

Minutes*

**Academic Freedom and Tenure Committee
Friday, January 31, 2014
10:00 – 12:00
238A Morrill Hall**

Present: Carl Flink, Karen Miksch (co-chairs), David Born, Phil Buhlmann, Arlene Carney, Michael Ceballos, William Craig, Barbara Elliott, Teresa Kimberley, Gary Peter, Scott Petty, Paula Rabinowitz, Nicole Scott, Nathan Shippee

Absent: Jerry Cohen

Guests: none

[In these minutes: (1) introductions and announcements; (2) review of 7.12 statements; (3) statement on handling of promotion and tenure materials; (4) tenure policy table of contents; (5) annual promotion and tenure report]

1. Introductions & Announcements

Professor Miksch convened the meeting at 10:10 and began by welcoming Professor Michael Ceballos from Morris, who is replacing Professor Larson while she is on sabbatical.

Vice Provost Carney announced that she is stepping down as Vice Provost for Faculty and Academic Affairs at the end of the current academic year and will be returning to the faculty.

2. Review of 7.12 Statements

Vice Provost Carney began by recalling that the tenure policy has been explicit for the last 30 years that each department must have a 7.12 statement. When she became vice provost in 2005, the status of the 7.12 statements varied widely; it was clear that some of them had not been reviewed in 20 years or more and were badly outdated. Meantime, the faculty culture task force (part of strategic positioning in the mid-2000s) call for increased standards for faculty appointments and tenure.

[Sections 7.11 and 7.12 and associated footnotes of the Regents' tenure policy read as follows, between the * * *:

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Section 7. Personnel Decisions Concerning Probationary Faculty.

7.1 Criteria For Decisions.

* 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.

7.11 General Criteria. What the University of Minnesota seeks above all in its faculty members is intellectual distinction and academic integrity. The basis for awarding indefinite tenure to the candidates possessing these qualities is the determination that each has established and is likely to continue to develop a distinguished record of academic achievement that is the foundation for a national or international reputation or both [FN2]. This determination is reached through a qualitative evaluation of the candidate's record of scholarly research or other creative work, teaching, and service [FN3].

The relative importance of these criteria may vary in different academic units, but each of the criteria must be considered in every decision [FN4]. Demonstrated scholarly or other creative achievement and teaching effectiveness must be given primary emphasis; service alone cannot qualify the candidate for tenure.

Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, technology transfer, and other special kinds of professional activity by the candidate should be considered when applicable. The awarding of indefinite tenure presupposes that the candidate's record shows strong promise of his or her achieving promotion to professor.

7.12 Departmental Statement. [FN5] Each department or equivalent academic unit must have a document that specifies (1) the indices and standards that will be used to determine whether candidates meet the threshold criteria of subsection 7.11 ("General Criteria" for the awarding of indefinite tenure); (2) the indices and standards that will be used to determine whether candidates meet the threshold criteria of subsection 9.2 ("Criteria for Promotion to Professor"); and (3) the goals and expectations to be used in evaluating faculty members' performance under subsection 7a ("Review of the Performance of Faculty Members"). The document must contain the text and footnotes of subsections 7.11 and 9.2, and must be consistent with the criteria given there but may exceed them. Each departmental statement must be approved by a faculty vote (including both tenured and probationary members), the dean, and other appropriate academic administrators, including the senior vice president for academic affairs and provost. The chair or head of each academic unit must provide each probationary faculty member with a copy of the Departmental Statement at the beginning of the probationary service. [INTERP 3]

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[FN 2] "Academic achievement" includes teaching as well as scholarly research and other creative work. The definition and relative weight of the factors may vary with the mission of the individual campus.

[FN 3] The persons responsible and the process for making this determination are described in subsections 7.3 through 7.6.

"Scholarly research" must include significant publications and, as appropriate, the development and dissemination by other means of new knowledge, technology, or scientific procedures resulting in innovative products, practices, and ideas of significance and value to society.

"Other creative work" refers to all forms of creative production across a wide range of disciplines,

including, but not limited to, visual and performing arts, design, architecture of structures and environments, writing, media, and other modes of expression.

"Teaching" is not limited to classroom instruction. It includes extension and outreach education, and other forms of communicating knowledge to both registered University students and persons in the extended community, as well as supervising, mentoring, and advising students.

"Service" may be professional or institutional. Professional service, based on one's academic expertise, is that provided to the profession, to the University, or to the local, state, national, or international community. Institutional service may be administrative, committee, and related contributions to one's department or college, or the University. All faculty members are expected to engage in service activities, but only modest institutional service should be expected of probationary faculty.

[FN 4] Indefinite tenure may be granted at any time the candidate has satisfied the requirements. A probationary appointment must be terminated when the appointee fails to satisfy the criteria in the last year of probationary service and may be terminated earlier if the appointee is not making satisfactory progress within that period toward meeting the criteria.

[FN 5] "Departmental" refers to an academic department or its equivalent, such as division, institute, or Unit.

3. Interpretation of Subsection 7.12: Review of Departmental Statements.

The faculty of an academic unit are expected to periodically review their criteria for awarding indefinite tenure and for promotion in rank and reflect any new criteria in a revision of their subsection 7.12 Statement. The new criteria and subsection 7.12 Statement must be adopted in accordance the established procedures of the University, after consultation as required by those procedures. Current probationary faculty in the unit may elect to be evaluated on the criteria for tenure and promotion in the previous subsection 7.12 Statement or on the new criteria. This option is also available to current tenured faculty in their evaluation for promotion to the next level. Probationary or tenured faculty must make this decision within one year of the date of administrative approval of the new criteria.]

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Since the most recent significant revisions to the tenure policy in 2007, it has been a long process to revise all the 7.12 statements, but the result of the process has been increased standards and criteria for tenure, Dr. Carney said. For example, earlier someone was required to have the potential for a national or international reputation; now a candidate must have done work to that demonstrates such a reputation before tenure may be granted. Moreover, faculty are given tenure only with the expectation that they will be promoted to (full) professor.

The changes in the tenure policy in 2007 caused the changes in the 7.12 statements, Dr. Carney observed, but section 7.11 was not changed. Once the faculty culture task force recommended changing the standards, this Committee concurred and the Faculty Senate voted unanimously to support increasing them. At the same time, she and this Committee worked together at length to expand the Procedures

document to provide clarifications and answer questions. [That document, the current version, is at http://policy.umn.edu/Policies/hr/Contracts/TENURE_PROC01.html] One dramatic change was that each department was required to put its procedures on post-tenure review into its 7.12 statement; prior to that, the department procedures tended to be free-floating statements of goals and expectations and procedures that were sometimes vague and often lost. What made the process of re-doing the 7.12 statements so arduous was ensuring that the post-tenure review elements of the 7.12 statements aligned with the provisions of the tenure policy.

Vice Provost Carney said that the University of Minnesota was one of the first institutions to include in its tenure-policy language (in the case here, sections 7.11 and 9.2 of the tenure policy) language about recognizing interdisciplinarity, international relations, technology transfer, diversity, and public engagement—that also was a significant change and not many institutions have similar language.

She continues to review and approve 7.12 statements, Dr. Carney related, because departments are continuing to change them. She has seen interdisciplinarity filter into the 7.12 statements, and post-tenure review, and has also seen more language about public engagement, international relations, and other criteria. She said that she could report on interdisciplinarity and post-tenure review today and would report on the others later. She reported that she has a student doing a text analysis of all the 7.12 statements and will return to the Committee with analyses.

Dr. Craig said that in his unit, the Center for Urban and Regional Affairs, they encourage public engagement activities and would be interested in knowing how these provisions play out in 7.12 statements. He asked if service was added in 2007 as well. Dr. Carney said it was not; in 2001 it was defined as disciplinary service, but it was changed in 2007 so that it can include University, department, disciplinary, community, and other service. The earlier language seemed to suggest that University service could not count. Professor Miksch recalled that the Committee in 2007 approved broader definitions in several places to encourage departments to use broader criteria.

Dr. Carney said that as she reads the dossiers each year, the number of files for interdisciplinary scholars has increased significantly since 2005 (when she took her current position). Generally the language about interdisciplinarity looks to the college mission statement and how interdisciplinarity can count in teaching and research (it does not come into play very much in service). Some of the colleges do not include interdisciplinarity in their mission statements, and in some cases departments within a college may even though their college does not. Teaching has less focus on interdisciplinarity; some 7.12 statements mention various ways it might be considered, such as teaching interdisciplinary courses or serving as advisers to students in interdisciplinary programs, and in many cases interdisciplinarity is valued but not required.

In contrast, promotion criteria in 7.12 statements for research include a lot about interdisciplinarity, Dr. Carney said. The language is explicit and widespread about the value of interdisciplinary research, publishing in interdisciplinary journals, and seeking external peer review from faculty across the disciplines. In a number of departments, the language provides that if one does interdisciplinary or inter-professional research, with articles with many authors listed, the individual must demonstrate that he or she contributed work (and may not simply rely on being first or last author).

Professor Miksch said it appears that interdisciplinarity shows up most in the language about research; does any department require it or do they just say they value it and it will be recognized? Dr.

Carney said that one college required it in its initial draft of a 7.12 statement, so she asked if they would deny tenure to someone who did not have it as part of their dossier; the response was it is **very** important and but would not be required. She said she worries when a college says "must" (e.g., if a college requires external funding, it cannot grant tenure to someone who does not have it).

What she is seeing, Dr. Carney said, is that when she first started in her position, most 7.12 statements provided that candidates for tenure and promotion had to have firm grounding in the discipline, after which interdisciplinarity would be recognized. She is not seeing that as much now because so many younger candidates are being trained as interdisciplinary scholars; more recent language in 7.12 statements is more expansive, and becoming so as departments revise their statements. This is a big issue: does the department value interdisciplinary research? In policy, it might; what is important is practice, when it comes to making tenure decisions.

With respect to post-tenure review, earlier statements had more ambiguous goals and expectations because not everyone understood what they meant, Dr. Carney said. They are clearer now with the revised Procedures, which include an entire section on post-tenure review and a long description of goals and expectations. Earlier terms in 7.12 statements were broad; the question was how one evaluates a "good scholar." Now the criteria are more specific, and while some departments did not like the increased specificity, there has been a sea change since the new Procedures were adopted. Departments are now more specific, and she cites the 7.12 statement of the Department of Design, Housing, and Apparel as a model. This specificity helps protect the faculty, Dr. Carney pointed out. She is seeing revisions of 7.12 statements that define what it means to be a productive scholar and what one must do to retain tenure—the bar is set by the faculty and it varies by field.

The increased specificity makes it easier to screen performance, Dr. Carney said. Those responsible in a department can look at a Faculty Activity Report and determine if the person is meeting expectations; if so, then they can go to a decision about merit salary increases. Most faculty members will exceed the bar by far. In some cases, a department will raise a question about someone who is not teaching or doing research; she tells them that if the person has been receiving merit salary increases, there is not a lot they can do (because the merit increases signal performance worthy of such an increase). The recent changes in the Procedures and departmental standards does not solve long-term problems within departments but it does provide a gentle nudge to those who may be getting close to the bar setting minimum standards.

Professor Rabinowitz said that another reason for the vagueness of the criteria was that they were written immediately after the "tenure wars" of the mid-1990s, and no one wanted to write language that would allow the Board of Regents to fire faculty members. She observed that Dr. Carney, however, is making the case that more explicit language actually protects the faculty.

In terms of merit, Professor Rabinowitz continued, the faculty have had no cost-of-living increases and really have had no merit increases of any significance. The minimal or zero salary increases start to get into tenure: the tenure policy provides that a faculty member's salary may not be reduced, but salaries go down over the years if they do not go up (because of inflation). When the only increases are merit, they are not really merit if a department does not want to leave colleagues who are doing their jobs behind, so they find something to give an individual credit for in order to provide a salary increase.

Dr. Carney said that merit increases are expected to go to people who perform above the bar. If increases are provided to people who are not performing, a department is taking money away from others who are. That may be, based on her perception of performance, Professor Rabinowitz responded, but it may not be how the department assess the performance of Professor X, who may be providing valuable service and teaching. That is why it is incumbent on departments to identify what they value, Dr. Carney said. Many activities are similar across departments but some are different. The sections on post-tenure review are now more explicit and departments have told her that the process is easier as a result—and some learned that they were *under* -valuing some faculty members. Some departments, having seen the advantages of more explicit 7.12 statements, are thinking about changing theirs to improve them.

What is also unique about the University of Minnesota, Dr. Carney said, is the transparency of the post-tenure review process and what it means. So it is not easy to get to the point that someone is truly penalized, although they may have to do a Performance Improvement Plan.

Professor Flink said that there has been considerable dialogue among CLA faculty about the lack of active and policy support for interdisciplinarity and transdisciplinary research. This is not to say that supportive language for this kind of research does not exist within the tenure policy. This is a prime reason why the Institute for Advanced Studies continues to be valued among many faculty with interdisciplinary practices and research, because it is one of the few places they feel that have an active and supportive home for the work they conduct. These concerns, however, are not under Dr. Carney's purview, he observed.

As for the process of assessment, Professor Flink said that everyone wants to be careful about assessment but the process at the University can be very slow. Often a review process could span 2 three year terms for a department chair without resolution. This appears to be a burdensome structure and no one feels there has been significant change. Professor Rabinowitz said she was referring to the long period of no or minimal salary increases, and assessment requires a lot of work "for \$12.25 (or some such minimal amount) more in a paycheck." The longer one is at the University, the less likely one is to catch up. If the salary increases are all merit-based, a department has to be fairly brutal to say someone gets no increase if he or she did something. A few people do not do even minimal things, Dr. Carney said, and if someone is doing no teaching and no scholarship, there could be a Memorandum of Understanding about what obligations they will have. So such a person could receive a merit increase, Professor Rabinowitz concluded. They could, Dr. Carney said, and she was alluding to the very rare and extreme case of someone doing very little. Professor Rabinowitz said she understood and was talking about the inherent contradiction of merit review for pay raises and departmental efforts to deal with salary equity, and so one. If someone is here long enough, they may find their salary is eroded.

Professor Shippee said there may be a latent understanding that a merit increase equals a general raise, a catchall because there have been no cost-of-living increases. So there could be different understandings of what merit means. Have there been discussions to tease these apart, inasmuch as there are no cost-of-living increases? Professor Flink reported that CLA chairs have talked about it: it is an inordinate burden to do merit reviews in order to provide a \$500 raise. But the University administration does not want to set the precedent of waiving evaluations solely on merit. Perhaps the Committee should discuss this subject: is no cost-of-living increase an implicit salary cut?

Dr. Carney said she did not see that issue as intersecting with the tenure policy; it is faculty compensation per se. In general, the only faculty members who receive a cost-of-living increase and little

or no merit component are those who are unionized, and then everyone receives the same, even if one is a superstar. That situation can lead to resentment and mean that some people can be recruited away. This is a problem that plagues Research I universities with unionized faculty, which arises when there is little money for compensation. There is a downside no matter what system is used but it is an interesting dialogue.

Professor Shippee said that if everyone receives a cost-of-living increase, the performance bar would have to be very high or the amount would have to be very low.

Mr. Petty said that he represents a constituency [graduate assistants] that receives only cost-of-living increases, no merit, and some *are* in poverty. He said that it is not likely that any tenured faculty member lives in poverty. Professor Rabinowitz agreed.

3. Statement on Handling Promotion and Tenure Materials

Professor Miksch next raised the question of whether the Committee should consider a statement or addition to the Procedures document about how promotion-and-tenure materials should be handled (because, for example, she has been told that there have been cases where undergraduate student workers were doing copying and otherwise handling the dossiers). It does not sound right that a student worker should have access to a faculty personnel file.

Dr. Carney said that her office is very explicit about this; at the department level, sometimes people lose track of the rule that only regular University employees may handle personnel files. That needs to be broadcast every year to all departments, Professor Rabinowitz suggested. Dr. Carney said her office already sends out information to every college and campus and they could include a reminder about handling files, and she could also include it in messages to chairs as well as in the chairs' handbook that is being developed.

Professor Ceballos asked how specific the rules are on handling files. Someone prepares his or her portfolio and someone else rearranges it. Is there anything to prevent that from happening? The order of the materials does not matter, Dr. Carney said, especially in the digital world, where people can look at the material in any order they wish. It is no longer the case that people deal with paper documents that go from place to place. There should be no way for people to manipulate documents to someone's disadvantage.

Professor Miksch pointed out that a candidate can review the dossier and comment on any rearrangements; he or she can review it all through the process. If there is a problem, the candidate should talk with Vice Provost Carney. It is clear from the tenure policy and the Procedures that the candidate is involved in compiling the dossier. The point at this meeting is that only University employees may see it.

Dr. Carney said the files are *absolutely* private and it is inappropriate for students to see them. Others may (administrators, faculty in the department, the Senate Judicial Committee, etc.). Professor Flink said there may be general confusion around the question; the general public, for instance, cannot request personnel files. Professor Miksch agreed; under the Minnesota Government Data Practices Act, the candidate sees the file and others see it on a need-to-know basis. The only time it would be available to the public is if it becomes part of the record in a court case. The public cannot receive personnel files.

She suggested that information needs to be provided to the chairs as well as the chairs of college promotion-and-tenure committees. Professor Born said that all faculty members need to know this as well, so the information should be broadcast widely.

Professor Flink asked how far in the department one can go to permit dossier handling. Dr. Carney said any regular University employee can be given the responsibility, but not student workers. She said she was reluctant to issue a "who can handle the files" message because departments vary so widely in their operations. She also noted that a candidate may make his or her file public, but no one else.

Professor Miksch suggested an annual reminder to departments that the files are not public. Professor Flink added that it could include guidance on appropriate practice when the files are entirely electronic (e.g., not leaving them open on an unattended laptop). Professor Rabinowitz said that people coming up for tenure or review also have some responsibility to see that their department is handling the files appropriately.

4. Tenure Policy Table of Contents

The Committee voted unanimously to recommend to the Board of Regents' office that it add a table of contents to the beginning of the tenure policy (consisting of the section and subsection headings).

5. Annual Promotion and Tenure Report

Professor Miksch turned to Vice Provost Carney for the annual report to the Board of Regents on promotion and tenure.

Vice Provost Carney reported that she and Provost Hanson make a report every May to the Board of Regents on promotion and tenure results for the year. She distributed a set of handouts and noted the explanatory language about promotion and tenure and then turned to the data for 2012-13. Systemwide there were 154 Regular Faculty (as defined by the Regents' tenure policy) recommended for promotion and/or tenure. Of those:

88	were approved for promotion from Assistant Professor to Associate Professor with tenure
1	Assistant Professor was recommended for non-reappointment
7	were approved for Associate Professors without tenure to Associate Professors with tenure
58	were approved for Associate Professor with tenure to Professor with tenure
154	total

Dr. Carney observed that the last category is growing each year, which is positive, because it indicates faculty members are not staying in the Associate Professor rank but are instead achieving promotion.

Dr. Carney also reviewed the data with respect to gender (87 were men and 67 were women); last year the numbers of men and women were about the same while this year there were more men. The numbers fluctuate from year to year. In terms of the composition of the faculty over all, University-wide (except for Duluth non-health sciences), 66% of tenured and tenure-track faculty are men and 34% are women; of the 2012-13 cohort, 56% were men and 44% were women. With respect to race/ethnicity:

White, non-Hispanic	62 men	47 women
African American	2	3
Asian/Pacific Islander	19	11
American Indian	1	2
Hispanic	3	4
Total	87	67

With respect to overall totals, 81% of the tenured and tenure-track faculty are white/non-Hispanic and 19% are faculty of color; in the 2012-13 cohort, 71% were white/non-Hispanic and 29% were faculty of color.

There were 33 contract faculty members recommended for promotion systemwide, 21 from assistant to associate professor and 12 from associate professor to professor.

Dr. Carney next explained that they talk with the Board of "Rate of Tenure Success," because when only 1 of 88 faculty members is denied promotion to associate professor with tenure, it appears that virtually everyone achieves tenure. That is not correct, however, and to determine the actual rate of success she analyzes what happens with entering cohorts of assistant professors in a given year after 7 years have elapsed. There are four possible outcomes for members of each cohort:

- achieved tenure and are still at the University
- received tenure and left the University
- left the University without tenure
- are still at the University on the tenure clock.

The number in the last category has been growing because more assistant professors are extending the probationary period (as permitted by section 5.5 of the tenure policy)—which is good because it means faculty members are making effective use of the policy—and because the Medical School and the Carlson School have longer probationary periods. Dr. Carney said that in the future her office will have to take a look at the 7- and 8-year tenure success rates, but she commented that very few faculty members who extend the probationary period end up being terminated.

The tenure success rate includes the percent of tenure-track faculty members who achieved tenure and stayed at the University plus the percent of tenure-track faculty members who achieved tenure but who left the University. Dr. Carney explained that she uses three-year rolling averages, to smooth out bumps in the data, and that for the three-year periods 2001-03, 2002-04, and 2003-05 (the most recent period), the tenure success rates were 57.6%, 58.9%, and 65.8%. She made a few observations about the data. It appears that men achieve tenure at a higher rate than women or faculty of color, but that isn't the case because the latter two groups make more use of their ability to extend the probationary period. It is also the case that most faculty members who are denied tenure are men, not women, contrary to urban legend. With respect specifically to women, the category of "still employed after 7 years and non-tenured" is larger for women and has been increasing because more women opt to extend the probationary period for childbirth/adoption/caregiving and because there are more women in the Carlson School and Medical School with longer probationary periods. Dr. Carney reviewed the data for the tenure success rate of women faculty; they demonstrate both that the tenure success rate for women is increasing

significantly and that the percent of women faculty who remain on the tenure clock after 7 years is about 20%, which is a significant number.

Professor Miksch thanked Dr. Carney for the report and adjourned the meeting at 12:00.

-- Gary Engstrand

University of Minnesota