

Minutes*

**Faculty Consultative Committee
November 30, 1989**

Present: Warren Ibele (chair), Norman Kerr, Lynnette Mullins, Ronald Phillips, M. Kathleen Price, Burton Shapiro, Michael Steffes, Charlotte Striebel, James VanAlstine

Guests: Professor Richard Farrell (U of Maryland), President Nils Hasselmo, Ken Jansen (Regents' Office), Senior Vice President Leonard Kuhi, Maureen Smith (Brief), Rabun Taylor (Footnote)

1. Open Discussion

The discussion began with a question about the status of the grievance procedures. Professor Striebel wanted it made very clear that the authors of the grievance procedures will not accept substantive changes as part of any memorandum of understanding. President Hasselmo had written to Professor Ibele indicating such a memo should be formulated but the letter, it was suggested, was unclear about changes. Vice President Kuhi told the Committee he understood the President to be seeking no changes; the memorandum of understanding would only be intended to clarify. Once accepted, the grievance procedures would be put into effect for "a couple of years" and then evaluated. The Committee members indicated this was satisfactory.

Committee members then asked Vice President Kuhi what Academic Affairs would be taking to the Board of Regents in the near future. Items related to the improvement of undergraduate education would be a high priority, he said; inasmuch as the legislature has provided funding for instructional improvement, the University must be prepared to report what it has done. Severance pay and administrative leaves would also remain before the Board.

Dr. Kuhi said he would, over the year, be speaking to issues he wants to work on, including faculty salary structures and evaluation as well as review of administrators. He contended that the evaluation of faculty after tenure needs to be reined in; sometimes such reviews are perfunctory. Teaching effectiveness, he said, must be considered as part of faculty performance.

On the review of administrators, Dr. Kuhi was told, the University must come to grips with the confidentiality question: Comments to review committees must be clearly understood by all to either be confidential or not. At present there is an implication that such comments are in confidence--and then there is unpleasantness when the comments become known. It was also suggested that reviews of deans, for example, need not be conducted by another dean, who, ordinarily, would be mutually supportive of a colleague; at least on a trial basis perhaps such reviews should be chaired by a senior professor, maybe a Regents' Professor from another unit, to ensure dispassion. One who had formerly served as a dean would be acceptable provided he or she were far enough removed from administrative service. One final comment to Dr. Kuhi was that there should be some commonality of procedures among the reviews of deans and administrators--which is not now the practice.

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

Committee members turned their attention to items they might wish to take up with the Regents when they have lunch with them on December 7. The discussion roved, touching upon the uncapping of retirement, tenure of administrators, dismay at the continuing revelations which appear in the newspaper, the possibility of holding briefing sessions for Regents to present all sides to an issue to come before them. The Committee concluded it would bring up the elimination of mandatory retirement and the broad question of how the faculty might assist the Board by providing it information in order that the Regents can even more effectively represent the University.

Dr. Kuhi then raised with the Committee the reaction of the deans to the tentative conclusions and recommendations which appeared to be forthcoming from the task force on the elimination of mandatory retirement being chaired by Professor Scallen. There is widespread concern that the report will be too narrowly focussed and legalistic and will miss some of the major issues. The report is seen as too directed toward getting rid of certain faculty when it should instead be devoted to questions of faculty vitality. Professor Ibele promised to write to Professor Scallen asking the task force to take into account these concerns.

2. Discussion with President Hasselmo

The President, informed of the possibility of the faculty providing information and views to the Regents, endorsed it and said that perhaps faculty participation in the occasional Regents' retreats would be useful as well.

Asked about the leave and severance policies, the President said there have been no changes in the substance. The citizen review panel has met once and will meet again in December and January; after their comments are incorporated, the policies will be taken to the Board for action. The President expressed amazement at the publicity about the 1984 case of the UMD faculty member who was given a paid leave; he asked rhetorically if the newspapers intended to go back and examine the presidencies of Magrath, Moos, Wilson, Morrill--and commented ruefully that he had been tempted to answer a reporter's question about the future by pointing out that "it is hard to get out of the 1980s."

Committee members suggested to the President that the repeated comments about the financial savings which had occurred as a result of early retirements by faculty reflected unfairly on those who had taken the early retirement option. There seemed to be the implication that they were not doing their jobs. The President agreed that this was certainly not the case and that most of them had been working hard and well; these were not "scavengers" by any means. The only justification for the policy, he reassured the Committee, was to free up resources in order that they could be transferred to areas which the University considered to be of higher priority--it is not to be understood that those faculty were not doing useful work, only that the University would be a more effective institution by reallocating the funds.

A question was asked about provision of administrative leaves at full salary, for "retooling," when faculty only receive half pay on sabbaticals. The President said this was for the benefit of the institution and added that he wished the faculty could have sabbaticals at full salary. Dr. Kuhi noted that senior administrative positions are more than 100% time jobs and that whereas faculty are doing research in their discipline all the time, administrators cannot do that. The leave provides them time to get back into the research stream. Professor Ibele pointed out that administration is open-ended in its demands and that

one's calendar is turned over to the whims of the institution. The President also repeated that these are not entitlements and that each leave would be based on individual circumstances.

Discussion turned to the question of leaves again; the President was enjoined to be conscious of the difference between public and private institutions. The public is upset when public money is used to pay people to do nothing. While there are contracts to be honored, and while leaves and buyouts are not uncommon in the private sector, public bodies have a different standard to which they must adhere. It was also suggested to the President that the University has not been receiving particularly good legal advice in this area. President Hasselmo responded that there was a dilemma: Do public entities hide people on the payroll, because of contracts, or try to buy them out, which the public may not permit--or, alternatively, litigate but then confront a public outcry when the costs of litigation become known? Right now the issue is in front of the public and is totally distorted. The President also expressed reservations about the ethics of using taxpayer funds less effectively simply to protect the institution and avoid that public outcry. Committee members urged the President not to react to "a couple of newspapers with not enough to do."

The President next told the Committee that he had just sent a letter to the University community explaining the salary settlement for women faculty. He expressed his strong view that the settlement not be seen as a buyout but rather as a vigorous attempt to achieve some modicum of equity and fairness in salaries.

Asked how it was that the former Librarian had an eight-year contract, the President explained that because the library constitution called for an eight-year appointment, the legal advice he received was that even though the actual contract contained no such language, the library constitution created some sort of implied contract. The Board of Regents, he added, have since acted to make clear that no such constitutional provisions are employment contracts. Now the University uses three-year initial contracts with annual renewals thereafter.

One Committee member then inquired if FCC would be taking up the subject of intercollegiate athletics. It was pointed out that the bylaw giving ACIA necessary authority had been voted down and that the faculty did not constitute a majority of ACIA. The President said it should be on the Committee's agenda; he wanted it to know also of his reform agenda with the Big Ten and Pac-10 presidents. There is, the President was told, much faculty anger and discontent; the Senate vote was ridiculous but it was only step the faculty could take to express their irritation. Several suggestions were made about steps that some might propose be taken to gain better control of athletics; the President asked that the Committee hear his recommendations before acting. He agreed that faculty control was important and that if there were any questions about it they should be addressed.

Professor VanAlstine asked that two points be noted:

- A recent Footnote article reported on support programs for women faculty; the programs do not exist at Morris. When programs are discussed, if they are for the Twin Cities that should be made explicit.
- In soliciting people to serve on the various task forces which FCC has been asked to nominate faculty, some of his colleagues are willing to do so but only if there is

consideration given to the travel needs of the coordinate campus representatives.

The Committee agreed that these points warranted attention.

3. Nominations for Task Forces on Liberal Education and Health Coverage

The Committee went into closed session to develop slates of nominees for the two task forces. The names for the health coverage task force will be provided to Senior Vice President Donhowe tomorrow; the list for the liberal education task force will be completed on December 14 and provided to Senior Vice President Kuhi.

The Committee adjourned at 3:00.

-- Gary Engstrand

University of Minnesota