

Minutes\*

**Senate Consultative Committee**  
**Thursday, April 19, 2012**  
**3:00 – 4:30**  
**Room 238A Morrill Hall**

- Present: Chris Cramer (chair), Avner Ben-Ner, Don Cavalier, Carol Chomsky, Nicole Conti, Janet Ericksen, Ann Hagen, Joe Inhofer, Walt Jacobs, Sally Gregory Kohlstedt, Jan McCulloch, Becky Mohn, Amy Olson, James Pacala, Joshua Preston
- Absent: Angela Bartholomew, Peter Bitterman, Thomas Brothen, Harrison Defries, Nancy Ehlke, Russell Luepker, Elaine Tyler May, Steven Pearthree, Evan Vogel, Richard Ziegler
- Guests: Vice President Kathryn Brown, Mary Luther (Human Resources); Professor Virginia Zuiker (Chair, Advisory Committee on Athletics)
- Others: Vickie Courtney, Becky Hippert (University Senate Office)

[In these minutes: (1) Senate centennial; (2) update on job classification system; (3) policy changes from the Advisory Committee on Athletics; (4) University Senate docket (Minnesota constitution marriage amendment resolution)]

**1. Senate Centennial**

Professor Cramer convened the meeting at 3:00 and began by noting that next October will mark the 100th anniversary of the first meeting of the Senate (October 4, 1912). There will be activities to recognize the anniversary and the Senate staff will take the lead on preparing a program. The presentations will include the history as well as perhaps an academic event focused on governance. There will be a group working on the events over the summer.

**2. Update on Job Classification System**

Professor Cramer welcomed Vice President Brown and Ms. Luther to the meeting to provide an update on the job classification system.

Vice President Brown explained that they are working on University job families. They have heard, over time, that employees would like to have professional development opportunities and pathways to stay in non-managerial positions or to move into a managerial path. This makes sense from a human-resources perspective because the University wants to have people in jobs that are classified correctly, that compensate people based on the work they do, and that address equity concerns. They are using several principles to guide the work: It is a collaborative effort with employees and supervisors to develop the classifications; it is a systemic approach; and it is being done in a way that is transparent to the community. They hope that the result is beneficial to all.

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

The communications job family has recently been completed, Vice President Brown reported. They are starting implementation. Upcoming work includes job families in alumni relations, community relations, and information technology. They moved slowly at first to be sure they were doing things right, she said, and hope to increase the speed of the effort in the future. They hope to have all the job families reworked within the next two to three years. It has been a good process, she concluded, and it has also been a learning process for them. This has been an opportunity to reflect on job categories—faculty, P&A, civil service, bargaining unit—and to look at the whole picture to see if it makes sense. In Human Resources, they always want to be sure that people are being paid appropriately, overtime as appropriate for those paid on an hourly basis and not for those who are paid salaries.

Vice President Brown summarized by saying that they see this effort as positive and one they will pursue over the next couple of years. One other factor that comes into play is the beginning of an upgrade to the HR enterprise system, she said, and as is always the case with such systems, good data in will mean good data out. The better that people can be classified, the better it will be for the management of the University and reporting.

She will also be reporting to the Board of Regents on workforce analysis, Vice President Brown said, about all 665 job classifications. She said that she is glad to be able to report that about two-thirds of the jobs are directly involved in carrying out the mission of the University or provide direct support to doing so. They are trying to get more clarity in describing what people do in order to clarify the benefits of employee work. They have also discovered a couple of job descriptions that are very broad and seem to serve as a catch-all category.

Professor McCulloch asked if the job family classification study includes graduate students as research assistants or teaching assistants. It does not, Vice President Brown said, nor does it include fellows. Those are classes of employees that are well-established.

Professor Jacobs offered an operational question: When there is a new classification system, some jobs will go away and some people will be left in between the new and the old system. Will they just be moved or will they have a choice? Ms. Luther said the families are functionally designed (communications, information technology, and so on), and there is some overlap between them. The process is very employee-focused; they will indicate where someone fits, then people will have an opportunity to appeal, and they will talk with them. This will be an opportunity for P&A and civil service staff, Ms. Luther said, because in the past there was no job progression.

Professor Chomsky asked if there are salary implications for employees whose classifications are changed. And if so, how will changes be paid for? Vice President Brown said that there could be salary adjustments that would be appropriate and they will work with units on making them. They will not reduce people's salaries, and if there are cases where someone is paid more than the job classification suggests is appropriate, they may consider freezing a salary until it is appropriate. They will also work with units on any upgrades in order to be sure they are being fair to all employees. She noted again that this has been a collaborative process, not one that has been top down and carrying unfunded mandates.

Ms. Hagen asked when Human Resources would begin to compare University salaries with those in the private sector. She noted that in a recent report to the Board of Regents, data were provided indicating that P&A staff are paid below their counterparts in the corporate world. Ms. Luther said that when they do the survey on career progression from civil service to P&A, they will look at market data

and construct salary ranges (that will be quite broad and will take in jobs that are very different). When supervisors want to look at market data, Human Resources will provide it.

If the salary ranges are broad within one category, Professor Cramer asked, how many years would it take for someone to get to the top of the range? Ms. Luther said they did not look at the ranges in a timeframe. They will have a classification (e.g., communications director) that will include people from large and small offices, so the jobs will be slightly different, perhaps because of the scope, the competencies required, and of course because of performance (it will not be a seniority system in any way). Qualifications for positions within the category could be quite minimal at entry and increase as one moves up in the system. Moreover, Vice President Brown added, the ranges will not be static; they will be adjusted with the market over time. So one could be in the same position for a long time and continue to see salary increases.

Professor Kohlstedt asked how ladders would work. Vice President Brown said there will be entry-level positions and mid- and higher-level positions, and the latter will require increasing skill sets and carry increased responsibilities. There will also be supervisory/management categories, where the more one supervises, the more one advances. So it is not a case where one automatically moves up; the job must require the skills. People will be able to look around the University and advance in their careers. The objective is to allow people to move within the institution and see logical progress; the progress could be within a person's unit or outside it.

Will there be mechanisms to allow people to gain additional skills, Professor Kohlstedt inquired? There are many, Vice President Brown said. There are educational opportunities on campus, there is the Regents Scholarship program, and there are other training opportunities both on and off campus. Some of them can be funded internally and for others, the employee may take and pay for them on his or her own initiative.

Professor Cramer asked if it is a department or college decision or higher still if there is a desire to "up-qualify" a job in order to move a current employee up the ladder if he or she has gained additional skills beyond the current job classification. Vice President Brown said that if one is in level 1 and wants to go to level 2, the job must indeed require the relevant skills associated with the higher level. If one believes one is doing level 2 work, the unit can start the process to change someone's classification. That is what has been the JEQ process, which many complained about as too cumbersome and slow, and they will modify the process so it is more timely and efficient.

If he were someone who had acquired additional skills, and the job description were changed to reflect those skills, but ultimately he left, would it be easy for the department to "hire down," Professor Cramer asked? It would be, Vice President Brown said. It is up to the supervisor to determine the position requirements at the time of advertisement.

Professor Chomsky inquired about progressing from civil service to P&A; is there a dividing line? How does that work? Vice President Brown said there are two kinds of job groups, exempt and non-exempt. Exempt employees are professional, salaried, not hourly, and expected to do the job whether it takes 40 or 60 hours. Non-exempt employees are paid on an hourly basis, based on a 40-hour week, and given work that it is expected can be accomplished in 40 hours. If a non-exempt employee must work more than 40 hours, they are paid overtime. Traditionally, civil service positions are non-exempt. The P&A system was started as a way to pay professional staff who are not faculty. The P&A system has

grown significantly since the 1970s and there has been a blurring of the line between professional and civil service work. They want to add clarification about who is hourly and eligible for overtime and who is salaried. Doing so should help units plan their workforce needs and help employees understand jobs and what is expected. The law is clear about how to measure which category a job should be in.

Professor Cramer thanked Vice President Brown and Ms. Luther for their report.

### **3. Policy Changes from the Advisory Committee on Athletics**

Professor Cramer welcomed Professor Zuiker, Chair of the Advisory Committee on Athletics (ACA), to present proposed policy changes that must be approved by this Committee and presented to the University Senate for information.

Professor Zuiker explained that ACA provides consultation and advice to the president and senior officers in intercollegiate athletics. She reviewed the policy proposals that ACA is recommending.

-- A new document, "Procedures for Reporting NCAA or Big Ten Violations," is being proposed to replace a current policy on procedures for reporting violations. Committee members engaged in a discussion with Professor Zuiker about the wording of the new procedures and suggested changes in order to increase the clarity of the language.

-- A clarification is proposed for the "ACA Competition and Anti-Discrimination Policy" that makes it clear that the policy does not come into play if a team at another institution has a Native American mascot that has been approved by the NCAA.

-- In the "ACA Statement on Integrating Academics and Athletics," ACA proposes to delete language calling for coaches to appear at meetings of the Twin Cities deans and orientation for new faculty and department chairs. They propose to delete the language because, to Professor Zuiker's knowledge, it had never happened and the sentence preceding the deleted language allows for appearances by coaches at departmental or collegiate sponsored forums or meetings where the issues that are relevant to student-athletes are discussed, she reported.

-- ACA proposed to add a comment to the "Process for Major Athletics Search and Advisory Committee Membership" indicating that searches for high-profile head coaches could be excluded from the normal involvement of the athletic committees. Committee members asked several questions about the process and the timing of involvement of members of the athletic committees and suggested several language changes. [Subsequent to the meeting, the ACA and the Faculty Academic Oversight Committee on Intercollegiate Athletics decided to withdraw this proposal and bring it back for further consideration next fall.]

-- ACA is recommending moving the policy on responsibility to injured student-athletes to an operating policy of the Department of Intercollegiate Athletics.

The Committee approved the policy proposals unanimously. Professor Cramer thanked Professor Zuiker for bringing the policy items to the Committee.

#### **4. University Senate Docket (Minnesota Constitution Marriage Amendment Resolution)**

Professor Cramer next asked Committee members to review the docket of the University Senate and drew attention to the proposal to adopt a statement opposing the proposal on the ballot in November to amend the Minnesota Constitution to ban gay marriage.

Ms. Hagen reported that the overwhelming majority of the P&A Consultative Committee favors the statement.

Professor Chomsky suggested a change in the language to eliminate the word "abhorrent" from the motion. Some people who favor the amendment believe they are taking a moral stand, and to leave that in means it would be saying they are abhorrent. That stigmatizes people and she said she did not believe that is a position the University Senate should take. Mr. Preston asked about leaving the choice up to the Senate; Professor Chomsky said that a change on the floor would have to be accepted as a friendly amendment or there would have to be a vote on it, and she did not believe that would lead to a productive debate. Professor Ben-Ner said he agreed that the motion should not characterize the moral position of others.

Ms. Hagen said that the P&A discussion focused on jurisdiction and that is where most of the debate should occur. Mr. Preston asked if there would be a discussion about "abhorrent" if the motion focused on discrimination against the African-American community. Professor Kohlstedt said the point really is that the University Senate rejects discrimination of any kind as wrong. The debate should be about whether the Senate should take that stand.

Professor Cramer noted that there were in the past state constitutions that were amended to prevent miscegenation, and that was immoral—and abhorrent. But, from a strategic standpoint, who is it the University Senate wishes to convince? It could be off-putting to those in the middle to use the term "abhorrent," and on the basis of maximizing persuasive impact he would be willing to adopt the more diplomatic approach.

The Committee voted 13-0 to delete "abhorrent" from the language. Mr. Preston abstained on the motion, but only because he opposed removal of the word "abhorrent"; he indicated that he strongly supported the statement.

Ms. Olson said the Civil Service Consultative Committee has not discussed the proposal yet but a survey of civil service Senate members elicited strong arguments against the Senate adopting the statement because of the political ramifications. Some also argue that the statement does not represent the entire University because there are people who oppose the statement. There could be backlash against it and this could be a hot-button issue for the University.

Professor Cramer commented that the issue of different opinions from different senates has not arisen before because there were not as many senates as there are now. He said, however, that he did not believe the University Senate had to obtain the approval of all of the constituent senates in order to take up a motion. The University Senate speaks for itself and does not give subordinate senates a veto power.

Mr. Preston said the only point that would dissuade him from supporting the statement would be because of how it could affect the University or how it might be received by the state. But the statement

asserts that this is not a partisan issue, and while people might say the University should not take a stand because it would be controversial, the University takes stands on many controversial issues.

Ms. Olson said that it did not feel right that the University Senate should be adopting this statement because it is a personal matter. Professor McCulloch disagreed; she noted that the language of the statement makes it clear that this is an employment issue, a discrimination issue, that the institution needs to take a stand on. Ms. Olson said that this goes beyond what the University has done before and the University presents itself as the intellectual agent of the state and is telling voters what to do.

Ms. Mohn said that she is hearing a fear about University funding if the Senate adopts the statement; that does a great disservice to people at the University because it says the institution is too scared to stand up for their rights. The constitutional amendment would harm people at the University.

Ms. Hagen noted that there are historical examples of the University Senate taking stands on political issues as far back as 1969; she expressed doubt that too much harm had been done to the University.

Professor Chomsky noted that, a few times in the discussion, it was suggested that the statement, if adopted, would be telling voters what to do, when voters have the right to vote as they please. She disagreed with that characterization; the statement simply urges people to vote against the amendment, and urges an effort to educate voters about the issue. People absolutely have the right to vote however they wish; the statement does not say or suggest otherwise.

The Committee voted 13-1 to approve the University Senate docket; Ms. Olson asked that she be recorded as voting against approval of the docket because of the statement about the marriage amendment.

Professor Cramer adjourned the meeting at 4:15.

-- Gary Engstrand

University of Minnesota