

Minutes*

Faculty Consultative Committee
Thursday, October 4, 2012
12:00 – 1:45
307 Coffman Union

Present: Sally Gregory Kohlstedt (chair), Linda Bearinger, Peter Bitterman, Brian Buhr, Chris Cramer, Will Durfee, Nancy Ehlke, Michael Hancher, Scott Lanyon, Russell Luepker, Elaine Tyler May, Alon McCormick, James Pacala, Ned Patterson, Jeff Ratliff-Crain, Rebecca Ropers-Huilman, George Sheets, Richard Ziegler

Absent: Avner Ben-Ner, James Cloyd

Guests: Vice President Aaron Friedman; Vice President Kathryn Brown, Nan Wilhelmson (Human Resources)

Other: Liz Eull (Office of the President), Ken Savary (Office of the Board of Regents)

[In these minutes: (1) discussion with Vice President Friedman; (2) policy on senior leader separation and compensation; (3) resolutions on the voter ID constitutional amendment; (4) committee business]

1. Discussion with Vice President Friedman

Professor Kohlstedt convened the meeting at 1:00, noted that the discussion is a continuation of the Committee's fall retreat (because Vice President Friedman was bumped from the agenda at the last minute), so accepted a motion to close the meeting. It was adopted unanimously.

In the course of the discussion, the Committee and Dr. Friedman discussed a number of matters:

-- The role of the faculty in mentoring young faculty members and the need for the administration and faculty to tackle the problems together.

-- The need for annual reviews for everyone, the burden they create, how useful they are, and the proposition that they may be less necessary for senior faculty than junior faculty, and whether the governance system should raise this as an issue for further discussion.

-- The need for faculty members on consultative committees at all levels to serve as liaisons with their colleagues.

-- The need to avoid repetition and redundancies in discussing issues.

-- The University-Fairview relationships (governance and finances).

-- Classroom technology and the use of the web.

* 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.

Professor Kohlstedt thanked Vice President and Dean Friedman for joining the meeting.

2. Senior Leader Compensation and Separation Policy

Professor Kohlstedt welcomed Vice President Brown and Ms. Wilhelmson to the meeting to discuss the new Senior Leader Compensation and Separation policy.

Vice President Brown recalled that in July, the Board of Regents changed the policy on employee compensation and recognition; this new administrative policy flows from those changes. The Board policy addresses separation arrangements when a senior leader leaves the University or returns to the faculty.

The administrative policy provides that senior leader compensation will be based on market and equity across leadership positions, Vice President Brown said, with annual salary increases based on merit. They will do market comparisons, as they do with all positions at the University. There will be more formal contractual arrangements with senior leaders that the Board of Regents will review and approve ("senior leader" includes about 40 positions, including the deans and central officers) and the Board will receive market comparisons of salaries as appropriate.

In the case of separation, for senior leaders who are not tenured faculty members, they may receive a severance benefit, and if so, the amount is based on time in office: one month of pay for a year in office or less, three months of pay for service greater than a year but less than five years, and six months of pay for five or more years of service in the senior leader position. For senior leaders who also hold tenured faculty positions, they may be granted a sabbatical or single-semester leave. The leave or sabbatical will be at the faculty salary rate. Those who are granted a sabbatical or single-semester leave are not eligible for a severance benefit.

That, in broad outline, is the policy, Vice President Brown said, and it allows for exceptions with the approval of the Board of Regents chair and vice chair.

What has changed, Professor Kohlstedt asked? There is more specificity about the employment contract, Vice President Brown related, and what happens when someone leaves a senior leader position. What if the administrator is not doing a good job and is let go, Professor Kohlstedt inquired. That is the reason the policy provides that someone "may" receive a severance benefit or sabbatical/leave: There could be malfeasance, non-performance, etc. Professor Kohlstedt said she was thinking both about protecting the person as well as the situation where the University wants to get them out the door. It is a challenge drafting language for a policy like this one, Vice President Brown said. The policy could be written at a general level and exceptions dealt with as they arise or the policy could be written to try to cover all the contingencies (and would probably miss one or more). The President's Policy Committee decided in favor of a more general policy and that exceptions would be dealt with as they come up.

Professor Lanyon observed that a faculty member who is not in a senior leadership position who takes a sabbatical or leave is not required to return but must repay the salary and fringe benefits of the sabbatical if they leave before returning to the University for a required period. The policy is designed to address that question, Vice President Brown said: If a senior leader who is also a tenured faculty member separates from the University during a sabbatical/leave, he or she must repay the salary and fringe benefit

costs. The sabbatical/leave is intended to refresh the individual prior to returning to the faculty and the University would not receive the benefit if the person separates from the University. As for various possibilities that one could dream up, Vice President Brown observed that she and the Committee could sit all afternoon and identify fact patterns that would not exactly meet the policy; the policy is intended to be a guide on how things should work. In general, administrators without a faculty appointment would receive severance pay and tenured faculty members will be given time to put their academic life in order.

Professor Luepker commented, apropos of what has changed, that the policy deals with what happened in a case where many thought there was an inappropriate use of University funds. Does this policy solve that problem or just legalize it? Second, in terms of market, the University is in an arms race; there are a lot of seven-figure salaries out there. When will it stop? Vice President Brown said, in response to Professor Luepker's first point, that the policy provides reasonable guidelines for transitions for administrators and is forward-looking.

Is the severance benefit the same as the standard one for P&A employees, Professor Cramer asked? It provides a benefit different from that for regular P&A staff, Vice President Brown said, because this policy provides for severance pay while a P&A staff member with more than 10 years of service would be entitled to a year's notice period and could choose to continue working that year. [The governing policy is at <http://policy.umn.edu/Policies/hr/Departure/ACADNONRENEWAL.html>] Six months of administrative pay is far less than the amounts that recently appeared in the newspapers, Professor Cramer remarked.

In terms of Professor Luepker's second comment about keeping up with the Joneses, Vice President Brown commented that that is a market phenomenon.

Professor Kohlstedt said that if the University is going to recruit leadership, candidates do take a risk; if one has been out of his or her discipline for five years or more, it is difficult to return, and one might need to try to do something different. To recruit senior leaders, the University needs a policy that tells faculty members they will have time to regroup. Vice President Brown responded that of the CIC schools, there is no one answer; some have policies more generous than this one and others have less generous policies. This one is in the middle of the road.

Professor Durfee said that if someone (a tenured faculty member) has been in the administration a long time, their department could have changed considerably or even been closed, and the person may no longer fit. But they have tenure at the University. And they receive the faculty salary? Vice President Brown affirmed that tenure is indeed in the University and that there would have to be discussions to find the person an appropriate home department. With respect to faculty salary, it would be the faculty salary at the time the person took an administrative appointment and raised annually at the average salary increase for the person's department. This is a formula for calculating it that has been used for a long time. So it is fixed by formula, not by the chair or head, Professor Durfee said; Vice President Brown affirmed that is correct. Human Resources keeps a list of the faculty salaries of all administrators.

The administrative salary is not an augmentation, Professor Bearinger asked? It is not, Vice President Brown said, it is an administrative salary (except for the deans in the Academic Health Center, where it has always been considered an augmentation to the faculty salary).

What about people who serve in interim appointments, Professor Ratliff-Crain asked? Vice President Brown said a severance benefit or leave/sabbatical would apply in the case of someone serving on an interim basis. Someone could be in an interim position for several years, Professor Ratliff-Crain pointed out; Vice President Brown said her point is that an interim would not automatically be eligible but she said the president could ask the chair and vice chair of the Board or Regents to apply the policy to someone who had served a long period as an interim.

Professor Pacala asked if the sabbatical provided in the policy would be different from a regular faculty sabbatical. Ms. Wilhelmson said the sabbatical would be the same, 50% salary for a year. The eligibility is different in that someone has held a faculty position but not been doing the work of that position—the difference is the extension of the sabbatical to someone who has not been acting as a faculty member. At the conclusion of the leave/sabbatical, is the person required to return to serve at the University or forfeit the compensation, Professor Pacala asked? They are not, Ms. Wilhelmson said. That is different, Professor Pacala observed; a faculty member must return for a certain period of time or must repay the sabbatical/leave salary and fringe benefit costs. Vice President Brown said she would take the point to the President's Policy Committee for consideration.

Following up on Professor Kohlstedt's earlier question regarding protection for the individual, Professor Bearinger asked about ending a senior leader appointment because of poor performance. Vice President Brown pointed out that all senior administrators serve at the pleasure of the president (or, in the case of deans, at the pleasure of the provost). When one serves "at the pleasure" of an appointing authority, one is an "at will" employee and the president or provost can let someone go for any reason that is not discriminatory. (And if someone believes they have been removed for illegal reasons, alternatives exist for an individual to seek relief.)

Professor Bearinger noted that this Committee has discussed decanal reviews and whether they are evaluative. If they are, and the provost says a dean will not continue, this policy suggests that no matter the reason for the non-renewal, the person still receives benefits. Vice President Brown observed that the person MAY receive the benefits; they are not required by the policy and it would be up to the provost (in the case of a dean) to decide if the person would receive a severance benefit or a leave/sabbatical.

Professor Kohlstedt thanked Vice President Brown and Ms. Wilhelmson for joining the Committee.

3. Resolutions on the Voter ID Constitutional Amendment

Professor Kohlstedt drew the attention of Committee members to two resolutions concerning the Voter ID constitutional amendments on the ballot in November, both of which will likely be introduced as New Business at the University Senate meeting later in the day. One, from the Student Senate, asks that if the amendment passes, steps be taken to permit University ID cards to be acceptable for voting purposes. The other, from the Committee on Equity, Access, and Diversity, opposes the amendment.

Professor Ratliff-Crain suggested that the Student Senate resolution is premature; it is hypothetical. Other Committee members concurred.

Professor Pacala asked if the Senate should be telling people how to vote. Professor Cramer said he thought there was even a better case for the Senate speaking on the Voter ID amendment than on the marriage amendment because students are among the groups that will be most affected by the amendment. Professor Pacala concurred.

The Committee voted unanimously to endorse the resolution from the Equity, Access, and Diversity Committee.

4. Committee Business

Professor Pacala reported that he would circulate a revised version of the recommendations on decanal reviews in the near future.

Professor Kohlstedt recalled that there had been discussion during the summer about meeting with newly-tenured associate professors, who might benefit from an open discussion with their peers and the FCC about governance and other matters. Comments in the *Chronicle* suggest that having achieved tenure, some recently tenured faculty members feel a sense of malaise. There is also concern among senior faculty who believe that with tenure comes some obligation to take on new responsibilities and the issue of changing expectations could also be addressed. The Committee agreed to host a discussion with newly-tenured (including those tenured in the past three or so years) associate professors.

Professor Bearinger asked that the Committee take time to consider the questions that are raised when it has an off-the-record discussion with a senior officer. The discussions would be more valuable if the Committee then had time to reflect on them. The Committee agreed, and concurred with Professor Durfee that in general discussions should not be taken off the record.

Professor Kohlstedt adjourned the meeting at 1:45.

-- Gary Engstrand