

**Academic Freedom and Tenure Committee
Meeting Minutes*
Friday, April 18, 2014
10:00 – 12:00
238A Morrill Hall**

* 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.

Present: Carl Flink, Karen Miksch (co-chairs), David Born, Phil Buhlmann, Arlene Carney, Jerry Cohen, William Craig, Teresa Kimberley, Gary Peter, Scott Petty, Paula Rabinowitz, Nicole Scott

Absent: Michael Ceballos, Barbara Elliott, Nathan Shippee

Guests: None

[In these minutes: Section 10 -Action; Section 12 Discussion; Student Rating of Teaching policy changes discussion]

Section 10 for Action

Professor Miksch convened the meeting and asked for introductions. She directed members to a draft of the Procedures: Unrequested Leaves of Absence for Disabled Faculty Members. The purpose of the procedures is to make it clear that, as a University community, the difference is recognized between an unrequested leave of absence (LOA) if you are a disabled faculty member as opposed to being charged with a felony. She then explained in detail:

- If a faculty member is registered with Disabilities Services (DS), they can request a LOA through DS or they could go through traditional procedures that also apply to non-disabled faculty.
- It was previously discussed to clarify in the Preamble that there is concern for students to have teachers that are performing.
- Section 14.1 defines that the disability cannot be recognized unless the faculty member is registered with DS.
- Professor Miksch read aloud the portion of the changes that have been proposed as follows:

The purpose of these procedures is to recognize, as does the AAUP, the significant talents of an important group of faculty members at the same time providing due process and transparency for disabled faculty members and unit heads and deans in the event there is an unrequested leave of absence. At the same time, the interests of the students must be

protected. The procedures draw from the best practices outlined in the 2012 AAUP report.

- She explained that the changes in procedure, once approved by the committee, will go back to the Provost's Office, and then to the Faculty Senate for information. The Office of the General Council also reviewed them and did not recommend any changes.
- Members decided to remove the following sentence: At the same time, the interests of the students must be protected. Some members felt that it is not only for the concern of the student, but the entire University community.
- Vice Provost Carney emphasized the importance of the clarification that faculty must be registered with DS for the disability to be recognized. A faculty member cannot be told to register with DS, but for example, the information can be presented at a department meeting.
- Professor Flink, as a department chair, explained that they can discuss the performance issues and that can lead to a discussion of services offered. It is an opportunity for education with an overall goal of improving performance.
- Members unanimously approved the draft with the amended paragraph as follows:
The purpose of these procedures is to recognize, as does the AAUP, the significant talents of an important group of faculty members at the same time providing due process and transparency for disabled faculty members and unit heads and deans in the event there is an unrequested leave of absence. The procedures draw from the best practices outlined in the 2012 AAUP report.

Section 12 Draft Procedures Discussion

Professor Miksch distributed a handout of the draft of Clarification of Procedures Section 12. She explained that Section 12 deals with procedures related to programmatic change and Professors Kimberley and Elliot authored the drafted procedures from a draft originally put forth by Vice Provost Carney and has presented for review. If the committee approves them, they will then go to the Provost and continue the discussion of what programmatic change means. She outlined the issues with the procedures:

- When a person is still probationary, or pre-tenure, the procedures need to be clarified to demonstrate that there are options other than retraining available to a person faced with programmatic change. It should be clearly stated that retraining is not mandatory and there is not a series of steps that must be taken to achieve the desired result, whether it is reassignment or something else.
- The Provost said in a previous discussion that it did not seem necessary to open tenure regulations for full senate and regent vote at this time. Every time this is done the date is changed and everyone must resubmit which code they are following. This could be changed procedurally without opening the code.

Members then discussed the draft of the procedures:

- Vice Provost Carney noted that the procedures do not change what is actually in Section 12. It is not likely that someone early in their career will want extensive retraining.
- It was clarified that the term "retrain" is used in the code, though it is further education.

Professor Kimberley explained that whether a faculty member is probationary or tenured, their rights in the case of a programmatic change are the same. This issue has not been addressed because that would involve changing the code. Some have perceived that the procedures imply that there is an order of tasks that the faculty member must complete, the first of which is retraining. As a brand new faculty member, you would not want to retrain. The drafted procedures restate that it would be more efficient, if at the initial onset, you could choose the course of action from several options. Professor Kimberley read the following excerpt from the draft:

The purpose of this Section is to outline the procedures that guarantee employment to all tenured faculty members, given the terms of their employment does define this guarantee. In the case of probationary regular faculty (ie, tenure-track), the terms of their employment do not guarantee indefinite employment, therefore the range of options may differ from that offered to a faculty member that has achieved tenure.

- Members expressed disagreement with the phrase “the range of options may differ” because the tenure code does not say that they differ.
- Members disagreed about whether or not the code is read as a list of options that must be completed in order.

Professor Miksch posed the following question to Professor Born, chair, Senate Judicial Committee: If there is major programmatic change and an individual is reassigned but refuses the position, does the code allow for this refusal? Professor Born agreed that in his interpretation, the code allows for the refusal of a position.

Professor Flink reiterated that this was drafted to ensure that a faculty member can understand what their options are. He emphasized that this is an attempt at clarification, not a change in the code. Vice Provost Carney cautioned that if they attempt to clarify they could create an opportunity for procedural error.

Professor Miksch explained that the draft contains information that was in a memo written by Provost Sullivan. The language was incorporated to make this more stable than just a memo. Vice Provost Carney explained that the memo still exists and was in response to Wave I to explain that the faculty group of the General College was not dissolved. The memo is the only area that addresses the individual.

Members then discussed issues related to defining programmatic change:

- Professor Born said that the Judicial Committee has had to address what constitutes programmatic change. He believes this definition needs to be clarified and the focus should be on what is happening to faculty members.
- Professor Miksch added that there is a need to clarify between the individual wanting to move and programmatic change. In her opinion, in discussion with the Provost and OGC, there was agreement that a merger of two units was major programmatic change.

It was suggested that a memo be drafted that provides a list of examples of programmatic change or an FAQ section, but members felt this could lead to nonacceptance of instances that are not listed as an example.

Professor Miksch noted that according to Section 12, programmatic change requires consultation, and in the event that it leads to discontinuation it is addressed by the code. Professor Born commented that it can only be considered discontinuation if the Board of Regents votes that is discontinued.

Professor Miksch added that clarifying the procedures would provide faculty members a more stable defense than a memo. This is why she believes they should continue to try to include them as procedures.

It was suggested that they send the provost a list of questions and a request to reexamine the memo because it is used to address the needs of individuals, but members did not fully agree with this course of action.

Members agreed to discuss this further at the May 2nd meeting, read the memo again, read the related minutes, and see how other institutions are interpreting this issue. The definition of programmatic change was identified as the underlying issue.

Student Rating of Teaching Changes Impact on Tenure Discussion

Professor Flink introduced the topic of Course Evaluations being released to the public. Before the meeting, the following resources regarding this topic were distributed to members:

- Minnesota Daily article: Course evaluation could go public:
<http://www.mndaily.com/news/campus/2014/04/15/course-evaluation-could-go-public>
- Star Tribune article: Course Ratings, long secret, may go public at University of Minnesota: <http://www.startribune.com/local/255110201.html>
- Vice Provost Carney distributed a handout titled “Overview of the Proposed changes to the Student Rating of Teaching.”

Vice Provost Carney explained that the changes have been reviewed and supported by the FCC, SCEP, and the Student Senate. She pointed out that the decision has been made to remove the question “What could you have done to be a better learner?” It often received personal or inappropriate responses. The SRT is where most information about teaching is compiled, as many faculty members do not have peer reviews conducted. She explained the changes in detail:

- Two sets of questions were approved, the first five will be used for P and T, and questions 6-11 will be posted on OneStop and relate only to the course, not the instructor.
- The open-ended questions are only for the faculty and are not released.

Professor Rabinowitz said that if the SRT were severed from promotion and merit pay consideration, it would not be an issue for them to be released. She believes that for promotion, peer-reviewed observations should be considered.

Professor Flink said that though these changes were brought before the Faculty Consultative Committee, the Senate Committee on Faculty Affairs, and the Senate Committee on Educational Policy, he believes future discussions on SRT should involve AF & T. He emphasized that this issue falls directly within the charge of this committee. He is concerned that this could lead to courses being designed to cater to student preferences and could have an effect on exploratory curriculum, transparency doing a disservice to them. He understands the desire for information, but asked what kind of information will lead to good decision-making?

Mr. Petty said that he would use his SRT when looking for employment. He added that the Economics Department chooses not to list instructors on OneStop until the week of course registration.

Professor Cohen reiterated his support for maximum transparency and emphasized that it is valuable.

Professor Kimberley commented that ‘groupthink’ mentality exists and an individual may not be as independent in their evaluation of an instructor if they enter with a bias from that instructor’s previous ratings.

Professor Miksch closed the discussion and added that there is no need for a resolution at this time, though it can be revisited again if necessary.

Jeannine Rich
University of Minnesota