Giving occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings sponsored by governmental agencies, non-profit higher education institutions or non-profit entities organized solely for educational, religious, philanthropic, or research purposes (with the exception of non-profit entities created by for-profit corporations); and
- *Ad hoc* refereeing of manuscripts.

The following activities are considered University responsibilities and therefore also are excluded from the scope of this policy:

- Working on projects supported by grant or contract funds awarded to the University and accepted by the Board of Regents; and
- Teaching extension courses offered by the University.

### **Employees Participating in Private Practice Plans**

Employees participating in private practice plans are governed by Board of Regents' policies on private practice plans. Outside professional commitments that do not fall under these plans, as determined by the president or delegate, are subject to this policy.

### **Written Consulting Agreements**

Consistent with University policies on individual conflicts of interest, employees who are engaged in one or more “higher risk activities” and receive compensation from a business entity for consulting services related to their University expertise or responsibilities, must enter into a signed, written agreement with the business entity prior to providing the consulting service. The written agreement must state the need for the services, describe the services and any deliverables to be provided, state the compensation to be paid and the timeframe covered by the agreement, and make clear that the covered individual is acting solely in his or her individual capacity and is not speaking for or acting on behalf of the University.

A copy of any written agreement may be requested for review as part of a conflict of interest review or other oversight process. The employee also must maintain documentation reflecting (a) the remuneration received from and any travel expenses paid for or reimbursed by the business

entity and (b) the services provided, including estimates of the time and effort committed to providing the services. This documentation must be retained for the duration of the consulting relationship plus two years and must be available upon request.

All other covered individuals are encouraged to enter into such agreements, but are not required to do so, unless directed by a chancellor, dean, or administrative unit head.

### **Restrictions**

The following restrictions apply to University employee participation in outside professional commitments. University employees:

- may not use University personnel or students, equipment or services for outside commitments in a way that depletes University resources without prior approval and payment of a reasonable fee to the University. Prior approval and agreement for payment terms must be obtained from the employee's unit head and dean.
- may not use the University name, marks, or logos for advertising purposes.
- may not use the official stationery of the University or give as a consulting business address any University building or department name when participating in outside commitments.
- may identify their University employee status when rendering service to an organization outside the University, but may not speak, act, or make representations on behalf of the University, nor may they express institutional endorsement in relation to the outside professional commitment.

### **Policy Violations**

Violations of this policy include, but are not limited to: failing to file a REPA or request prior approval using a ROC; filing an incomplete, erroneous, or misleading REPA or ROC; failing to provide additional information as required by the approving authority; or non-compliance with any of the *Restrictions* outlined above. Violations may result in denial of approval for consulting activities and also may be the basis for employee discipline, up to and including termination, depending on the nature and circumstances of the violation. Any discipline imposed will follow the applicable Board of Regents and administrative policies and procedures for the individual's employment classification.

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### **REASON FOR POLICY**

This policy implements Board of Regents Policy: *Outside Consulting and Other Commitments*. This policy provides specifics on outside commitment thresholds, time limitations, reporting requirements, and their relationship to Board of Regents Policy: *Individual Conflicts of Interest*.

Full-time faculty and full-time academic professional and administrative (P&A) employees are compensated for full-time professional effort for the University. However, outside professional commitments can be positive contributors to fulfilling University responsibilities. The University recognizes that, through consulting and other relationships with government, industry, not-for-profit organizations, and others outside the University, its employees can make valuable contributions off campus while enhancing their expertise in their discipline.

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### **PROCEDURES**

- *Outside Consulting and Other Commitments by Faculty and Academic Professional and Administrative (P and A) Staff*
- *Outside Consulting and Other Commitments by Intercollegiate Athletics Staff*

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**FORMS/INSTRUCTIONS**

- Request for Outside Consulting (ROC)
- Report of External Professional Activities (REPA)

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**ADDITIONAL CONTACTS**

<b>Subject</b>	<b>Contact</b>	<b>Phone</b>	<b>Fax/Email</b>
<b>Primary Contact(s)</b>	<b>Sharon Reich Paulsen</b>	<b>612-625-0051</b>	<b>Reich002@umn.edu</b>
Requests for Consulting forms	EGMS Helpline	612-624-1600	
Sponsored Projects	Kevin McKoskey	612-624-5066	612-624-4843
Conflict of Interest Program	Lynn Zentner	612-626-7852	lzentner@umn.edu

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**DEFINITIONS****Appointment Type**

The condition attached to the appointment.

**Business Entity**

Any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other nongovernmental legal entity organized for profit, nonprofit, or charitable purposes. This definition does not include organizations and entities that are organized solely for educational, religious, philanthropic, or research purposes.

**Day**

For this policy only, in order to calculate allowable consulting days, the length of a day is considered the length of an employee's normal working day, up to ten hours. However if the entity the individual is consulting with defines "day" differently, the individual must use that definition (e.g., in its consulting agreements, the Veteran's Administration defines a day as 8 hours).

**Full-time**

For this policy, "full-time" is considered an appointment of 75% -100%, consistent with eligibility for human resources benefits.

**Higher-Risk Activities**

The higher-risk activities pertain to covered individuals who are:

- Involved in clinical health care;
- Involved in human subjects research subject to review by the Institutional Review Board (IRB) where the IRB has determined that research conducted by the covered individual involves "more than minimal" risk to subjects;
- Involved in technology commercialization;
- In a position to exert control over the content of University curriculum that could benefit the commercial interests of a business entity and, at the same time, create opportunity for or further an existing financial relationship between the covered individual and that business entity; or

- In a position to take any other action on behalf of the University that could benefit the commercial interests of a business entity and, at the same time, create opportunity for or further an existing financial relationship between the covered individual and that business entity.

**Outside Commitment**

Outside consulting or other outside professional commitments, paid or unpaid, that are beyond the scope of the individual's University employment responsibilities.

**Outside Consulting**

An outside commitment that is paid professional service intended to further the interests of an outside party, regardless of whether such services are provided as an employee of the outside party, an independent contractor, a business owner, or as a director or manager.

**Outside Professional Commitment**

An outside commitment that utilizes the same professional expertise that the individual employs in his or her University responsibilities.

**Professional and Administrative Employee**

Employees classified within the 93xx, 96xx, and 97xx job codes and title series.

**Report of External Professional Activities (REPA) Form**

The form in the Electronic Grants Management System (EGMS) used by covered individuals to report external professional commitments and financial and business interests at least annually.

**Request for Consultant or Outside Service Agreement (ROC)**

The form in the Electronic Grants Management System (EGMS) used by covered individuals to request approval for consulting and other outside commitments.

**Term of Appointment**

The duration of an individual's University employment contract. The term of appointment for a B appointee is nine months; for an A appointee, the term is twelve months.

**Unit Head**

"Unit head" means the department, unit, or division head, as appropriate.

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**RESPONSIBILITIES****Faculty and Professional and Administrative (P&A) Employees**

Be familiar with and comply with all aspects of this policy.

**Unit Head or Associate Athletics Director**

Review ROC requests. Approve or deny requests for approval of outside commitments. Ensure employee compliance with this policy. Act on requests for use of University resources for outside commitments. Refer any outside commitment request that may appear to create a conflict of interest to the Conflict of Interest Program for review as needed. (See Board of Regents Policy: *Individual Conflicts of Interest*.) Review the related information reported annually on a REPA.

**Chancellor, Vice President, Dean, or Athletics Director**

May review unit head's action on outside commitments requests on an as needed basis and in connection with such reviews, may approve or deny the request. Review a direct report's outside commitments. Refer any outside commitment request that may appear to create a conflict of

interest to the Conflict of Interest Program for review as needed. (See Board of Regents Policy: *Individual Conflicts of Interest*.) Act on requests for use of University resources for outside commitments.

#### **Senior Vice President for Academic Affairs and Provost**

Review and approve or deny requests for special exemptions from the policy. Review and act on appeals of denied consulting requests. Review the outside commitment requests of deans and other direct reports and approve or deny them.

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#### APPENDICES

- *Guidelines for Reviewing Outside Consulting and Commitment Requests*

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#### FAQ

There are no FAQ associated with this policy.

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#### RELATED INFORMATION

- Board of Regents Policy: *Outside Consulting and Other Commitments*
- Board of Regents Policy: *Employees Campaigning For or Holding Public Office*
- Board of Regents Policy: *Individual Conflicts of Interest*
- Board of Regents Policy: *Institutional Conflicts of Interest*
- Board of Regents Policy: *Private Practice Plan – University of Minnesota Medical School Twin Cities*
- Board of Regents Policy: *Private Practice Plan: School of Dentistry*
- Board of Regents Policy: *Private Practice Plan – University of Minnesota School of Nursing*
- Board of Regents Policy: *Private Professional Practice – University of Minnesota Medical School Duluth*
- Board of Regents Policy: *Professional Services Plan – University of Minnesota College of Pharmacy*
- Administrative Policy: *Individual Conflicts of Interest*
- Administrative Policy: *Individual Conflicts of Interest: Standards that Govern Those Involved In Clinical Health Care*

#### COMMENT:

These amendments were reviewed and unanimously approved by the Faculty Affairs Committee and the Senate Consultative Committee.

A comparison of the current and proposed policies is available at:

[http://www1.umn.edu/usenate/usenate/docs/ocopc\\_policy\\_comparison.pdf](http://www1.umn.edu/usenate/usenate/docs/ocopc_policy_comparison.pdf)

Paper copies will not be provided at the meeting.

**CHRISTOPHER CRAMER, CHAIR  
SENATE CONSULTATIVE COMMITTEE**

#### DISCUSSION:

Assistant Vice President Sharon Reich Paulson from the Provost's Office said that changes to this policy came about during the regular process of review for all University policies. No

substantive changes were made. The goal was to make this policy consistent with the format of other University policies, to make it clearer and to clarify questions, and to make sure that wording was consistent with the new Conflict of Interest policy. Consultation has taken place with a number of Senate committees and collegiate administrators. A few questions that were raised have not been addressed in the policy but will be answered in the FAQ section.

Barbara Shiels from the Office of the General Counsel stated that while the new policy is different in appearance and structure, there are no major substantive changes. One structural change is the addition of multiple headings which makes it easier to find information. Explicit language has also been added to cover provisions that were implicit before. Language has also been moved between the administrative procedures and Regents Policy on Consulting.

With no discussion, a vote was taken and the motion was approved.

**APPROVED**

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**MOTION A**  
**Consent Agenda**  
**Action by the University Senate**

Agenda Items 10. and 11. are considered to be non-controversial or “housekeeping” in nature and are offered as a “Consent Agenda” to be taken up as a single item with one vote. Any item will be taken up separately at the request of a senator. As Item 10. is an amendment to the University Senate Bylaws, the motion requires either a majority of all voting members of the University Senate (127) at one regular or special meeting, or a majority of all voting members of the University Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

**10. UNIVERSITY SENATE BYLAW AMENDMENT**  
**Advisory Committee on Athletics Membership**

To amend Article II, Section 5(A) of the University Senate Bylaws, as follows (language to be added is underlined; language to be deleted is ~~struck out~~).

**ARTICLE II. COMMITTEES OF THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)**

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**5. University Senate Committee Charges**

**A. ADVISORY COMMITTEE ON ATHLETICS**

The Advisory Committee on Athletics provides consultation and advice to the President, the senior administrator responsible for athletics, and the Department of Intercollegiate Athletics on policies and other major decisions. All policies formulated by the Advisory Committee on Athletics will be reported to the Twin Cities members of the Senate Consultative Committee for action and to the Twin Cities Delegation for information after the Twin Cities members of the Senate Consultative Committee have acted. The Twin Cities Delegation has the authority to reverse or modify a decision by the Twin Cities members of the Senate Consultative Committee.

**Membership**

The Advisory Committee on Athletics shall consist of the following voting members:

(1) a Chair, who must be a tenured Twin Cities faculty member, who holds no administrative appointment higher than department chair or head, appointed by the President after consultation with the Faculty Committee on Committees, for a term of one year;

(2) ~~four~~ (4) five (5) Twin Cities members of the faculty or academic staff (at least ~~two~~ three of whom shall be members of the tenured faculty), appointed by the President after consultation with the faculty members of the Faculty Committee on Committees, for terms of three (3) years;

(3) the Faculty Representatives to the NCAA;

(4) the chair of the Faculty Academic Oversight Committee on Intercollegiate Athletics, or a member designated by that committee;

~~(5) a Twin Cities dean, appointed by the President after consultation with the Twin Cities' deans, for a term of three (3) years, or another member of the tenured faculty;~~

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#### COMMENT:

At the time these Bylaws were changed in response to difficulties in the athletics program, it was thought that decanal representation on the Advisory Committee on Athletics (ACA) would be helpful. In practice, no dean has had the time to serve on ACA and the position has been filled for many years by a tenured faculty member. This change aligns the Bylaws with the practice.

On September 14, 2011, the Advisory Committee on Athletics (ACA) unanimously approved the motion.

**VIRGINIA ZUIKER, CHAIR  
ADVISORY COMMITTEE ON ATHLETICS**

### **11. UNIVERSITY SENATE RULES AMENDMENT Equity, Access, and Diversity Committee Ex Officio Members**

To amend Article II, Section 1 of the University Senate Rules as follows (language to be added is underlined; language to be removed is ~~struck-out~~). As an amendment to the University Senate Rules, the motion requires a simple majority for approval.

#### **ARTICLE II. RULES FOR COMMITTEES OF THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)**

##### **1. Ex Officio Members of University Senate Committees**

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**- Equity, Access, and Diversity--** Office of the Vice President and Vice Provost for Equity and Diversity (two representatives, including one from the Office of the Vice President and Vice Provost for Equity and Diversity and one from the Office of Equal Opportunity and Affirmative Action), ~~four representatives, including one from the Office of Equal Opportunity and Affirmative Action, one from the Office for University Women, and one from the Gay, Lesbian,~~

~~Bisexual, Transgender, Ally Programs Office~~); Representative from the Women's Faculty Cabinet.

...

**COMMENT:**

Given the structural changes in the Office of the Vice President and Vice Provost for Equity and Diversity (OED), the Equity Access and Diversity Committee (EAD) believes its needs for ex officio representation will be best served by having one representative from the Office of the Vice President and Vice Provost for Equity and Diversity and one representative from the Office of Equal Opportunity and Affirmative Action. EAD consulted with the Associate Vice President (AVP) of OED on the change to its ex officio representation, and OED has committed to having an "AVP" level representative at EAD meetings. EAD and OED agree that the change in ex officio representation may make better use of EAD and administrative time and resources and be more responsive to the types of issues the committee considers. To ensure that issues handled by the Women's Center, the Multicultural Center for Academic Excellence, and the Gay, Lesbian, Bisexual, Transgender, Ally Programs Office continue to come before the committee, EAD will: 1) regularly review the issues EAD considers each year, 2) regularly solicit issues from the Women's Center, the Multicultural Center for Academic Excellence, and the Gay, Lesbian, Bisexual, Transgender, Ally Programs Office, and 3) invite representatives from these offices to speak to the committee as needed.

**IRENE DURANCZYK, CHAIR  
EQUITY, ACCESS, AND DIVERSITY COMMITTEE**

**DISCUSSION:**

With no discussion, a vote was taken and the motion was approved.

**APPROVED**

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**END OF MOTION A**

**12. ACADEMIC FREEDOM AND TENURE COMMITTEE  
Academic Freedom White Paper  
Discussion by the University Senate**

**University of Minnesota  
Academic Freedom and Responsibility  
2011 White Paper**

**Faculty Senate Committee on Academic Freedom and Tenure**

**Abstract**

The protections and responsibilities in the University of Minnesota Board of Regents' Academic Freedom and Responsibility policy are intended to generate a setting in which free and vigorous inquiry is embraced in the pursuit of "the advancement of learning and the search for truth," in the words emblazoned on the front of Northrop Auditorium. The combination of protections and responsibilities implies that the privilege of academic freedom is available and supported when it is ensured that all voices are heard and ideas are the focus of the conversation and debate.

All University employees are obliged to meet the responsibilities listed in the policy in order to create the culture needed to sustain and affirm the University's commitment to academic freedom. The protections defined by the policy extend to all University employees who engage in scholarly work. The protections of academic freedom also apply to teaching and service settings.

In 2011 the Faculty Senate Committee on Academic Freedom and Tenure discussions addressed current thought about these aspects of University work. These discussions, which came about because of the U.S. Supreme Court decision in the case of *Garcetti v. Ceballos* and because of the controversy surrounding the release of the film *Troubled Waters*, led to the preparation of this White Paper. These discussions are contained in the minutes of the committee and the Senate for 2009-11.

Note: This White Paper will refer to the tenure regulations, shorthand for the Regents Policy: Faculty Tenure.

### Introduction

Academic freedom and its associated responsibilities are core values of the University of Minnesota. Academic Freedom and Responsibility (AF&R) is also the title of the University's Regents' policy, which describes these guiding principles and how they are to be lived at the University. The policy elucidates how both academic freedom and responsibility frame the work of the University and guide decisions made regarding the performance of duties and pursuit of scholarship at the University of Minnesota. The AF&R policy provides:

#### ACADEMIC FREEDOM AND RESPONSIBILITY

[[http://www1.umn.edu/regents/policies/academic/Academic\\_Freedom.pdf](http://www1.umn.edu/regents/policies/academic/Academic_Freedom.pdf)]

#### SECTION I. GUIDING PRINCIPLES.

The Board of Regents (Board) of the University of Minnesota (University) reaffirms the principles of academic freedom and responsibility. These are rooted in the belief that the mind is ennobled by the pursuit of understanding and the search for truth, and the state well served when instruction is available to all at an institution dedicated to the advancement of learning. These principles are also refreshed by the recollection that there is commune vinculum omnibus artibus, a common bond through all the arts.

#### SECTION II. ACADEMIC FREEDOM.

Academic freedom is the freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write on matters of public concern as well as on matters related to professional duties and the functioning of the University.

#### SECTION III. ACADEMIC RESPONSIBILITY.

Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.

Over the past several years, academic freedom and responsibility have been the focus of extended discussions at the University. In 2004 the Faculty Senate's executive committee, the Faculty Consultative Committee, invited a task force to "consider current issues of academic freedom at the University...given the assaults on academic freedom experienced nationwide" at that time. Their report is available at:

<http://www1.umn.edu/usenate/fcc/acadfreedomreport.html>

During 2010-2011, additional experience compelled further careful discussion of academic freedom and responsibility at the University. These conversations resulted in an expanded understanding of these core values. The dimensions and nuances of the policy and its application are addressed in this White Paper, anticipating that they will provide a resource for further discussions and activities at the University.

### Sources and Nature of Academic Freedom

Academic freedom is a public good. It extends from the implicit public contract that recognizes universities as places with special obligations with respect to the search for and production of knowledge. It allows the university to defend the pursuit of knowledge by individual faculty, staff, and students, wherever it may lead. Academic freedom protects university employees from discipline or restraint based on their activities in scholarship, teaching, and service as part of their University roles. The public benefits from this protection, with the advancement of learning and creative expression.

With academic freedom comes academic responsibility, and a recognition that academic freedom has its limits. The United States Supreme Court has established that academic freedom, like the First Amendment, is not a defense to acts such as academic fraud, slander or defamation, obscenity, or creating a clear and present danger of bodily harm (as a result of one's speech).

The American Association of University Professors (AAUP) first published documents defining and describing academic freedom in 1915, and re-visited and defended their observations in 1940 and 1970. Their comments were published because of challenges to academic freedom that arose when the U.S. was at war. During those conflicted times, the creative ideas and challenging discussions that are expected as part of academe seemed especially threatening to the country's social and political positions, and there were efforts to limit their expression.

The University of Minnesota Board of Regents acknowledged the role of academic freedom and responsibility in 1938. At that time the Board of Regents' resolution observed that in times of national crisis, it is especially important for the University as an institution of higher learning to adhere to the values and traditions of academic freedom (Board Resolution January 28, 1938).

In 1995, and again in 2009 and 2011, the Board of Regents reaffirmed its commitment to academic freedom and responsibility as basic to the University's work in service of the state. The Board of Regents policy specifically identifies the associated responsibilities as: a) performance of professional duties and obligations; b) recognition of the demands of academe; and c) candor in attributing responsibility for ideas and statements when speaking on matters of public interest.

The University of Minnesota Academic Freedom and Responsibility policy is referenced in other Regents' policies, which specifically connect these guiding principles to the University's tenure regulations and code of conduct policies and expectations. Key language from the tenure regulations includes statements that indicate the links between tenure and academic freedom and responsibility:

- "Tenure is the keystone for academic freedom."
- "Both tenure and academic freedom are part of an implicit social compact."
- "[F]aculty have the responsibility of furthering the institution's programs of research, teaching, and service."

### Report of the Task Force on Academic Freedom (2004)

The 2004 Task Force Report also acknowledges academic freedom as a public good that is crucial to our democracy. Academic freedom is defined as an implicit contract between society and universities pertaining to scholarly and creative activities (p 4). The Task Force Report described two dimensions of this core value as the "protective" and "affirmative" components of the principle of academic freedom (pp. 5-7). The protective component of academic freedom is defined in Section II of the Board of Regents AF&R policy: Academic freedom limits outside interference with academic work, assuring scholars the right to free inquiry "without fear of punitive sanction" (p. 5). The Task Force Report also notes that in the University, a scholar's freedom to pursue knowledge and express ideas is expected to be subject to rigorous debate and scholarly review by others within the academy. The affirmative component of this principle is the culture that is required to support this unrestricted exchange of ideas protected by academic freedom. The culture supports discourse within the University that is expected to be rigorous, respectful, civil, continuing, and both within and across disciplines (p 6). It is also noted that the affirmative component of academic freedom becomes ineffective when it becomes a "culture of offense." (p 6) The effective balance of both components is essential to attaining the benefits of academic freedom for society and for the academy.

### 2011 Insights

To varying extents, the AF&R policy extends protections to and establishes responsibilities for all who work at the University of Minnesota. Over time these protections and expectations have been most closely described and defined for the scholarly work that is produced at the University. However, as the policy provides, these protections and responsibilities also extend into the other dimensions of University work, including teaching and service. The sections below reflect insights regarding academic freedom and responsibility that were generated in 2011 AF&T discussions.

### **Who enjoys the AF protections at the University of Minnesota?**

#### Scholarly Work

The protections of academic freedom are extended to all University employees who engage in scholarly work, which is also identified as original intellectual and artistic content, as part of their employment. Anyone—of any employment status or rank—who designs, creates, or discovers content as part of their University employment enjoys the protections of academic freedom; that includes professors, museum directors, artists, etc. regarding that work.

Some employees and faculty at the University have both administrative and creative / departmental positions. In cases where the person functions as an administrator, the person does not have the protections of academic freedom for the administrative work; however, when teaching and doing creative work within the person's discipline, the protections do apply.

It is important to note that the protections of academic freedom do not extend to employees (of any employment status or rank) who have been hired to complete the intellectual / artistic work of their supervisor. Anyone hired by someone to accomplish that person's design/plan/etc. is not extended the protections of academic freedom; the creative effort and responsibility remain with the supervisor who is directing the employee's effort.

In general, when a University employer hires an employee or a student to complete work as part of the employer's creative work ("work for hire"), the protections of academic freedom extend to the creative leads on the project but not to the others hired to work on the project. The protections apply regardless of the source of funding. In other words, the protections of academic freedom apply to the creative lead for a project and they apply when an employee or student is creating his/her own work. The protections do not apply when a student or employee is working on another's creative work. (Academic freedom in a "work for hire" setting should be clearly defined in the contracts and other documents that are signed in the hiring process.)

Some creative work at the University is funded by external sources, awarded to the Board of Regents, and managed through grants and contracts. When concerns regarding the connection of a funded project with the University are raised, systems exist to review those concerns (Sponsored Projects, IRB, animal safety, etc.).

### Teaching

The protections of academic freedom equally apply to the teaching mission of the University and to all who participate in the teaching-and-learning enterprise.

According to the AF&R policy, the protections of academic freedom include "the freedom to discuss all relevant matters in the classroom." Teachers and students pursue ideas openly and broadly. Teachers decide what to include in a class and students engage fully in challenging discussions of the material. However, there are boundaries to what a teacher includes in a course and to a student's participation, and these boundaries are identified in the following paragraphs of this White Paper and are also set forth in the syllabus statement adopted by the Faculty Senate in 2010:

Academic freedom is a cornerstone of the University. Within the scope and content of the course as defined by the instructor, it includes the freedom to discuss relevant matters in the classroom. Along with this freedom comes responsibility. Students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Students are free to take reasoned exception to the views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

Many of the instructional programs at the University are designed to meet particular accreditation, disciplinary, and professional expectations. Outside organizations (professional boards, accreditation groups, etc.) provide broad guidelines for what students need to accomplish in order to be prepared for their work. These expectations specify what needs to be taught at the University for these students. These externally-defined expectations, combined with faculty decisions, determine what information and materials are included in programs of study and in specific courses.

Administrators also have a voice in what is taught and who does the teaching, to ensure the institution meets its instructional obligations. Administrators (typically department heads and chairs) make teaching assignments to particular faculty members, based on the skills and interests of the faculty and the coursework that needs to be taught to meet students' broader requirements. This administrative role in assigning what is taught and by whom is consistent with the explanation in Interpretation 4 of the tenure regulations (2011).

Within these boundaries and additional specifications determined by the faculty of a unit, teachers enjoy the protections of academic freedom in preparing course syllabi, based on what they think the courses should encompass, while also including the required material. Faculty members have the protections of academic freedom to present course material in their own way, as long as that material is competently taught and represents a current review of the required materials. (See The Academy of Distinguished Teachers' set of best practices for peer review of teaching— [http://academic.umn.edu/provost/peer\\_review/](http://academic.umn.edu/provost/peer_review/))

The protections of academic freedom also extend to students, who have the freedom to engage course and class material in rigorous conversation. Faculty members can limit the students' classroom engagement to ensure that course goals are met.

### Service

As described in the AF&R policy, the protections of academic freedom also apply to the outreach and service dimensions of University employment. As written in the AF&R policy, academic freedom protections extend to the "[F]reedom to speak or write on matters of public concern, as well as on matters related to professional duties and the functioning of the University."

### Limitations on Academic Freedom

Administrators are limited in their ability to state their opinions about University positions publicly, as established in recent federal court opinions. (*Faghri v. University of Connecticut*, 621F.3d 92 (2010), bears most directly on the point.) The courts have recognized that administrators (deans and above) have the responsibility to engage in vigorous, robust discussion up to the point an administrative decision is made and University policy is defined. Once the decision is made, administrators who criticize the decision can be terminated from their administrative position (but not their tenured faculty position, if they hold one). This court decision reflects the opinion that as a public employee in a position of authority, an administrator relinquishes certain free speech and academic freedom protections as part of the employment bargain. This extends to statements that might be made before the legislature, to the media, and other public fora.

These academic freedom protections are limited in a parallel way for students and others in settings where they are employed to complete scholarly and creative projects as a "work for hire." While employed and working on the projects, these employees may participate as part of the team with rigorous debate and contributions to the process. However, once the supervisor / creative lead on the project has made a decision regarding how to proceed, the employee does not have the protections of academic freedom to criticize the work. This expectation is based on the belief that the employee relinquished that freedom when accepting the employment contract.

### **What are the Academic Responsibilities that accompany the protections of Academic Freedom?**

The AF&R policy establishes that the core value of academic freedom confers these protections in a setting with commensurate responsibilities. All employees at the University are responsible for maintaining a culture that supports rigorous academic debate and scholarly review. The responsibilities named in the policy set three specific expectations: faithful performance of duties and obligations; recognition of the demands of the scholarly enterprise; and the candor to make it clear that one is personally responsible (not speaking for the University) for remarks when participating in public discourse. These responsibilities are intended to create a respectful and civil setting that supports the University's pursuit of understanding, search for truth, and advancement of learning.

### Specific Responsibility: Perform Professional Duties and Obligations

The University accomplishes its work through the scholarly activities, teaching, and service of its faculty, students, and staff. Each University employee works either to create these work products or in support of the setting where these products are generated. When employees perform their jobs with this orienting vision, the University can accomplish its work.

For those who do scholarly work and teach, actively participating in the exchange of ideas is an essential dimension of their professional duties and obligations. Peer review is an essential part of that process, ensuring that the best ideas are considered, challenged, and debated. Old paradigms may founder, new ideas flourish, unexpected ideas emerge. This process is rarely quiet or simple, and the expected controversy draws attention within the academy and beyond, into society.

Another dimension of employee responsibility in performing professional duties and obligations is to meet the expectations of the unit for the position into which they are hired. These expectations are defined in the tenure regulations and 7.12 statements for faculty, and in parallel documents for other positions. Accomplishing the design, discovery, and creation of scholarly work throughout a career is one aspect of faculty professional duties and obligations; maintaining the rigorous debate and scholarly review expected in the setting is another. The Academic Freedom and Responsibility policy establishes that creating and maintaining the setting for this unrestricted exchange of ideas applies to all employees.

In maintaining a culture that depends on this exchange of ideas with the goal of advancing learning, there are also University employees whose jobs are to promote the University or to protect the University's name. Actions taken in service of such promotion or protection may sometimes work to undermine the University's goals by hindering inquiry, debate, and presentation of ideas, so it is critical that the importance of free inquiry be balanced against the promotional aims. More important than protecting the University's name in connection with the public dissemination of material is promoting and protecting the core values of the University. The protections of academic freedom can only be maintained when all employees within the culture support the free exchange of ideas and recognize that controversy may follow.

Specific Responsibility: Recognize the Demands of the Scholarly Enterprise

The University's work is producing significant scholarship, effective teaching, and service to the community. Controversy must be expected, whether the controversy results from a challenging idea, performance, or presentation. While controversy is expected, it must not be a determining factor when deciding what can be taught, investigated, and/or discussed, nor should it influence decisions regarding dissemination of intellectual or artistic work products from the University. However, there are important nuances in how controversy is integrated into and managed within the University's work.

Recognizing the University's role in society's scholarly enterprise means embracing the responsibility to use academe's collective judgment in ensuring the University's work products are appropriate for an institution dedicated to the advancement of learning.

However vigorous conversation and debate becomes, these discussions need to remain respectful, civil, and focused on ideas, so the culture continues to affirm the purpose of the University. When a culture of offense is established and the setting taints the exchange of ideas, the University's work is undermined and those employed can become demoralized.

Specific Responsibility: Candor to make it clear when one is not speaking for the institution

It is important to note that University employees have a specific responsibility described in the AF&R policy, which requires that an employee "make it clear that when one is speaking on matters of public interest, one is not speaking for the institution." It is obvious that when an employee is doing scholarly or instructional work, they are doing their University job, and thus not speaking to the public for the University. This specification in the policy notes that when an employee moves beyond the academy and into public space, it is important that the individual acknowledge that the opinions and work being presented are personal ideas and opinions, and do not represent the University's position, if there might be uncertainty. This applies when one writes a letter to the editor, submits an op-ed piece, or is interviewed for a news story. [Suggested disclaimers include: "Professor Jane Doe is an associate professor the University of Minnesota's College of Education and Human Development. (The views represented are Professor Doe's and do not represent those of the University of Minnesota.)"]

**Recourse**

When issues of concern arise about the protections extended through the Academic Freedom and Responsibility policy, whether to faculty, staff, or students, the matter should be referred to the

Provost as the University's chief academic officer (other administrators do not have the authority to make a decision). Individual faculty members may file a case with the Judicial Committee; P&A staff may file a charge with the Office of Conflict Resolution.

**BARBARA ELLIOTT, CO-CHAIR  
ACADEMIC FREEDOM AND TENURE COMMITTEE**

**CHRISTINE MARRAN, CO-CHAIR  
ACADEMIC FREEDOM AND TENURE COMMITTEE**

## **DISCUSSION:**

Professor Barbara Elliott, Co-chair of the Academic Freedom and Tenure Committee (AF&T) along with Professor Christine Marran, recalled that she made a presentation last May to the Senate in response to the experiences with *Troubled Waters*. Last year AF&T was asked to respond to six questions relating to the role of academic freedom and responsibility as it pertains to scholarly work that come from the University and bears the University's name.

As the committee spent the majority of last year discussing these issues and policies, it learned a lot and added to the committee's understanding of the policies and the core value of academic freedom which is the bedrock of the University. Rather than leaving this knowledge and understanding only in the committee minutes, a determination was made to summarize it in this white paper.

This paper stands on the work that has been done before. It is not the final paper on the topics of academic freedom and responsibility but is a sense of where the University is now. It is organized around the Regents policy. Academic freedom is part of a social contract or understanding that the University has with its greater society. People who work in the University setting are in a position to extend and expand knowledge and understanding, and to be involved in passing it on, through teaching and service, to those around us, both at the University and within the community. Because of this social contract, the policy also spells out protections and responsibilities.

While the committee focused on all three elements on the policy, more extensive focus was placed on responsibilities and that emphasis is reflected in the white paper. The first topic is the limitations. However, it is noted that it is not just faculty doing work in the community. Other employees, including students, are also protected by and responsible under this policy.

The committee noted that there are three particular responsibilities that everyone has. The first is to perform the duties and obligations of one's position. The second is to recognize the demands of the scholarly enterprise, which includes significant scholarship, effective teaching, and service to the community. The third is to make it clear, when in a public forum, that one is not speaking for the University. The final paragraph outlines recourse available for people who have concerns and questions.

A senator thanked the committee for their careful work and its interest in involving others in these discussions. However, she did not think that this document was ready to be brought to the Regents due to the feedback that she has been receiving. The process needs to slow down to allow time for more discussion and clarification and interpretation of several items. If the white paper still raises questions as to coverage for graduate students, work for hire, and the relationship to accreditation, it should not be released.

Another senator said that it is unclear as to which parts of the white paper relate to existing policies and which parts explain new interpretations of existing policies. The section on work for hire appears to be a new interpretation of existing policy. The white paper draws too bold a line between scholarly work and work for hire, which could have unfortunate consequences. More work should be done on these gray areas.

Professor Elliott stated that work for hire is a legal, copyright, and creative issue that, according to the Office of the General Counsel, is not defined by policy but is done on a case-by-case basis.

A senator expressed concern about the notion that when faculty speak in public, they are required to openly disclaim that they are not speaking on behalf of the University. This type of disclaimer seems silly. Not because he does not understand the value in drawing this line, but because he finds it hard to imagine a scenario in which he would ever be understood as representing the University as a whole. The common sense understanding is that faculty are speaking on their areas of expertise. The moment that he is required to explicitly add a disclaimer, he believes that his academic freedom is being undermined. It also suggests that he is always speaking on behalf of the University unless he adds this disclaimer.

Professor Elliott stated that a disclaimer is only necessary when there is a question about whether someone might be speaking on behalf of the University.

Another senator agreed with the previous comments and questioned why administrators do not need to state a disclaimer before they speak in public.

A senator asked that language be added to draw attention to the rights of post-graduates. Another issue is the ability of faculty members to secure external funding to support scholarly work when approval of grants rests on the recovery of indirect costs for doing research.

A motion was then made and seconded to suspend the rules to consider a motion to postpone presentation of this white paper to the Regents next week. A vote was taken and the motion to suspend the rules was not approved with only 114 votes in favor and 60 votes opposed.

**NOT APPROVED**

### **13. PRESIDENT'S REPORT**

President Kaler said that today begins his sixth month on the job. Some days it feels like six hours and other times like six years. There has been media attention lately regarding the University's change to its transfer student policy for the Twin Cities campus; the coordinate campuses have their own policies. A decision was made to reduce the overall number of transfer student by up to 300, which is a fraction of one percent of the total student body at the University.

This change will help ensure student success. When students transfer with fewer than 14 credits, they do not thrive, and the goal is to reduce the number of students who come under these conditions and require more credits and college experience. This, together with other activities to improve the transfer experience, will enable more students to succeed.

He reminded senators that the University is the leader in the Big Ten in admitting transfer students. The University has about 33 percent transfer students while other institutions have between 6-17 percent of their new students as transfer students. The University will still maintain its commitment to Minnesota students, particularly those who start at MnSCU institutions.

This change was part of an overall enrollment management plan that will also increase the number of students in the Nursing and STEM disciplines by 1000 over several years due to admission pressure in these areas. As a consequence of the budget situation in the last legislative session, additional faculty lines were added in these areas as well which will help control student-faculty ratios.

He received the report from the Academic Health Center (AHC) Review Committee and he thanked it for its work. The report was accompanied by a collection of comments which he characterized as divergent. He does not feel that this is a settled issue as this report is one of at least ten in the last 15 years. He knows that people are anxious for a decision and clear path to move forward. This is an important decision since the health of the AHC is critical to the health of the University, so he is asking for more time to evaluate the historical reports and vet the comments and concerns in this report. He is also considering retaining an external review team.

His leadership team is coming together with the announcement this week of the hire of Jason Rohloff as a special assistant for government relations. Mr. Rohloff is a University graduate with 15 years of government relations and foundation experience. He brings great energy and experience to this work. The University is also in the final stages of hiring the Vice President and Chief Information Officer as campus visits have been conducted this week. He values input from those who have attended their interviews.

While he is working to reduce the administrative structure, he does think that a search needs to begin for a Vice President for Equity and Diversity. A search committee is being formed now. He believes that this position needs to remain at a vice presidential level due to his own commitment to equity and diversity and because the position needs leverage to work across the University system. Lastly, dean searches for the Carlson School of Management and the School of Dentistry are proceeding.

The legislative session begins in January and much of this conversation is to be framed around the state's budget projection which was released today. This projection has identified a \$876 million surplus. This surplus is due to an almost \$350 million surplus from the last fiscal year and a reduction in state expenses. These funds will first go towards the working cash flow for the state and then into reserve funds. He is remarkably relieved by this news. He has been a provost or president for almost five years and he has never had to deal with a budget surplus.

This year will be a capital bonding year and the projected surplus should alter the mindset for the total of the binding bill. The University has made a modest request of \$169 million to support critical renovation and constructions projects for the Itasca Biology Station, an American Indian Learning Center at Duluth, and historic renovations to campus buildings. Grassroots efforts will still be needed to seek legislative support and investment.

College presidents have had the opportunity to read a variety of articles in the past month related to the Occupy movement and the response from the University of California-Davis. He promised that this type of response will not happen here. The University's public safety officers understand that this is an academic community and the right to peaceful protest and freedom of speech will be recognized. He supports these rights, but will not allow public or individual safety to be compromised. Conversations on personal points of view can be vigorous as long as they are peaceful.

Operational activities to contain costs are being worked on by the administration. Specific changes will be made next year. They are also working on changing the culture from "it cannot not be done here" to "it can be tried." This can be seen in how the University interfaces with industry in partnerships.

Academically the University continues to focus on what it does best and how to ensure that it is at the front of these fields. He anticipates a robust discussion around the Graduate School metrics later on today's agenda. His belief is that if the University does not move this conversation forward, outside forces will do it for the University as is happening across the country.

Lastly, he addressed the Penn State and Syracuse sexual abuse allegations. He has sent an email to the community, which he will repeat here, that if anyone sees any type of sexual assault, it needs to be reported to the police. He also believes that the University's athletic reporting structures and mechanisms should maintain control and appropriate institutional oversight.

#### **14. QUESTIONS TO THE PRESIDENT**

Q: The Benefits Advisory Committee (BAC) wanted to send a letter to faculty and staff concerning the \$12 million cost shift in 2012 from the University to employees, but this communication was censored by the administration. Professor Chris Cramer, Chair of the Faculty Consultative Committee, also refused to approve this communication. Do you characterize the BAC email as antagonistic to the administration?

A: As he has not read the email, he cannot comment on it. Committees work within the governance process and if they cannot do their assigned tasks, then that is a governance issue. He is not surprised that some issues are antagonistic to the administration and the governance will not always agree with the administration.

A senator said that he is excited to work with the administration and senators on University issues, which is the reason that he joined this body

#### **15. UNIVERSITY SENATE OLD BUSINESS**

NONE

#### **16. UNIVERSITY SENATE NEW BUSINESS**

NONE

#### **17. UNIVERSITY SENATE ADJOURNMENT**

The University Senate adjourned at 3:39 pm.

#### **18. FACULTY CONSULTATIVE COMMITTEE Technical Changes to the Faculty Senate Bylaws Information for the Faculty Senate**

#### **FOR INFORMATION:**

According to the charge to the Faculty Consultative Committee, it has the authority "[t]o correct grammatical and punctuation errors and to approve other non-substantive technical amendments in existing administrative policies previously approved by the Faculty Senate and in Faculty

Senate documents (including the constitution, bylaws, and rules); such actions will be reported to the Faculty Senate at its next meeting and the Faculty Senate may then overrule the Faculty Consultative Committee."

The Faculty Consultative Committee voted unanimously to approve the following changes to the Faculty Senate Bylaws (language to be added is underlined; language to be deleted is ~~struck out~~):

**ARTICLE IV. COMMITTEES OF THE FACULTY SENATE (Changes to this article are subject to vote only by the Faculty Senate)**

...

**2. Eligibility for Membership**

...

c. No individual holding an academic staff title or a civil service title may serve on a Faculty Senate committee which includes among its ex officio members the University officer to whom the individual directly reports. If the Faculty Committee on Committees, Student Committee on Committees, or the Civil Service Consultative Committee believes there is a reasonable potential for a conflict of interest for a prospective committee member from a unit on which a University officer from the same unit serves as an ex officio member, it should decline to appoint such an individual to a committee.

...

**4. Removal of Faculty Senate Committee Chairs and Faculty Senate Committee members**

a. Committee chairs may be removed by a two-thirds vote of the Faculty Consultative Committee. If the committee chair to be removed is an academic staff member, the Faculty Consultative Committee will consult with the P&A Consultative Committee ~~Executive Committee of the Council of Academic Professionals and Administrators~~ before voting on removal. Any committee chair who is to be the subject of a vote on removal may submit a statement to the Faculty Consultative Committee before a vote on removal is taken. There is no appeal from the decision of the Faculty Consultative Committee to remove a committee chair. Nothing in this section bars anyone from making use of the University's normal grievance processes for employees or students.

...

c. Faculty, alumni, and ex officio members of a committee may be removed from a committee by a two-thirds vote of the Faculty Consultative Committee. If the committee member is an alumni representative, the Faculty Consultative Committee will consult with the President and the Director of the Alumni Association before voting on removal. If the committee member is an ex officio member, the Faculty Consultative Committee will consult with the appointing officer before voting on removal. Student members may be removed from a committee by a two-thirds vote of the Student Consultative Committee. Academic staff members may be removed from a committee by a two-thirds vote of the ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee. Civil Service members of a committee may be removed by a two-thirds vote of the Civil Service Consultative Committee.

...

e. Any committee member who is to be the subject of a vote on removal may submit a statement to the Faculty Consultative Committee, Student Consultative Committee, ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee, or the Civil Service Consultative Committee, as appropriate, before a vote on removal is taken. There is no appeal from the decision of these groups on a decision to remove a committee member. Nothing in this section bars anyone from making use of the University's normal grievance processes for employees or students.

...

### **C. COUNCIL ON LIBERAL EDUCATION**

The Council on Liberal Education has responsibilities for baccalaureate degree requirements for those who graduate from the Twin Cities campus of the University.

#### **Membership**

The Council on Liberal Education shall be composed of faculty and student representatives (both undergraduate and graduate/professional); members of the academic staff may also be appointed. Three-quarters of the members of the Council shall be regular faculty members. ["Regular" as defined in *Faculty Tenure*]. The faculty members shall be appointed by the Provost, in consultation with the deans and with the Twin Cities members of the Educational Policy Committee, and shall be drawn from among the colleges and schools of the Twin Cities campus, including the professional schools. The student members shall be appointed by the Provost in consultation with the Twin Cities student members of the Student Committee on Committees. Academic staff members shall be appointed by the Provost in consultation with the ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee. The chair of the Council shall be designated by the Provost and shall be a faculty member.

...

### **E. FACULTY ACADEMIC OVERSIGHT COMMITTEE FOR INTERCOLLEGIATE ATHLETICS**

The Faculty Academic Oversight Committee for Intercollegiate Athletics has responsibility for eligibility, compliance, and other issues relating to academic integrity of participants in the programs. This committee will work closely with the Provost, who as head of academic affairs is the senior administrative officer in charge of academic counseling programs for athletes.

#### **Membership**

...

The committee will consult regularly with the athletic director and will meet at least once each semester to discuss programs and policies for ensuring academic performance and compliance with all standards. It will meet at least once each semester with the athletic director to review the academic performance of the teams, the support given to academic performance by the departments, coaches and teams, and to make recommendations in this regard.

The committee will meet regularly with the Provost or a representative of the Provost's office.

#### **Duties and Responsibilities**

...

(C) With the assistance of the office of the Provost, the committee will conduct regular reviews of the grade average and progress of each student. It will also regularly evaluate the performance of each team in achieving the academic goals of student participants, and will advise the Director of Athletics concerning the performance of coaches in support of these goals. It will also advise the senior administrator responsible for athletics, the Provost, the President, and the Twin Cities members of the Faculty Consultative Committee regarding the support for academic achievement shown by each of the teams and departments.

...

(G) The committee (or a representative) will participate in searches for the Directors of Athletics, of Academic Counseling and of Compliance, and in searches for major coaching positions, and in any periodic comprehensive performance review of these positions, paying particular attention to the qualifications of candidates in the fields of academic performance and compliance.

(H) The committee will advise and consult with the athletics departments to ensure that those participating in or employed by the athletics programs observe required standards of compliance and academic integrity, and will make such reports and recommendations as may be necessary.

...

At least once a year, the voting members of the Committee will meet privately with the President to give their candid evaluation of the performance of the departments and teams in achieving academic performance and rules compliance. The voting members of the committee may also at any time request a private meeting with the President and/or with the Twin Cities members of the Faculty Consultative Committee to discuss any matters of concern to them. The ex officio members shall not attend such meetings, unless requested to do so by vote of the committee.

The Senate Office will provide staff assistance for the committee. The Provost will, in consultation with the Committee, provide adequate staff assistance drawn from the office of the Registrar, the advising offices of colleges, and other administrative offices and assist in the preparation, presentation and evaluation of student records. The athletics departments and academic counseling and compliance offices will provide information requested by the committee.

No appointed member of the committee may accept any tickets, team travel, or other benefit or favor from the athletics departments except as specifically authorized by the President and the Twin Cities members of the Faculty Consultative Committee.

...

## **G. FACULTY COMMITTEE ON COMMITTEES**

### **Faculty Committee on Committees**

The Faculty Committee on Committees appoints members of certain committees of the Faculty Senate and advises the Faculty Consultative Committee on the committee structure of the Faculty Senate.

### **Membership**

The Faculty Committee on Committees shall be composed of at least 13 and no more than 15 elected tenured or tenure-track faculty members and at least 2 and no more than 4 elected academic professional members.

Of the faculty/academic professional members, 1 shall be from the Morris campus and the remainder from the Twin Cities campus. All faculty members of the Committee shall be elected by the faculty members of the Senate from their respective campuses. The Twin Cities faculty members of the Faculty Committee on Committees shall be nominated by the current Twin Cities faculty members of the Faculty Committee on Committees and shall be selected so that the membership of the committee corresponds approximately with the number of tenured and tenure-track faculty in each college. The academic professional candidates for the Committee on Committees shall be elected in accord with procedures established by the ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee. In case of a faculty/academic professional vacancy, the remaining faculty/academic professional members, by majority vote, shall fill the vacancy by interim appointment until the next general election.

The Faculty Committee on Committees shall elect its chair from amongst its members for a one-year term of office. The chair is eligible for re-election to that position. The chair shall also serve as the chair of the Senate Committee on Committees.

...

## **H. FACULTY CONSULTATIVE COMMITTEE**

...

### **Membership**

The tenured and tenure-track faculty of the Twin Cities campus and those tenured and tenure-track faculty members on the Duluth campus eligible to vote in elections for the Senate shall elect 9 members, and the tenured and tenure-track faculty of the Morris campus shall elect one faculty member. Faculty members shall be nominated and elected by procedures established by each campus faculty, subject to the following provisions:

...

- The Nominating Subcommittee is responsible for identifying Twin Cities faculty candidates for the Faculty Consultative Committee. The Nominating Subcommittee shall consist of the Twin Cities voting members of the Faculty Consultative Committee (except the chair and vice chair), the chairs of Senate committees who are ex officio members of the Faculty Consultative Committee, and the immediate past voting members of the Faculty Consultative Committee. The Nominating Subcommittee shall elect a chair from among its members. The Nominating Subcommittee shall nominate twice as many faculty candidates for the Faculty Consultative Committee, who are confirmed as willing to serve, as are to be elected each year from the Twin Cities campus and from those faculty from the Duluth campus eligible to vote in Senate elections. To achieve balanced representation across the Twin Cities campus, the Nominating Subcommittee may choose to pair candidates. The final slate of candidates shall be announced in the Faculty Senate docket for a spring semester meeting. Additional nominations of eligible faculty, confirmed as willing to serve, may be made by: (1) petition of 12 voting members of the Twin Cities faculty, provided that the petition is in the hands of the clerk of the Senate the day before the Faculty Senate meeting; (2) nomination on the floor of the Faculty Senate by members of the Twin Cities Faculty Delegation when the slate is presented. If the nominees are paired, any additional nomination shall specify against

which pair the nominee will run. In the event there are additional nominations, the Twin Cities Faculty Delegation shall by vote in order to reduce the slate to twice the number to be elected. The vote shall be taken by secret ballot in a manner determined by the Twin Cities Faculty Delegation. The clerk of the Senate shall present the final slate the Twin Cities Faculty Delegation for its approval. The slate as approved shall be presented to the faculty for an election, conducted in accordance with the preceding paragraph of the Faculty Senate Bylaws.

...

## **Duties and Responsibilities**

...

### **Executive**

- a. To serve as a deliberative body of the Faculty Senate on all major items it deems necessary and appropriate.
- b. To act on behalf of the Faculty Senate when a decision is required prior to the next scheduled meeting of the Faculty Senate and when a decision is required when it would not be possible to convene a special meeting of the Faculty Senate in a timely fashion; such actions will be reported to the Faculty Senate at its next meeting and the Faculty Senate may then overrule the Faculty Consultative Committee.
- c. To examine any action taken respecting the University by the Board of Regents, the central administration, or by another individual or body having any relationship with the University.
- ~~d. To forward annually to the Twin Cities Faculty Delegation the slate of candidates for the Nominating Committee. The slate of candidates for the Nominating Committee shall contain twice the number of candidates as there are positions to be filled and the candidates shall be paired. The proposed slate will be provided to the Faculty Consultative Committee by the Committee on Committees. In the event that additional nominations are made by members of the Faculty Consultative Committee, the Faculty Consultative Committee shall vote by secret ballot to reduce the slate to twice the number to be elected before forwarding the final slate to the Twin Cities Faculty Delegation.~~
- ~~e. To forward annually to the Twin Cities Faculty Delegation the slate of candidates for the Committee on Committees. The slate of candidates for the Committee on Committees, shall contain the same number of candidates as there are positions to be filled. A proposed slate will be provided to the Faculty Consultative Committee by the Nominating Committee. In the event that additional nominations are made by members of the Faculty Consultative Committee, the Faculty Consultative Committee shall vote by secret ballot to determine the final slate to be forwarded to the Twin Cities Faculty Delegation.~~

...

[The subsequent items will be re-lettered.]

## **I. FINANCE AND PLANNING COMMITTEE**

The Finance and Planning Committee serves as the consultative body to the president and senior University officers on all major issues of planning, budget, resource allocation policy, and University operations.

The committee is expected to consider matters of University-wide policy or effect.

The Committee may, from time to time, act as a Twin Cities campus committee, and take up matters exclusively of concern to the Twin Cities, and may appoint subcommittees to deal with issues that pertain to the entire University or only to the Twin Cities campus.

### **Membership**

The Finance and Planning Committee shall be composed of 10 faculty members, 2 academic professional members, 4 students, 2 civil service staff members, and ex officio representation as specified by vote of the Senate. Faculty/academic professional and student members shall be nominated by the Committee on Committees with the approval of the Senate. Civil service members shall be appointed by the Civil Service Consultative Committee. All terms (except student terms) shall be for four years. The Committee may, on its own authority, add to its ex officio membership by requesting that faculty or student chairs and/or other members of standing subcommittees serve on the Committee.

...

### **K. RESEARCH COMMITTEE**

The Research Committee represents the interests of faculty, academic professionals, students, and civil service staff in research and support for research at the University.

### **Membership**

The Research Committee shall be composed of 15 faculty members, 2 academic professional members, 3 students, one civil service staff member, and ex officio representation as specified by vote of the Senate. Faculty/academic professional and student members shall be nominated by the Committee on Committees with the approval of the Faculty Senate. Academic professional members must be eligible to serve in the Senate. Civil service members shall be appointed by the Civil Service Consultative Committee.

The faculty/academic professional members shall be selected to represent the range of research and scholarship disciplines at the University, with members drawn from the health sciences, biological/agricultural sciences, physical sciences and engineering, the social sciences, professional schools, and the arts and humanities.

...

**CHRISTOPHER CRAMER, CHAIR  
FACULTY CONSULTATIVE COMMITTEE**

### **19. RESEARCH COMMITTEE Letter to Jerry Menikoff Information for the Faculty Senate**

October 10, 2011

Jerry Menikoff, MD, JD  
Office of Human Research Protections  
1101 Wootton Parkway, Suite 200  
Rockville, MD 20852

Dear Dr. Menikoff:

I write on behalf of the Senate Research Committee, a standing committee of the Faculty Senate of the University of Minnesota, to inform you that we fully endorse the comments from University of Minnesota Vice President for Research, Dr. Timothy Mulcahy, regarding docket ID number HHS-OPHS-2011-0005.

Because of the impact of these recommendations on our work as researchers, we would like to emphasize the following points:

- As the official response from the University of Minnesota points out (question 59), adopting HIPAA-like standards for all types of research will constitute a substantial new burden to researchers and will impede our work, contrary to the purpose of this review of the Common Rule. We strongly concur with the University's position.
- We applaud the effort to expand the list of research activities considered exempt from IRB review. This change will facilitate research without adding new risks to participants (question 14).
- One of the proposals in the ANPRM is to make the consent document specify what kind of research could be done in the future with biospecimens collected for purposes other than research, even if de-identified (question 14). Requiring that level of detail in any consent document will impose important limits on the research that could be done with that sample without adding any protection for the subject. Moreover, once the data are de-identified, it is not possible to contact subjects to obtain consent (since the data are de-identified), so any new research that was not described in the original consent will not be possible. Changing the rules to require this prior consent, even when no personal identifiers are obtained, will constitute an additional unnecessary barrier to research using biospecimens.
- We welcome efforts to reduce redundancy in IRB applications for multi-site studies. Nonetheless, local IRBs should still be involved, and their roles should be clarified (question 33).

We thank you for the opportunity to provide comments regarding these important regulations. Please do not hesitate to contact me if you have any questions or need further clarification.

Sincerely,

Linda H. Bearinger, PhD, MS, RN, FAAN  
on behalf of the Senate Research Committee  
Chair, Senate Research Committee  
Professor and Director of the Center for Adolescent Nursing  
School of Nursing, University of Minnesota

Committee members:

Professor Alvaro Alonso  
Division of Epidemiology and Community Health  
School of Public Health

Professor Melissa S. Anderson

Department of Organizational Leadership, Policy, and Development  
College of Education and Human Development

Associate Vice President and Vice Dean for Research Tucker W. LeBien, PhD  
Professor of Laboratory Medicine/Pathology  
Medical School

Breanne Byiers  
Graduate Student  
Educational Psychology

Margaret Catambay  
International Student & Scholar Services  
Global Programs and Strategy Alliance

Professor Jerry D. Cohen  
Bailey Endowed Chair  
Department of Horticultural Science and Microbial and Plant Genomics Institute  
College of Food, Agricultural, and Natural Resource Sciences

Marc Dunham  
Graduate Student  
Mechanical Engineering

Professor Seung-Ho Joo  
Political Science  
University of Minnesota, Morris

Professor Jennifer A. Linde, Ph.D.  
Division of Epidemiology and Community Health  
School of Public Health

Professor Randy Moore  
H.T. Morse-Alumni Distinguished Teaching Professor  
Biology Program  
College of Biological Sciences

Professor Kola Okuyemi, MD, MPH  
Department of Family Medicine and Community Health  
Medical School

Senior Associate Dean F. Abel Ponce de León  
Research and Graduate Programs  
College of Food, Agricultural, and Natural Resource Sciences

Professor LaDora V. Thompson, Ph.D.  
Program in Physical Therapy  
Medical School

Kyla L. Wahlstrom, PhD, Director  
Center for Applied Research and Educational Improvement  
College of Education and Human Development

**LYN BEARINGER, CHAIR**

## RESEARCH COMMITTEE

### **20. ACADEMIC FREEDOM AND TENURE COMMITTEE Procedures for Reviewing Candidates for Tenure and/or Promotion: Tenure-Track and Tenured Faculty Information for the Faculty Senate**

The revised Procedures for Reviewing Candidates for Tenure and/or Promotion: Tenure-Track and Tenured Faculty are available at:

[http://www1.umn.edu/usenate/fsenate/docs/p&t\\_procedures.pdf](http://www1.umn.edu/usenate/fsenate/docs/p&t_procedures.pdf)

Paper copies will not be provided at the meeting.

Procedures implementing the tenure regulations are adopted by approval of the Senate Committee on Academic Freedom and Tenure (AF&T) and the Senior Vice President for Academic Affairs and Provost (see *Faculty Tenure* subsections 7.4, 7.61, and 16.3). They become effective after they are reported to the Faculty Senate and the Board of Regents for information. As described below, AF&T has been working to revise the procedures with the goal of adopting a revised version this calendar year, which requires that it be finalized and reported for information at the Senate meeting on December 1 and at the Board of Regents meeting in December.

Please send your comments to Gary Engstrand at [garye@umn.edu](mailto:garye@umn.edu) as soon as possible. Because of docket deadlines for both the Faculty Senate and the Board of Regents, it may not be possible to incorporate changes immediately, but AF&T will receive and consider them in the near future.

The procedures were last revised in 2007, following changes in *Faculty Tenure* approved by the Board of Regents that year. After additional changes were made in *Faculty Tenure* in 2011, the Senate Committee on Academic Freedom and Tenure charged a subcommittee with the task of drafting revised Procedures to reflect the 2011 changes to *Faculty Tenure* and to ensure that the Procedures are clear and complete. The members of the subcommittee were Judicial Committee Chair Professor Paula O'Loughlin, FCC member and former AF&T member Professor Carol Chomsky, and Vice Provost Arlene Carney. The draft procedures presented here were reviewed by AF&T and FCC, by the associate deans, and by a group of department heads. The version that accompanies this document reflects changes made as the result of those reviews.

To assist in your review, the summary below highlights the changes from the 2007 Procedures. With few exceptions, the changes reflect clarification or more detailed description of rules already in place, codification of practices already followed but not written, or implementation of provisions added to *Faculty Tenure* in 2011. For comparison, you may wish to view the current Procedures, which you can find at:

<http://www.academic.umn.edu/provost/faculty/tenure/implementing.html>

Feel free to share the draft with other faculty. There will be opportunity for discussion at the December 1 Senate meeting, but that discussion will follow adoption by AF&T.

#### **Summary of the Changes in the Proposed Tenure Procedures (2011)**

1. To help regularize the process for faculty who do interdisciplinary work or who have joint appointments, new language is added specifying that each such faculty member should enter a memorandum of understanding (developed with his/her unit head, dean or chancellor, and the provost) specifying how the faculty member will be evaluated, including who other than the tenured faculty of the unit will participate in the tenure consideration. Such an MOU is mandated within one year for those with dual

- appointments and suggested by the fourth year of the appointment for those with interdisciplinary commitments. See Section II.B.
2. The questions to be voted upon in the P&T meeting are clarified, to ensure that a single vote is taken for both tenure and promotion of an assistant professor and to make clear that a termination vote may be taken in any year of a probationary appointment. See Section II.C.4.
  3. In several spots, it is clarified that a candidate may withdraw his/her candidacy for tenure (not just “request” that the file not be reviewed) at any time in the tenure review process, until the provost makes his or her decision. See Section I.F and II.C.8
  4. The procedures for reviewing tenured associate professors progress toward promotion are clarified, and a requirement is added that a unit must review each tenured associate professor’s progress toward promotion at least once every four years. See Section III.
  5. Extensions of the probationary period under section 5.5 of the tenure code are clarified (Section IV).
    - a. Extending the probationary period for birth or adoption of a child is triggered by written notice of the circumstances and is described as automatic. The written notice must be signed by the unit head and collegiate dean or chancellor to acknowledge that they know the candidate has extended the probationary period.
    - b. Extending the probationary period for illness or major caregiver responsibilities is triggered by filing a written request, which must be signed by the unit head and collegiate dean or chancellor to ensure they are aware of the request. The administrator designated by the provost to decide whether the circumstances justify an extension will consult with the candidate before deciding and may ask for documentation. The administrator may also, with the concurrence of the candidate, share information about the reason for the extension with the candidate’s unit head.
  6. Procedures for appointing faculty members with tenure (external hires) are included in Section V. The procedures describe an expedited tenure procedure (because full review usually cannot be carried out in the time frames applicable to tenured hires of faculty from other institutions). They also mandate a process to ensure that the individual receiving tenure at the University does not continue to maintain a tenured position elsewhere.
  7. The procedures for annual and special peer reviews are clarified in section VI, implementing section 7a of the tenure code. The provisions specify a requirement that a memorandum of understanding be entered if a faculty member’s allocation of responsibility is to be different than otherwise expected in the unit.
  8. Makes clear that only tenured faculty members may attend the meeting at which probationary faculty members are reviewed for tenure, and that only tenured faculty members may listen to or participate in the discussions of probationary faculty members. See Section II.C(1). Clarifies that only those senior in rank to the candidate may participate and vote in the consideration of a candidate’s promotion. See Section III.
  9. Clarifies aspects of the annual review when a candidate has extended the probationary period under section 5.5. See Sections II.E(3) and II.F(4). Specifies that during the continuation year, an annual review will be conducted but no additional progress toward tenure is to be expected.

**BARBARA ELLIOTT, CO-CHAIR  
ACADEMIC FREEDOM AND TENURE COMMITTEE**

**CHRISTINE MARRAN, CO-CHAIR  
ACADEMIC FREEDOM AND TENURE COMMITTEE**

**DISCUSSION:**

Professor Christine Marran, Co-Chair of the Academic Freedom and Tenure Committee (AF&T) along with Professor Barbara Elliott, stated that the changes to this document are meant to aid promotion and tenure by providing clarity and consistency. The document is presented here today for information and will be presented to the Regents next week for information as required by Faculty Tenure. They will apply to all faculty, no matter when appointed, starting January 1, 2012. The only exception will be faculty who are under review for promotion and tenure this academic year.

Q: The procedures now stipulate that each associate professor must be reviewed by the department every four years regarding progress towards progression to full professor. How is this process parallel to post-tenure review? Are their procedures clear that the four-year review is meant to be developmental and not punitive?

A: This process is about faculty development and serving as mentors; it is not meant to be punitive.

Q: What is the process for this four-year review?

A: The four-review year is not intended to be part of an annual or special review, but should give feedback towards promotion. It is meant as an opportunity to give feedback towards promotion for all associate professors. The document now includes a process and documentation to ensure that it is done, but it not intended as a detailed report to the Provost.

Vice Provost Arlene Carney stated that a form is being developed that will be available for unit use. The form will be simple and should follow what is in the department's 7.12 statement. She will also be providing best practices to units as to how to stagger these reviews.

## **21. FACULTY CONSULTATIVE COMMITTEE REPORT**

Professor Christopher Cramer, Chair of the Faculty Consultative Committee (FCC), said that FCC had the pleasure of holding its first "Intellectual Future of the University" discussion with President Kaler. These discussions between FCC, the President, and his leadership team take place once per semester. They are designed to permit all involved to step back a bit from the day-to-day management of the institution and talk about various topics from a more philosophical standpoint. This semester the President expressed an interest in having a broad discussion of methods of teaching and serving the curricular and pedagogical needs of students. FCC spent considerable time addressing the impacts, and resource demands, associated with new technologies and emerging instructional techniques. He encouraged senators to refer to the minutes from this discussion for more details.

FCC has been involved in the ongoing work motivated by the Gender Equity in Salaries study, the searches for Provost, Chief Information Officer, and Government Relations Officer, conversations related to salary advice in the event increases are anticipated, open-access publishing initiatives, and the structure and funding of sabbatical and single-semester leaves.

FCC, or committees subordinate to it, also addressed a number of other topics that include graduate education, faculty accountability and productivity, student evaluation of teaching data, research indirect cost recovery, research activity related to instructional activity and community engagement, differential student costs, and collegiate administrative costs

The ongoing process of redesign associated with the funding and oversight of graduate education, including doctoral, professional, masters, and certificate programs, continues to be of

interest to all concerned. The plans derived from the Size, Scope, and Mission report, presented to the Board of Regents in September, and is a topic later on today's agenda.

FCC has spent more time on faculty accountability and productivity than any other topic, and regard it as not one topic but several interrelated ones. The University already has in place rather detailed procedures, varying somewhat by college, whereby faculty report on their activities in any given year. One key element that FCC believes has been missing, however, is a communication strategy to make more readily available to the public, in digestible form, the details of that productivity. Both the Faculty Affairs Committee and an ad hoc committee including FCC Vice Chair Walt Jacobs and Deputy Chief of Staff Diana Harvey from the Office of University Relations have been working to develop new models to better publicize the breadth and vitality of University art and scholarship, and FCC hopes to see some new ideas take shape in the near future.

The Educational Policy Committee (SCEP) has been discussing how best to make use of instructor-released student evaluation of teaching data. In addition to providing those data to students so as better to inform them about the workload and structure of various courses, the committee is considering proposals to publicize better those instructors who receive the most favorable student responses.

Discussion of adding context to transcript grades has also taken place in SCEP, and a specific proposal is now being evaluated by it and other interested groups, such as the Council of Graduate Students and the Student Senate Consultative Committee.

At a fundamental level, issues of indirect cost recovery, and the financial pressures mitigating against research projects that come with funding that fails to adequately cover indirect costs, are being addressed by both Academic Freedom and Tenure and Research Committees. Balancing the mission-critical nature of research for the University against budget realities is decidedly non-trivial, particularly in certain fields, and discussions with Vice President Mulcahy are ongoing with respect to how best to assist faculty in accomplishing their research ideas.

The Research Committee is also examining methods to better articulate the many ways in which University research activity ties directly into instructional activity and community engagement. The University deems it essential to make clearer to the public the interconnectedness of its three key missions. Along those lines, the Research Committee recently reviewed and commented on the University's Undergraduate Research Opportunities Program (UROP), which last year provided financial incentives for more than 800 undergraduates to participate in directed research activities as part of their integrated education.

FCC and the Finance and Planning Committee (SCFP) have both had conversations with members of the administration on the subject of differential tuition and differential fees, or perhaps differential costs. Workable, transparent models are clearly critical to fund the educational mission, and FCC looks forward to continuing consultation as any plans develop.

While not directly motivated by this specific topic, SCFP has begun to examine collegiate administrative costs, following up on its activities from last year where vice-presidential units were surveyed. As before, the goal is better to understand how resources are apportioned within individual colleges and to develop an improved understanding of cost structures within collegiate, as opposed to University, administration.

Lastly, he stated that on November 4 he sent an email to faculty senators as requested by the Benefits Advisory Committee Chair, Gavin Watt.

## 22. FACULTY LEGISLATIVE LIAISONS UPDATE

Professor Caroline Hayes, one of the Faculty Legislative Liaisons, is serving in this role this year along with Professor Elizabeth Boyle. Their role is to go to the legislature and be a faculty presence, take information from the legislature to the faculty and vice versa, and coordinate faculty testimony at the capital.

They recently attended a breakfast with legislators and she said that she would like to share comments, concerns, and issues from that event. One hope was the ability to leverage, in the state, the environmental research that the University does. Others mentioned diversity with respect to socio-economic status. As there will be a heterogeneity in the state's population, the legislature would like the University to be part of the solution for closing the achievement gap. Lastly, one raised the issue that small companies may often see the University as difficult to access and work with, bureaucratic and not nimble enough for partnerships, and arrogant. It is important to understand how those outside view the University so that communications can be shaped towards these views.

Professor Hayes then restated the pleasant news that today's state budget forecast predicts a surplus. In communicating to the legislature, they have been trying to define what is distinctive about a public research institution. She looked at data for the percentage of special degrees awarded by the University. She found that the University produces 97 percent of the graduates in agricultural sciences, 100 percent of the architects, 80 percent of the engineers, 91 percent of the lawyers, and 75 percent of the STEM Ph.Ds.

## 23. FACULTY SENATE BYLAW AMENDMENT

### **Research Committee Duties Action by the Faculty Senate**

To amend Article IV, Section 5(K) of the Faculty Senate Bylaws, as follows (language to be added is underlined; language to be deleted is ~~struck-out~~). As an amendment to the Faculty Senate Bylaws, the motion requires either a majority of all voting members of the Faculty Senate (81) at one regular or special meeting, or a majority of all voting members of the Faculty Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

### **ARTICLE IV. COMMITTEES OF THE FACULTY SENATE (Changes to this article are subject to vote only by the Faculty Senate)**

...

#### **K. RESEARCH COMMITTEE**

...

##### **Duties and Responsibilities**

- a. To recommend to the Faculty Consultative Committee such policies as it deems necessary and appropriate with respect to research activities, facilities, personnel, and patents.
- b. To consult with and advise the president and senior academic officers on the stimulation of and support for research activities.

- c. To assist in the evaluation of research programs within the University.
- d. To speak for the faculty on governmental, industrial, and other private sector and foundation support of the research programs of the University.
- e. To advise the Vice President for Research and the Dean of the Graduate School on matters relating to research.
- f. ~~To appoint one of its members to serve on any advisory committee appointed to deal with animal care and one of its members to serve on any advisory committee appointed to deal with the use of human subjects in research. These representatives shall ensure that policy questions generated by these committees shall be referred to the Faculty Senate through the Research Committee.~~

**COMMENT:**

There are no such advisory committees. The Research Committee thus recommends deleting this superfluous language from its charge.

**LYNN BEARINGER, CHAIR  
RESEARCH COMMITTEE**

**DISCUSSION:**

With no discussion, a vote was taken and the motion was approved.

**APPROVED**

**24. COUNCIL ON LIBERAL EDUCATION  
Reduction in Liberal Education Theme Requirement  
Action by the Twin Cities Faculty Delegation**

**MOTION:**

To reduce the required number of liberal education themes from five to four.

**COMMENT:**

The new liberal education requirements for undergraduates on the Twin Cities went into effect for new students entering Fall 2010. The Council on Liberal Education has approved more than 600 courses that meet these requirements. Under the new policy, students must complete courses in seven core areas and five designated themes†.

The new LE requirements represent both a reaffirmation of the philosophy underlying the previous requirements and a strengthening of the implementation of that philosophy. They articulate more explicitly to students the nature and purpose of a liberal education and define more clearly the criteria against which individual core and theme courses are assessed. There are some changes in the distribution of the course requirements, but the overall number of core and theme courses to be taken has not changed, so that, in terms of credits, the transition is in principle neutral.

As review of course proposals by the Council proceeded it became apparent that, in one respect, the transition from old to new LE requirements has not been neutral. Because of the

strengthening of LE content, and in particular because thematic content must now be fully integrated into theme courses, fewer courses have been approved for both core and theme, with the result that there has been a substantial reduction in the number of seats in ‘double-dipping’ courses (those courses that satisfy both a core and a theme, or under the old requirements two themes), with several large-enrollment courses contributing to most of the loss. This has negative consequences in terms of course access and in giving students choice in fulfilling their LE requirements.

Reducing the designated theme requirement could counterbalance the negative effects of this loss of choice and flexibility, and the Council believes this can be done without seriously impacting the quality and substance of the liberal education experience. The factors the Council took into account when considering such a change were these:

- Loss of double-dipping opportunities. The reduction in flexibility of student choice in selecting LE courses is especially of concern to students in highly structured majors, who must take maximum advantage of double-dipping in order to complete their degree requirements in a timely manner without the need to take additional coursework. It is not a desirable situation when students choose LE courses not on the basis of course content and its fit with academic program planning but rather simply to fit into a schedule that must also meet major coursework requirements.
- Increased thematic content of the theme courses. Those courses that have been approved to meet the new theme requirements are more fully infused with the spirit of the theme and address the thematic elements throughout the course, since it is no longer sufficient for a course to be “approximately a third of the course” as under the old requirements.
- Overlap among the themes. All theme courses emphasize significant contemporary issues and must approach these from multiple perspectives. They encourage students to think ethically about the issues raised in the course and to reflect on the significance of those issues on society and on their own lives. Because of this and because of the nature of the five thematic areas, there is significant overlap among theme courses of different categories. In taking theme courses under the new requirements students are in fact exposed to more thematic content and ways of thinking than in taking theme courses under the old requirements, in which the thematic elements in courses often constituted only a fraction of the course.

In summary, the Council believes that reducing the required number of theme courses from five to four has several benefits. It gives students more flexibility in meeting their liberal education requirements, it facilitates program planning, and it decreases the likelihood of delaying graduation. It does these things while still paying significantly more attention to thematic issues and ways of thinking than was the case under the old LE requirements. If a change is to be made in the requirements, it should be done before the first students who fall under these requirements advance far into their undergraduate careers.

On March 28, 2011, and following carefully considered discussion, the Council voted unanimously in favor of reducing the number of required theme courses from five to four.

†The final report of the Council of Liberal Education that led to the establishment of the new requirements can be found at: <http://www1.umn.edu/usenate/cle/clefinalreport.pdf> and the guidelines for implementation at: <http://www1.umn.edu/usenate/cle/cleguidelines052108.pdf>

This proposal was approved unanimously by the Senate Committee on Educational Policy and by the Faculty Consultative Committee.

**PETER HUDLESTON, CHAIR**

## COUNCIL ON LIBERAL EDUCATION

### DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

**APPROVED**

### **25. FACULTY CONSULTATIVE COMMITTEE Graduate School Metrics Discussion by the Faculty Senate**

Graduate School metrics are discussed in the report Mission and Scope: A Vision for Enrollment Management at the University of Minnesota. This report is available at:  
<http://www.academic.umn.edu/provost/reports/documents/FullSSMReportSept23.pdf>

The report appendices are available at:  
<http://www.academic.umn.edu/provost/reports/documents/FullSSMReportAppendicesAug19.pdf>

Paper copies were not provided at the meeting.

**CHRISTOPHER CRAMER, CHAIR  
FACULTY CONSULTATIVE COMMITTEE**

### DISCUSSION:

Professor Kathryn VandenBosch, along with Professor John Sullivan, served for 18 months as members, along with administrators, faculty, staff, and students, of the enrollment management committee appointed by the Provost, a group that became known as the Size, Scope, and Mission committee. They had a broad charge which was to consider and make recommendations about the enrollment goals and scope of academic programs.

She and Professor Sullivan served on the graduate and professional subcommittee. The focus of this subcommittee was on Ph.D. programs due to the tie to research and institutional reputation. One recommendation of this subcommittee was that further work is needed on master and professional programs.

She then referred to a slide that showed the enrollment trend of a growing number of graduate and professional students, numbers that are already large in comparison to peer institutions. They then asked whether the University is over-extended given the available resources and considered the following factors: graduate education is increasingly expensive, future resources may be limited, large numbers of students and programs, preliminary assessment indicates a range in program performance and quality, and middling NRC rankings. The subcommittee then discussed the concept of quality-centric enrollment management.

Professor Sullivan said that the first consideration for the subcommittee was the role for the Graduate School in graduate education. The subcommittee determined that the Graduate School should primarily focus on identifying, maintaining, and creating quality across programs. It has a University-wide perspective and should have access to resources to invest in quality. Second, it became clear that higher education is moving towards the use of qualitative metrics to evaluate programs. It would be wise for the University to lead the way in this area rather than follow so as not to use metrics that do not measure appropriately. A third assumption was that the approach to metrics should be comprehensive and not piecemeal. In the past, graduate education

has been evaluated primarily by reputational measures. While these are important, there are broader terms that can define graduate education.

This led the subcommittee to the use of diversified metrics as each measure has its strengths and weaknesses. By using a set of measures, some of the errors can be corrected and a better sense of each program emerges.

The subcommittee then made the following four recommendations. First that the Graduate School establish an all-University committee of top researchers to evaluate graduate training and scholarship. Second that it use diversified metrics to assess programs and categorize them as outstanding, strong, good, or needs reassessment based on quality. This categorization is already done by the Graduate School but it should be more transparent going forward. Third that it provide supplemental funding to programs categorized as outstanding. Finally, the Graduate School should take action on under-performing programs. The metrics can be used to identify shortcomings, reorganize, or close programs.

The argument was made that quality is multi-dimensional and is in part discipline-specific, so it is hard to compare one program with another program using the same measures across different fields. The subcommittee felt that metrics for a particular program should be compared with other programs in the same field across the country.

Since quality is multi-dimensional, the subcommittee recommended the use of measures of the quality of graduate recruitment, such as GRE scores, which can be used to predict time to degree at the program level, not the individual level.

Measures of faculty quality also need to be considered. Using the raw NRC data, they found that of the four measures they identified for faculty quality, two measures, awards and citations, work well across disciplines except for the arts and humanities. These programs would need to have alternative measures developed. Citations, not number of publications, needs to be used since it measures the impact of the research, not just the quantity. Grants also are not a good measure of faculty quality since they differ by discipline.

National reputational measures are also useful since it is good to have many programs that are highly-reputed nationally and internationally. They would like to see more of these programs at the University.

The subcommittee, when looking at program operation, recommended a series of measures including student productivity and performance, time to degree, and placement. The NRC data did identify a measure of quality that included time to degree and percentage completion rates across disciplines. It did have an effect on quality.

Professor Sullivan said that all these measures can be used to identify problems that need to be addressed, not identifying minor differences across disciplines to make funding decisions. The subcommittee recommended determining which programs are out-of-line for their discipline and work with them to make improvements. However, none of these metrics will work unless the quality of the data is at a high level. Data should be updated as much as possible and checked for validity

Vice Provost Henning Schroeder, Dean of Graduate Education, said that he and the subcommittee felt strongly that the graduate experience, particularly in a doctoral program, is about originality and innovation. Students need to be encouraged to take intellectual risks even if this means that a program is slightly above the average in time to degree. Research and scholarship are supposed to have uncertain, unpredictable, and sometimes surprising results.

Measuring originality, innovations, and opportunities for risk-taking are hard, but they are important criteria.

To capture these values, the subcommittee looked at the program narratives. Between summer and October, all colleges submitted a comprehensive report on the data sent to them by the subcommittee, and added context. For this first round, discipline-independent metrics were used, such as time to degree, completion rate, attrition pattern, early attrition versus late, job placement, and career outcomes. These do not lead to a complete picture of quality in a graduate program, but are overarching and objective indicators of how the programs are doing.

Vice Provost Schroder stated that only \$2.6 million of the \$4.5 million was distributed based on these metrics. The remaining funds were used to make sure that no college had less than 15 percent of what it received in the last funding cycle. This allows for predictability in colleges for graduate programs and education.

In the first round, the subcommittee looked at all 150 graduate programs over the past ten years. If there was a negative trend, then programs were flagged and an action plan was started. Using this approach, the humanities were not penalized for students taking longer and the sciences were not rewarded for students taking less time to obtain their degrees. Scale metrics were not used, as the number of graduate students in a program does not affect the excellence of a program.

Student productivity and visibility in a program can assume very different forms depending on the discipline. These forms can include items such as publications, performances, or exhibits. The faculty and students in the programs need to engage in a process, in collaboration with the Graduate School, to define successful outcomes by discipline.

A senator appreciated the work done and the general concept that evaluation should be done to make programs better. However he is worried about three things. One is the schizophrenia regarding the role of the Graduate School. No sooner was it eliminated than every subsequent Senate meeting has been spent on ways to re-create it through University-wide policies that do not give deans a chance to exercise the leadership they were supposed to take on by distributing these decisions to the colleges. If the goal is central management of graduate education, then the decision should be undone to get rid of the Graduate School. Not giving deans a chance to set up their own policies seems to indicate that the University was wrong—or it should follow through on the original plan. His last two concerns relate to the mission. To what extent is the University's mission to recruit the best graduate students to this state versus a public mission of educating those who are capable of receiving this education locally? He worries that once a set of metrics is established, people will manipulate them to look better and look for international graduate students instead of those who are local. To make this work, there needs to be metrics along with a clear statement of policy that allow programs to determine how the mission relates to the students who are not yet at the top but have the chance to be significant contributors. Lastly, is the relation to students who work full-time. Many people believe the idea that graduating quickly is virtuous, but many students are efficient in moving towards graduation. These students should be congratulated and the University should not be criticizing their program because the numbers look poor.

Q: Comments made about the need to pursue a broad array of qualitative measures of performance and success between disciplines are appreciated. However, time to degree keeps appearing as a metric although there are disclaimers that comparisons of this variable across disciplines are dubious. The Bostrum Efficiency Index keeps appearing as well in these reports and it is clearly designed to measure efficiency across disciplines. Why is it not possible to index part of the calculation relative to specific time to degree in other public AAU institutions?

A: Time to degree has not been used across programs. Every program was its own control in this process and just used to flag trends in individual programs over a ten year period.

A motion was then made and approved to extend the time for debate for 15 minutes.

A senator stated that it is a great goal to improve graduate programs and the overall caliber of the University. There are issues with the NRC rankings for some disciplines, so establishing the University's own metrics is important. She then stated that diversity is an important metric to include. Minnesota and the United States is becoming more diverse and graduates need to communicate across all aspects of society and not just perform well on a standardized test. She suggested that a diversity metric be added. Finally, while time to degree is one measure, placement is more important.

Professor Sullivan said that diversity is included in the report but not in the final list of metrics. The Graduate School does have a measure to compare programs on interdisciplinarity diversity. The racial, gender, and ethnic diversity can also be evaluated. When the NRC data was analyzed, most measures of quality were not positively related to diversity.

Another senator stated that one problem is disaggregating the disciplines so that each one is proving its excellence on its own and less in terms of ways to make the University as a whole excellent. No matter how bad some programs might be, their being offered is important to the health of the University and they would need to be improved. She also noted that there was no one from the arts or humanities on the subcommittee. Lastly, some programs currently do not enroll the target numbers listed in the report and it would be irresponsible to increase numbers in these programs.

Professor VandenBosch noted that the main point in the report was not setting an exact size for all programs but having programs determine a critical mass that is needed to provide a good experience for students to interact with their peers and deliver the training needed.

Professor Irene Duranczyk, Chair of the Equity, Access, and Diversity Committee, emphasized the role and benefits of diversity in providing a world-class graduate education. She does not think that it needs to be a separate metric but should be infused within all the metrics. Given the changing demographics, racial, ethnic, and socioeconomic diversity will be one of the most important issues of leaders in all fields.

A senator commented on the peer review of graduate programs in terms of periodic external site visits. He has been asked to perform a review at other institutions multiple times, but in his 17 years at the University, an external peer review has never been done for the graduate program with which he is associated. This review is important to provide qualitative and quantitative data.

Professor VandenBosch said that the subcommittee felt that peer review of programs is important, but they are usually for the development of the program. As they are all different, such reviews do not help the University compare across programs. One limitation is also that it happens at a low frequency. The subcommittee felt that programs need more frequent feedback, which is the reason for this recommendation. However, it was not intended to take the place of peer review.

A senator noted that how time to degree completion matters since it can be measured as time since receiving a Master's degree or time since entering the University.

Another senator liked the idea of using data and making the metrics transparent. However, using reputation as a metric is not quantitative or transparent and does not provide a path for improvement.

Professor Sullivan said that University programs should be reputedly very good to attract the best graduate students. How people arrive at this judgment is a good thing and should not be discouraged. How this reputation is achieved is an entirely different matter.

Q: Job placement is the single most important indicator of success. Why is it not listed as an indicator?

A: This metric is mentioned in the report and is being used in financial allocations for fiscal year 2013.

President Kaler said that he served on the NRC for five years to produce their last report. He agreed that it is difficult to rate and rank graduate programs. All the points mentioned today are critically important. The University needs to improve and the only way to do this is to assessment programs in comparison to peers in specific fields. Metrics and qualitative assessments can be developed, even in the arts and humanities. This is an opportunity to guide the conversation, identify where the University is currently, and lay out a path for future success. If he has a legacy at the University, he would like it to be on this topic. He applauded the work of the committee as this is one of the most significant conversations that the University can have.

## **26. FACULTY SENATE OLD BUSINESS**

**NONE**

## **27. FACULTY SENATE NEW BUSINESS**

**NONE**

## **28. FACULTY SENATE ADJOURNMENT**

The meeting was adjourned at 4:59 p.m.

**Rebecca Hippert  
Abstractor**

**2011-12 UNIVERSITY OF MINNESOTA**

**DECEMBER 1, 2011**

**STUDENT SENATE MINUTES: No. 2**

The second meeting of the Student Senate for 2011-12 was convened in 25 Mondale Hall on Thursday, December 1, 2011, at 11:33 a.m. Coordinate campuses were linked by ITV. Checking or signing the roll as present were 33 student members. Chair Adam Matula presided.

**1. STUDENT SENATE NOMINATING SUBCOMMITTEE  
Approval of Appointed Senators  
Action**

**MOTION:**

That the Student Senate approve the appointment of the following Twin Cities student senators:

Catherine Brumm, School of Dentistry  
Ziran Dai, College of Liberal Arts  
Mark Hanson, Carlson School of Management  
Lucas Huibregtse, College of Liberal Arts  
Charles Kaul, College of Continuing Education  
David Kraft, College of Liberal Arts  
Jonathan Morris, College of Science and Engineering  
Hayden Rensch, College of Design  
Phil Roban, Medical School  
Andrew Timm, College of Liberal Arts

**ADAM MATULA, CHAIR  
STUDENT SENATE CONSULTATIVE COMMITTEE**

**DISCUSSION:**

With no discussion, a vote was taken and the motion was approved.

**APPROVED**

**2. P&A SENATE UPDATE**

**For Information:**

The P&A Senate represents the academic professional and administrators (P&A) class of 5400 non-unionized employees at the University. This class was started in 1980 and the governance body was formed as an advisory committee to the President. P&A have skills between civil service employees and faculty in jobs such as teachers, researchers, advisors, counselors, and extension service workers. Most people stay in this classification or move to a faculty position. P&A employee have some of the same benefits as faculty, but work on annually renewable contracts.

The P&A Senate meets from 9:30-11:30 am the first Friday of most months and meetings are open to the public. The P&A Senate consists of 40 representatives from campus units and

colleges and has four subcommittees: Benefits and Compensation, Communications, Outreach, and Professional Development and Recognition.

**Discussion:**

Ann Hagen, Vice Chair of the P&A Senate, said that she also serves as the Chair-elect this year. At the November meeting the P&A Senate heard a presentation on the Office of Human Resources strategic planning, met with the Chair of the Benefits Advisory Committee who talked about the 34 percent increase in health care costs for employees in 2012, and received the annual report from the Office of Conflict Resolution. President Kaler will be speaking at tomorrow's meeting along with Donna Peterson from Government Relations.

The P&A Senate has been involved in making P&A employees eligible for two University teaching awards, the searches for the Provost and Chief Information Officer, and resolution of the 27 pay period issue from last year. The P&A Senate hopes to establish a close partnership with the Student Senate and has invited Chair Adam Matula to speak at tomorrow's meeting.

### **3. CIVIL SERVICE SENATE UPDATE**

**For Information:**

The Civil Service Senate represents the approximately 4300 employees in the civil service category which includes accountants, scientists, executive assistants, and administrators. The classification was started in 1945 with the passage of the civil service rules by the Regents. In 1984 PELRA was passed which allowed for the creation of a bargaining unit separate from civil service employees.

The Civil Service Senate is composed of 50 elected members. The body elects a vice chair each year, with the vice chair becoming next year's chair. The Civil Service Senate meets twice per year.

**Discussion:**

Don Cavalier, Chair of the Civil Service Senate, said that President Kaler attended the November Civil Service Consultative Committee (CSCC) meeting. The CSCC has also been discussing the results from this summer's survey of all civil service employees. Three main items emerged from that survey – compensation and benefits, supervisor and supervision relations, and reviewing recent changes to the Regents Scholarship program. There are four subcommittees in the Civil Service Senate that will be working on these issues, including advocacy for the University with the legislature.

### **4. STUDENT SENATE/ STUDENT SENATE CONSULTATIVE COMMITTEE CHAIR REPORT**

Adam Matula, Student Senate and Student Senate Consultative Committee (SSCC) Chair, said that this year the Student Senate is focusing on addressing three main categories of issues.

First is increasing communication internally and externally. Internally in the sense that the general consensus among student senators that the student body is not well informed about who the Student Senate is and what it does and externally in how the Student Senate expresses its message to the state legislature and the broader state community. The Student Senate is fortunate to be working with Vickie Courtney from the Senate Office to partner with University

Relations to 'brand' the Student Senate in the student body. The Student Senate also has had discussions about the possibility of beginning a biweekly newsletter to keep people up to date and have considered adding a communications officer position. The Student Senate joined the Minnesota Student Legislative Coalition (MSLC) by selecting an ex officio member from the body to represent the Student Senate voice within that organization and are eager to work with the MSLC going forward to maximize the impact students can have on the State Legislature.

The second category is student health and well-being. The first big initiative on this front is the Resolution on Pedestrian and Bicyclist Concerns on today's agenda. Another item SSCC discussed regards vegetarian and vegan dining options here on campus. A petition was recently circulated among the student body and garner significant student support so this is an issue the Consultative Committee is eager to address.

Lastly is academics and finances. SSCC has discussed the issue of differential tuition and this is another item on today's agenda. Professor Chris Cramer, Chair of the Senate Consultative Committee, will be at the December 8 SSCC meeting to discuss proposed changes to grade reporting on transcripts in the University of Minnesota system.

## 5. ASSEMBLY/ASSOCIATION UPDATES

**Crookston** – Angela Bartholomew said that CSA is wrapping up for the year with a final assembly meeting today. It is also participating in the community's Winter Wonderland tomorrow along with 11 other clubs.

**Duluth** – Harrison Defries stated that UMDSA has been working on a survey of student concerns, the affordability and availability of textbook rentals, fundraising, and distributing funding to student groups.

**Morris** – Andy Showalter reported that MCSA has approved a revolving fund for allocation of its technology fee money.

**Minnesota Student Legislative Coalition** – Andy Showalter said that MSLC is working on details for the annual Support the U Day at the capital.

**Rochester** – Courtnee Heyduk noted that RSA is working to improve commons spaces on campus and is revising its election process, advertising policy, and website.

**Graduate and Professional Student Assembly** – Emily Combs reported that GAPSA voted to join MSLC and passed a resolution on transparency in collegiate fees that should be brought to the Student Senate next semester.

**Minnesota Student Association** - Lizzy Shay said that MSA will be holding a student town hall meeting next Tuesday from 5:00-6:00 pm in the Mississippi Room. This is a chance for students to ask questions of administrators, including Vice Provost Rinehart, Vice Provost McMaster, Chief Hestness, Assistant Vice Provost Jim Turman, Denny Olsen, Bob Crabb, and Laurie McLaughlin. MSA will also be meeting with President Kaler this month.

## 6. MINUTES FOR OCTOBER 6, 2011 Action

**MOTION:**

To approve the Student Senate minutes, which are available on the Web at the following URL:

<http://www1.umn.edu/usenate/ssenate/111006stu.html>

**STUART GOLDSTEIN, CLERK  
UNIVERSITY SENATE**

**DISCUSSION:**

With no discussion, a vote was taken and the motion was approved.

**APPROVED**

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**MOTION A  
Consent Agenda  
Action**

Agenda Items 7. through 9. are considered to be non-controversial or “housekeeping” in nature and are offered as a “Consent Agenda” to be taken up as a single item with one vote. Any item will be taken up separately at the request of a senator. As Items 7. and 8. are amendments to the Student Senate Bylaws, the motion requires either a majority of all voting members of the Student Senate (22) at one regular or special meeting, or a majority of all voting members of the Student Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

**7. STUDENT SENATE BYLAW AMENDMENT  
Changes regarding P&A Senate and Civil Service Senate**

**ARTICLE V. STUDENT SENATE MEMBERSHIP, ELECTIONS, AND OFFICERS  
(Changes to this article are subject to vote only by the Student Senate)**

...

**3. Election and Duties of Officers**

...

**c. Duties of the Vice Chair**

The duties of the vice chair are (1) to serve as the vice chair of the Student Senate; (2) to serve as the liaison to the Civil Service ~~Senate Committee~~; (3) to serve as the liaison to the ~~Council of Academic Professionals and Administrators~~ P&A Senate; (4) to assume the duties of the chair in the event of an absence or incapacity of the chair; (5) to assume responsibilities delegated by the chair; (6) to ensure that the Student Senate Handbook is updated and distributed; and (7) to serve as the vice chair of the Student Consultative Committee.

...

**ARTICLE VI. COMMITTEES OF THE STUDENT SENATE (Changes to this article are subject to vote only by the Student Senate)**

...

## 2. Eligibility for Membership

...

c. No individual holding an academic staff title or a civil service title may serve on a Student Senate committee which includes among its ex officio members the University officer to whom the individual directly reports. If the Faculty Committee on Committees, Student Committee on Committees, or Civil Service Consultative Committee believes there is a reasonable potential for a conflict of interest for a prospective committee member from a unit on which a University officer from the same unit serves as an ex officio member, it should decline to appoint such an individual to a committee.

...

## 4. Removal of Committee Chairs and Committee members

...

b. If the committee chair to be removed is a faculty member, the Student Consultative Committee will consult with the Faculty Consultative Committee before voting on removal. If the committee chair to be removed is an academic staff member, the Student Consultative Committee will consult with the ~~Executive Committee of the Council of Academic Professionals and Administrators~~ P&A Consultative Committee before voting on removal. If the committee chair or committee member is a civil service staff member, the Student Consultative Committee will consult with the Civil Service Consultative Committee before voting on removal. If the committee chair or committee member is an alumni representative, the Student Consultative Committee will consult with the President and the Director of the Alumni Association before voting on removal.

...

d. Student members of committees may be removed from a committee by a two-thirds vote of the Student Consultative Committee. Faculty, alumni, and ex officio members of a committee may be removed from a committee by a two-thirds vote of the Faculty Consultative Committee. If the committee member is an alumni representative, the Faculty Consultative Committee will consult with the President and the Director of the Alumni Association before voting on removal. If the committee member is an ex officio member, the Faculty Consultative Committee will consult with the appointing officer before voting on removal. Academic staff members may be removed from a committee by a two-thirds vote of the ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee. Civil Service members of a committee may be removed by a two-thirds vote of the Civil Service Consultative Committee.

...

### COMMENT:

These amendments reflect the changes that became effective on July 1, 2011.

**ADAM MATULA, CHAIR  
STUDENT SENATE CONSULTATIVE COMMITTEE**

## 8. STUDENT SENATE BYLAW AMENDMENT

## **Increase in Student Members**

### **B. STUDENT AFFAIRS COMMITTEE**

The Student Affairs Committee is concerned with all issues dealing with the welfare of students at the University of Minnesota.

#### **Membership**

The Student Affairs Committee shall be composed of 6 faculty/academic professional members, 9 12 students, one civil service staff member, one alumni representative, and ex officio representation as specified by vote of the Senate. Student members shall exceed by at least one the total of other voting members. Faculty/academic professional and student members shall be nominated by the Committee on Committees with the approval of the Senate. Civil service members shall be appointed by the Civil Service Consultative Committee. The alumni member shall be appointed by the president in consultation with the director of alumni relations.

...

#### **COMMENT:**

In Spring 2011 an Ad Hoc Committee Reviewing the Senate Committee on Student Affairs (SCSA) met to discuss several issues related to the functioning of the SCSA and issued a report ([http://www1.umn.edu/usenate/scsa/1108scsa\\_report.pdf](http://www1.umn.edu/usenate/scsa/1108scsa_report.pdf)). One recommendation was to increase the number of student committee members from 9 to 12 to allow for a more diverse set of students to serve.

The Student Committee on Committees (SCOC) has reviewed the request and is forwarding this amendment. The increase in student members will be reviewed by SCOC in early Spring of 2013 to determine if the number should remain at 12 or should be reduced to 9. Their recommendation will be brought back to the SCSA and the Student Senate for information or action.

**SILVIA CANELON, CO-CHAIR  
STUDENT AFFAIRS COMMITTEE**

**JOYCE HOLL, CO-CHAIR  
STUDENT AFFAIRS COMMITTEE**

### **9. STUDENT SENATE RULES AMENDMENT Changes regarding P&A Senate and Civil Service Senate**

**ARTICLE V. RULES OF THE STUDENT SENATE (Changes to this article are subject to vote only by the Student Senate)**

...

#### **2. Agenda and Minutes**

The Student Consultative Committee shall plan the agenda for any meeting of the Student Senate. This responsibility may be delegated to a committee. The agenda shall be distributed by the Clerk of the Senate. The agenda consists of items submitted for Student Senate consideration by the University Senate, the Faculty Senate, a campus assembly, the Senate Consultative

Committee, the Faculty Consultative Committee, the Student Consultative Committee, the ~~Council of Academic Professionals and Administrators~~ P&A Consultative Committee, the Civil Service Consultative Committee, by any committee of the Student Senate or campus assemblies, or any member of the Student Senate. The Student Consultative Committee may include additional items on the agenda for any regular meeting of the Student Senate. Items for the docket must be delivered to the Clerk no later than two weeks prior to the date of each meeting.

...

**COMMENT:**

These amendments reflect the changes that became effective on July 1, 2011.

**ADAM MATULA, CHAIR  
STUDENT SENATE CONSULTATIVE COMMITTEE**

**DISCUSSION:**

With no discussion, a vote was taken and the motion was approved with 28 votes in favor and none opposed.

**APPROVED**

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**END OF MOTION A**

**10. DIFFERENTIAL TUITION AND FEES  
Discussion with Vice Provost Robert McMaster**

Vice Provost McMaster could not attend today's meeting so this discussion was not held.

**11. COMMUNICATION WITH STUDENT SENATORS  
Discussion**

Adam Matula, Student Senate and Student Senate Consultative Committee (SSCC) Chair, said that SSCC has discussed the lack of communication that currently takes place between the committee and the senators. As Student Senate meetings are infrequent, they questioned ways to resolve this issue without inundating senators with information. SSCC came up with three ideas – a biweekly email update using the MSA newsletter as the basic format, appointing a communications officer, or reworking the Student Senate website to provide more updates. He would like to hear from senators about these or any other suggestions.

All senators agreed that more communication was necessary. Most senators liked the idea of a biweekly email newsletter or communications officer. Revisions to the website might be good, but not everyone will take the time to go to this site. If a communication is sent to senators, it will be a constant reminder of their service to the Student Senate.

**12. RESOLUTION ON BICYCLIST AND PEDESTRIAN CONCERNS  
Action**

Resolution on Bicyclist and Pedestrian Concerns

Whereas, construction on and around campus has made getting to and from class more difficult for many students; and

Whereas, the University should encourage bicycling as a healthy and environmentally-friendly transportation option; and

Whereas, a lack of bicycle routes for students has resulted in some bicyclists riding through University-designated dismount zones creating safety hazards for riders and pedestrians; and

Whereas, current University police enforcement in dismount zones is insufficient to fully curb cycling violations in these zones;

Therefore be it resolved that the University of Minnesota Student Senate respectfully asks the University administration to take action to increase the viability of bicycling on campus whether by opening new bicycling routes, streamlining current routes, or by other means;

Be it further resolved that the administration be asked to increase enforcement of bicycle dismount zones to prevent accident or injury.

**ADAM MATULA, CHAIR  
STUDENT SENATE CONSULTATIVE COMMITTEE**

**DISCUSSION:**

Adam Matula, Student Senate and Student Senate Consultative Committee (SSCC) Chair, said that this resolution was crafted after a discussion by SSCC regarding safety concerns on the Twin Cities campus. Coordinate campus members agreed that the resolution was not applicable on those campuses but they would support the request.

A senator said that she supports this resolution. As a student who walks on campus, many routes for cyclists have been closed due to light rail construction and have been shifted to other areas. Walkers are not used to cyclists in these areas and not watching where they are walking. This resolution is a step in the correct direction.

Another senator stated that he knows that there are issues for both groups. He is concerned that this resolution does not include any concrete suggestions or identification of the problem areas. The Student Senate should make an investment in a solution or create a task force and not expect the administration to investigate the issue. He also suggested that this resolution be tabled until bicycling starts again in spring semester.

Lizzy Shay, MSA President, reported that this topic is already ongoing with the administration and she feels that they would be receptive to this resolution. Now is also an appropriate time to figure out what to do before the spring riding season starts.

A senator supported this resolution but asked that more focus be placed on the cyclists. It appears that little thought was given to the bicycle routes on campus when construction started versus the attention that was paid to pedestrians. There are also many winter cyclists and safety concerns will increase during this period.

Another senator said that many of these points were discussed at the SSCC meeting, including the challenge of the winter biking season and not being able to clearly see where bike paths are located. These issues need to be resolved before there is an accident.

Q: Will increased police enforcement as requested by the resolution have an impact on efforts to curb other campus crime?

A: This was not a topic at SSCC but this resolution is meant to open a dialogue with the administration about what can be done and to work with them to fix these issues for cyclists and pedestrians. If increased enforcement would significantly decrease enforcement of other pressing crime issues, then the solution might need to be modified.

A senator said that this resolution asks for more access for cyclists and for increased enforcement. This is a mixed message. He is afraid that the administration will just focus on increased enforcement which will not solve the issue. He then made a motion to strike the last clause.

As this was not accepted as a friendly amendment, the motion was seconded and then opened for discussion.

A senator spoke in opposition to this amendment. The University knows that cyclist access is an issue but it is important to state that the Student Senate also supports enforcement efforts. She then stated that most campus crime is being handled by the Minneapolis Department, as it has occurred off-campus.

Another senator stated that increased enforcement does not need to be included since there is no shortage of it taking place now and likely will not stop. The Student Senate should focus on alternate bike paths.

A senator felt that the final clause is an important part of the resolution since that is the statement that addresses the concerns of pedestrians.

Another senator supported the resolution but asked that any future discussion on the topic not involve the coordinate campuses.

A vote was then taken on the amendment and the motion failed.

A vote was then taken and the motion as originally presented was approved.

**APPROVED**

### **13. OLD BUSINESS**

**NONE**

### **14. NEW BUSINESS**

**NONE**

### **15. ADJOURNMENT**

The meeting was adjourned at 12:26 p.m.

**Rebecca Hippert  
Abstractor**

## APPENDIX A MEMORIAL STATEMENTS

Frederick A. Cooper

Frederick A. Cooper, Professor of Art History, died on September 23<sup>rd</sup>, 2011, at the age of seventy-four.

Born in Sewickley, Pennsylvania, Fred received his B.A. from Yale University, his M.A. from the University of Pittsburgh, and his Ph.D. from the University of Pennsylvania. After working as a civil engineer, he embarked on a career as an educator and archaeologist, specializing in Greek and Roman art. He began his academic career at the University of Pittsburgh and, after brief stints at Temple and Northwestern Universities, joined the faculty of the University of Minnesota in 1971.

Professor Cooper was an accomplished scholar and educator. The recipient of the University of Minnesota's Distinguished Teaching Award, the Archaeology Institute of America's Award for Excellence in Undergraduate Teaching, the University of Minnesota's Morse Alumni Distinguished Professor Award, and the National Endowment of the Humanities Fellowship, he inspired generations of students to pursue careers in his beloved field. Among his many publications, his 4-volume series on *The Temple of Apollo Bassitas* (1992 and 1996) and his *Houses of the Morea: Vernacular Architecture of the Northwest Peloponnesos* (2002) are recognized as classics.

In addition to his teaching and publications, Fred headed MARWP (the Minnesota Archaeological Researches in the Western Peloponnesos) the University of Minnesota's program of archaeological research in the Peloponnesos,. In this capacity he excavated the Bronze Age Palace of Nestor and reconstructed the Heroon at Messene. He was also closely affiliated with the American School of Classical Studies in Athens, serving there as the Andrew F. Mellon Professor of Classical Studies from 1982 to 1985. At the time of his death he had just completed a major study of Greek architecture.

Professor Cooper is survived by his wife, Dr. Helen B. Foster, and two daughters. He will be missed by all who knew him, but always remembered as a brilliant scholar and passionate human being.

Bryce L. Crawford, Jr.

Bryce Low Crawford Jr., a retired Department of Chemistry professor and renowned scientist, died on September 16, 2011. He was 96. He was born on November 27, 1914. He joined the Department of Chemistry in 1940, and became a full professor of physical chemistry in 1946. He was chair of the department from 1955 to 1960, and was dean of the graduate school from 1960 to 1972. He retired in 1985.

He loved studying molecular vibrations and force constants, and the experimental side of molecular spectroscopy and molecular structure. During World War II, Crawford worked in research on rocket propellants, making significant contribution to rocketry, and the development of solid propellants for the much larger rockets that evolved after the war.

Crawford received many honors during his career. In 1982, the American Chemical Society (ACS) honored him with the Priestley Medal, its most prestigious award, in recognition of his many contributions to chemistry. In 2004, he was named a Fellow of the Society for Applied

Spectroscopy for his contributions to the advancement of spectroscopy and its applications. In 1950-51, he was a Guggenheim Fellow at the California Institute of Technology and a Fulbright fellow at Oxford University. He was a Fulbright scholar in Japan in 1966.

He held the distinction of membership in three honorary science academies—the National Academy of Sciences, the American Philosophical Society, and the American Academy of Arts and Letters. He was actively involved in many professional associations, including serving as chair of an ACS committee on abstracts; as a leading member of the National Academy of Science; as chairman of the President's Committee on the National Medal of Science; and as a member of the Science Development Advisory Panel of the National Science Foundation.

He was preceded in death by his wife, Ruth. Survived by son Bryce, his wife Jane and children Brittany and Chelsea, Kim and Mike; son Craig and children Sloan and McKendree; daughter Sherry, husband Tom Kueny and children Melinda Kurysh and Andy Nelson.

The Department of Chemistry has established a Bryce L. Crawford Lectureship in his honor.