

Minutes*

**Faculty Consultative Committee
February 1, 1990**

Present: Warren Ibele (chair), W. Andrew Collins, Norman Kerr, J. Bruce Overmier, Ronald Phillips, M. Kathleen Price, Burton Shapiro, Michael Steffes, Charlotte Striebel, James VanAlstine

Guests: Associate Dean Mark Brenner (Graduate School), President Nils Hasselmo, Senior Vice President Leonard Kuhl, Barbara Muesing (Regents' Office), Maureen Smith (Brief), Rabun Taylor (Footnote)

1. Report of the Chair and Open Discussion

Professor Ibele reported that Professor Scallen's Task Force on the Elimination of Mandatory Retirement would have a draft report ready today and that hearings will be held. It was agreed that there should be hearings on the West Bank, the St. Paul Campus, and two on the East Bank. Forums will also be held on the coordinate campuses. It was also suggested that there be an announcement to tell faculty there will be no mandatory retirement after 1992 and anyone interested is invited to join the discussions.

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One Committee member wanted to be certain that the Committee will be involved in interviews of the candidates for Vice President for the Health Sciences. Professor Ibele said he assumed it would be, following the practice with the other position vacancies.

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On the committee on athletics to be appointed, an inquiry was made about whether or not FCC would have a voice in who the faculty members would be. It was argued that at least one of the three should be a faculty member with "a negative attitude" toward athletics because the committee might otherwise adopt a "business as usual" approach or it might simply look at how to comply with NCAA rules. There is a middle ground between complying with the rules and the elimination of athletics.

On a related matter, Professor Ibele reported that he had written to Professor Tom Scott, chair of the Committee on Committees, to suggest that in the future there be appointed faculty to the Assembly Committee on Intercollegiate Athletics who would not be concerned solely with rules compliance. They should, instead, maintain a creative tension between the athletic programs and the University's goals.

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Professor Ibele announced that the Task Force on Extending the Probationary Period is now beginning its work.

* 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.

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Professor Striebel told the Committee that the process to obtain implementation of the grievance procedures has apparently failed; at this point it has not even been possible to set up a meeting of the eight people involved. The Committee agreed that it was time to simply go forward, with or without a memorandum of agreement. There will be a report at the next Senate meeting on the status of the procedures; it was agreed that if there is no further administrative action the procedures should be brought to the Board of Regents as written for action.

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Professor Striebel asked the Committee to take up the question of ombuds service; it should, she said, be a joint effort among faculty, students, all other employees, and the public, and would be both an information service and a referral service for the resolution of conflict. This is, she said, the kind of service which makes for a better institution. Most schools devote a lot of resources to an ombuds service (in order to resolve problems before they get to the grievance stage) and little to grievance procedures; Minnesota has done the opposite.

It was agreed that the report previously considered by the Committee on Faculty Affairs and then sent to Academic Affairs and Student Affairs should be provided to the Committee and that the appropriate student and other representatives should be invited to join it for a discussion. Ms. Muesing reported that the matter of an ombuds service was contained in Vice President Heydinger's communication plan; it was agreed that this plan should also be provided to the Committee.

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Professor Ibele was asked to make sure that Senior Vice President Donhowe reports regularly to FCC on the developments in health care coverage; this is an extremely important issue, especially to the coordinate campuses.

Another element of this discussion is the coverage of non-marital partners, a question with which the Committee dealt at some unproductive length earlier. One radical proposal is to provide coverage only for employees with additional fringe benefit costs allocated at the discretion of the employee--a cafeteria approach. The employee could use additional funds for family coverage or other fringe benefits. There would be a cap on total fringe benefit expenses per employee.

A question was also asked about why there had been a change in life insurance so that now spouses could not obtain coverage but children can.

Professor Ibele promised to take up these questions with Mr. Donhowe.

2. Discussion with President Hasselmo

Supercomputing President Hasselmo began by reporting on a meeting on supercomputing he had recently attended in Washington. He noted two salient points: The age of supercomputing is upon us, and the presence or absence of supercomputing at a university seems to be of considerable importance;

and Minnesota seems to be well off in the field. Faculty are provided access at a low cost and teaching is being supported; other institutions are struggling with these questions.

The President also acknowledged that the University has a controversial grant with the Army but pointed out that it is not related to our supercomputing facility. Federal efforts are underway to link all of higher education and supercomputing throughout the United States. He affirmed, in response to a question, that the Supercomputer Institute can do proprietary research but that none is in conflict with the University policy.

UMD Plagiarism Matter The President told the Committee that there appears to be an issue: If there was no plagiarism because the paper for the Master's degree was not completed then the degree was granted before the work was completed. He said that he has asked Dr. Kuhl to set up a panel to look into the plagiarism question as well as the standards for granting a degree in the Duluth College of Education. Dr. Kuhl said that there must be assurances of quality in the granting of degrees and it must be clear that the University has high standards; the panel will be asked to determine whether or not there is a process in place to guarantee that those objectives are met.

The Committee inquired about the nature of the decision-making process in the particular case; several individuals expressed concern that the investigation not be limited to quality control in the granting of degrees because it would ill-serve the University to appear to be permitting the appointment of faculty members who have committed plagiarism. The President and the Senior Vice President agreed that they were not fully in accord on what should be investigated and that they needed to concur on what could be done.

The question was posed whether or not there is a system in place for reviewing non-Graduate School graduate degrees; there appears not to be except by professional organizations or through program reviews. The President described this as a glitch which needs to be addressed.

Grievance Procedure The President expressed the hope that the new procedures could be put in place soon. Professor Ibele told the President that there will be a place on the Senate agenda to report on progress and the Committee hoped that the report would be a positive one. The President promised to try to make that possible although he said he did share some of the concerns of the General Counsel's office that not everything under heaven should be grievable; the University is already under heavy procedural constraints and he does not want to do anything which would further slow things down.

State Budget Deficit The President said the University is receiving dismal signals from the State about the looming deficit. He met with the Finance Commissioner to discuss implications, including the possibility of bonding from the operating budget; he outlined the difficulties that would pose. He also said that the University will seek increased funding for the next biennium. There have, to date, been no instructions on possible cuts although the Governor's staff is weighing options.

Initiative in Undergraduate Education It was suggested to the President that there should be clearer language in the Initiative addressing the need for students to be educated about science and about ethical issues in science. In an increasingly technological society this must be part of a core curriculum. The University cannot assume that students come out of high school with this background. The President agreed this should be made clearer and invited language to be added to the Initiative (which pointedly

remains in draft form).

Abolition of Humanities Courses The President was asked about the petition being circulated among faculty appealing to the CLA deans to take action on the Humanities Department decision to drop the five "European Heritage" and five "Humanities in the Modern World" courses. The President said that while he had a personal opinion on the matter this was an issue which should be dealt with by the faculty--which has responsibility for the curriculum. He also expressed hope that it would be dealt with. It was suggested that this is an issue which should be referred to the University as a whole and is so central that other faculty voices should be heard (beyond the 6-3 vote in Humanities to drop the courses).

Dr. Kuhl asked, in some amazement, if there was not a Senate or other committee charged with looking at the curriculum; he pointed out that if it is important to know more about other civilizations one cannot eliminate Western civilization. One Committee member told him there is no authority outside the college to make these decisions unless he--Dr. Kuhl--took away funds from the college. Another argued that if a unit eliminates courses which the University needs, then the funds should be diverted so other units can hire the faculty they need to teach the courses.

It was generally agreed that this was an issue which should be taken up by the Task Force on Liberal Education; the President emphasized that resources needed to be structured to provide the best possible undergraduate education. There should be a full range of subjects, he continued, but with limited resources the faculty will have to make choices. Those choices, however, must be made with the totality of undergraduate education in mind.

The centrality of graduate education, it was asserted by a Committee member, means undergraduate education will get short shrift unless there is an umbrella organization to look at the latter and make decisions about what is important; the decisions cannot be left to individual departments. The President noted that Drs. Kuhl and Ibele will be formulating the charge to the Task Force; perhaps, through the governance system, some organization should be empowered to look at the undergraduate curriculum. There must be a balance between faculty independence and institutional curricular needs. Dr. Kuhl concurred with these sentiments, commenting that there must be a faculty body to oversee the curriculum and the University "cannot let units go willy-nilly helter-skelter." It was pointed out that most college curriculum committees deal with the minutiae of course descriptions and do not take a global view.

Professor Ibele thanked the President for his time.

3. Discussion with Senior Vice President Kuhl

Dr. Kuhl distributed copies of a report on the status of PUF chair appointments. Professor Ibele told Dr. Kuhl that the Committee is also interested in the processes used to appoint chair-holders; Dr. Kuhl responded that the process varied enormously but that he would try to assemble the information.

The original intent in creating the chairs was to bring in "new blood" and to hire distinguished individuals. Some have done that; others have not. IT, Management, and Medicine have largely chosen from within, although Academic Affairs has always been asked if the appointments were acceptable. For the most part they went to recent appointees.

Although it appears that 60 of the 86 chairs already selected have been appointed from within, in the categories of "Full" and "Land Grant" chairs only 15 of the 34 have been from within. In the "Professor" chair category 45 of the 52 appointments have been internal--although it was pointed out that some of these latter chairs were established to be rotating three-year appointments within a unit. Another problem is that in Law and Medicine, for example, the funds are not sufficient to hire someone so that an existing line must be "topped off." Some of the chairs, moreover, are likely being used in retention cases, although some Committee members expressed doubt that to do this was in the best interests of the University. Asked if there were any "filter" in Academic Affairs to review these appointments, Dr. Kuhi replied that there really is not. All the nominees, he pointed out with amusement, are deserving, and the cases come on an aperiodic basis so there is no solid review mechanism.

Whether or not funds are released for an external hire after an internal candidate is appointed to a chair depends on the amount of funding available. The Full chair provides \$110,000; most of these appointments (8 of 12) have been external hires. The Land Grant chair provides \$55,000; one half of these have been outsiders (11 of 22). In both cases there is sometimes not enough money to pay salary, fringe benefits, and research support, so 0100 funds must be added.

When a faculty member is hired from the outside, set-up funds are available on a matching basis (central administration and college or department): For the Full chairs, \$250,000 is provided; for Land Grant chairs it is \$125,000; and for Professor chairs it is \$25,000.

It was suggested to Dr. Kuhi that when an internal appointment is to be made, there must be "no whiff of suspicion or favoritism" in the selection; every faculty member in a unit must feel that he or she has a chance to be selected. Anecdotes from several Committee members demonstrated that this openness is not always characteristic of the procedures. Dr. Kuhi pointed out as well that where a chair is used in a retention situation the process will of course not be democratic. One Committee member observed that not even the selection procedures for external appointees have all been models of fairness.

4. Discussion of "Fraud in Research" Policy

Professor Ibele turned next to Associate Dean Mark Brenner to review the most recent draft of the fraud policy. Dr. Brenner began by informing the Committee that he had been made aware of concerns on the part of several faculty and he emphasized that this version remains a working draft. The goal is to have a procedure that everyone can be happy with.

In brief, if an individual is identified who might have been involved in research fraud there must be an (expeditious) inquiry. If the inquiry finds there is substance to the claim of fraud, an investigation must take place--and at the point an investigation is begun the federal government must be notified. The investigation is to be conducted by a panel of experts in the field; they are chosen jointly by the dean and a standing faculty group (such as a college consultative committee) (and there would be no standing panel at the University because of the need for expertise in the field).

There was lengthy discussion of the responsibilities of the investigating panel and procedural difficulties which inhere in having such a panel act as both prosecutor and judge. In order to integrate this policy with the new grievance procedures, the solution seems to be that the investigating panel serve

as the complainant. It would conduct its investigation and then go to the dean; the panel and the dean jointly could decide whether or not to present the results to the appropriate hearing body (whether under the grievance procedure or the Judicial Committee). This hearing would be de novo--the entire range of issues would be considered. Panels, by relying on their own expertise, will not be subject to challenge or cross-examination. Having the panel and the dean serve as the complainant would likely cure these procedural flaws.

Several other points were made.

- To serve on an investigating panel will be a very time-consuming job; to do it well will require the full support of the dean.
- The entire process should take place very quickly, faster than the University is used to moving; there is considerable danger that allegations of fraud can end an individual's career.
- It was suggested that it might be possible to label all activities up to the hearing (before the grievance panel or the Judicial Committee, as appropriate) as the inquiry; only at the time of a hearing would the procedure be labelled an investigation--and thus requiring notification to the federal government. The statute will have to be examined closely to determine whether this type of change would comply with the requirements.
- There was discussion of possible sanctions for non-cooperation with the hearing process, recognizing, however, that one cannot be forced to testify against one's self; the evidence used to support fraud allegations, however, is obtainable through the normal process of discovery.
- In the list of sanctions proposed, two of them require additional hearings under the Tenure Code and the other two would not unless they were grieved; the latter two are salary reduction and rank reduction. Either of these could effectively amount to suspension and should perhaps require hearings as well.
- The role of the Office of the General Counsel must be clarified; it cannot be in the position of providing legal advice to both sides.

One Committee member concluded the discussion by observing that "the University won't be wimpy on this, with millions of dollars at stake."

The Committee adjourned at 3:25.

-- Gary Engstrand