

Academic Freedom and Tenure Committee
Meeting Minutes*
Friday, May 2, 2014
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, Michael Ceballos, Jerry Cohen, William Craig, Teresa Kimberley, Gary Peter, Scott Petty, Paula Rabinowitz, Nicole Scott, Nathan Shippee

Absent: Barbara Elliott

Guests: None

[In these minutes: (1) Going up early for tenure discussion; (2) Programmatic change discussion; (3) Student Rating of Teaching policy changes discussion]

1. Going Up Early for Tenure Discussion

Professor Miksch called the meeting to order and asked for introductions. Professor Shippee then provided background for the issue of going up early for tenure. He noted that this issue probably does not affect a large number of people, however from conversations with his colleagues, it has been raised that members of tenure committees will vote with a higher expectation for those seeking tenure before the end of their probationary period.

VP Carney explained that there are three options if you go up early: (1) you are promoted and tenured, (2) continue in rank, or (3) you are denied tenure. Minnesota compares favorably to other CIC institutions, where most do not offer the option that you can continue in rank. There are many rumors that have resulted in the perception that more documentation is required. The University has multiple layers of review, the files are read for irregularities and then feedback is provided. She emphasized that tenure decisions are criterion-referenced and tenure decisions should not be based on higher expectations for those that meet the standards early. Every year approximately 1-7 people go up early; they often had experience elsewhere or were postdoctoral students with extensive teaching experience. She believes faculty have the responsibility to dispel these incorrect perceptions, it is not the sole responsibility of the department chair. Professor Flink added that he agrees with the need for self-policing.

Professor Shippee said that there are two issues: (1) tenured professors voting outside of policy and (2) the perception of assistant professors. As an assistant professor there are mixed messages: Going up for tenure before the probationary period is over ("going up early"), or deciding not to use the extension once you've signed up for it (also potentially seen as "going up

early") are described by administration as clear and open choices which do not change the overall cumulative set of requirements for tenure-- it is just about the timing. However, there are rumors/perceptions that individual senior faculty may expect more than the required amount from an assistant professor who takes either of these "early" options, and may vote accordingly. These rumors/perceptions may give assistant professors pause when deciding whether to extend the probationary period, "go up early," etc.

Professor Miksch suggested that they clarify this issue through a message that is sent to assistant professors and include the notion that it is against policy to vote with consideration outside of the criteria.

Professor Cohen added that colleagues will vote the way that they feel, whether it is wrong or not, but a change in the culture is needed. He believes the process in place is good, but there is a disparity between the perceptions of departments.

VP Carney added that this is why the Provost has the right to overturn departments. It is an easy overturn if the judgement is made outside of the 7.12 statements. The Provost's Office will then send a letter to the department and provide guidance for next steps. There is a fairness issue, and it is unfortunate that it has to be resolved at the level of the provost.

Professor Shippee noted that there are clear expectations, but in his continuation documents there are comments that are incorrect and/or irrelevant. A counter statement can be added at the level of the dean. VP Carney added that annual reviews are not consistently completed across the University.

Professor Flink noted that there is a human factor that cannot be eliminated, but the many layers of review offer a check and balance. He added that there are promotion and tenure (P&T) trainings for assistant professors and associate professors. VP Carney said that there are three per year, and going up early is discussed along with issues that come up over time. Notification about the trainings is sent to all untenured professors, and she has also provided individual workshops.

Members made suggestions as to potential committee action on this issue. While some felt that there was no need for action, others felt that tenured professors need to know about this issue as part of a letter that is sent annually.

Professor Flink commented that in his department, the entire P&T committee reads the 7.12 statement in the meeting. He does not see the need for action at this time. He did suggest, however that the language of "going up early" should not be used. Whether or not the person is ready is the focus, not the timeline. It is not a comment about whether they are on an accelerated

path. There is an end to the probationary period, but whether or not the 7.12 statement criteria is met should be the focus.

In conclusion, Professor Miksch said that if they receive feedback that this is a larger issue, it could be revisited in the next academic year.

Programmatic Change Discussion

Professor Miksch distributed a handout of the August 20, 2007 memo to the Twin Cities' Deans Council from Provost Thomas Sullivan re: Policy for Faculty Moving Appointment Homes. This discussion is a continuation of the April 18th discussion on the Section 12 draft procedure changes.

She read the 12.1 section of the tenure regulations and noted that in comparison with other universities, such as Purdue and Wisconsin, the University of Minnesota regulations are the most robust. However, other institutions are more explicit in their procedures about the consultation process. Programmatic change is an area where there is often a misunderstanding, and she would like to try to bring transparency, make sure that people know their rights, and ensure that there is meaningful consultation before the answer is delivered. She believes that they could spell out that consultation needs to happen early and with time for a response. Most college constitutions have detailed voting mechanisms for programmatic change, which is misleading because this is not a binding vote. Even if the faculty of the unit vote against a proposed change, the tenure regulations nor the Regents' Policy recognize this as the final vote. The Regents' Policy is very clear that the vote is consultative and non-binding.

Members voiced their concerns regarding this issue:

- Professor Craig believes that P & A should be part of the consultation, but not the definitive vote.
- Professor Flink suggested that they are trying to say that meaningful consultation; appropriate to the level of the programmatic change should be ensured. He explained that they are not trying to be prescriptive about what and how the consultation is carried out. For example, if one person is being moved as opposed to if departments are being merged, the consultation would be different.
- Professor Miksch said that the consultation should happen before a final decision is reached. In the past, departments had the perception that the decision was made and then they were consulted after.
- Professor Kimberley said that there could be more confusion if departments are consulted and then the ultimate decision is not changed.

- Professor Cohen said that the power of consultation is being underestimated in this discussion. After the Graduate School was reorganized there was extensive consultation after the decision was made and subsequently changes have been made. The decisions can be influenced and it is an important power. Professor Miksch added that she does not want to diminish the idea of consultation, but there is a false sense of having the ability to veto a programmatic change decision.
- VP Carney said that the reason the memo was written was to address the need in 2007 because individual people had the desire to move after the programmatic change occurred. They wanted to develop a consistent process, but it does not address programmatic change, it is more for the individual.
- Professor Born commented that it could be helpful to articulate the purpose of consultation and why it is important. In his opinion, the purpose of consultation is to present and clarify the situational factors that are contributing to a pending change, and further to solicit ideas about alternative actions that might be taken by way of change. In regard to the voting issue, there is a misperception about the vote and that should be clarified. The Judicial Committee has been faced with the issue of at what level does a programmatic change occur? For example, a dean or department chair deciding not to admit graduate students: is this programmatic change or an administrative decision? There are department heads that make decisions without consultation and that can have negative consequences.

Professor Shippee noted that one issue is the need to clarify programmatic change. For the purpose of tenure and appointment homes, if there are impacts on the tenure track due to a programmatic change, and what is the difference as to whether it is or is not counted as programmatic change?

- VP Carney explained that tenure regulations are essentially the key employment document for faculty. Programmatic change, as it was conceived of in the tenure regulations, is about change that impacts the employment situation of faculty and unit construction etc. We do not want the tenure regulations to guide when we add majors. When you change the structure of a department, this is something that impacts how someone is hired, and the way they are judged for tenure. This can affect contract faculty and P & As. She suggested that this could be a possible interpretation for Section 12, to clarify that programmatic change refers to structures that impact employment. She is not suggesting an explicit list of procedures.
- Professor Miksch added that some peer institutions only talk about discontinuation.

Professor Miksch suggested that the memo is updated as it continues to be needed to outline the procedures for the individual. It also stated that you are employed by a department but tenured by the University.

Professors Flink and Miksch will draft the interpretation and send before the next meeting.

The committee agreed that it should emphasize the need for meaningful consultation commensurate with the level of change, especially in cases that have an impact on employment. The interpretation will explain the purpose of consultation, but will not be prescriptive about how it is carried out.

AAUP Ex Officio Member Discussion

Professor Rabinowitz raised the notion of having the current University of Minnesota AAUP president serve as ex officio to the committee since many of the resources that the committee relies on come from the AAUP.

Professor Flink suggested and members agreed that they should invite the chapter head or a representative to a future meeting, and the committee could then assess if this would be a worthwhile position to add.

ITRAAC Update

Professor Flink updated members on the ITRAAC changes and said he will ask to meet with Provost Hanson to ascertain the status. There is urgency from some of the deans on this issue.

Student Rating of Teaching Discussion

The *Proposed Changes to the Student Rating of Teaching* were passed by the Faculty Senate on May 1, 2014, they will be voted on electronically by the Student Senate at a later date.

- Professor Rabinowitz suggested they discuss the three purposes of the SRTs. She believes that the purposes are mutually exclusive and that it creates an academic freedom issue.
- VP Carney noted that the 7.12 Statement dictates that a peer-review of teaching is completed. She believes this is a superior way of assessing aspects of teaching, however many departments do not complete them. Student evaluations should not be the sole basis, but in the absence of peer reviews they are used.

Professor Flink suggested that they return to this in the fall and monitor implementation of the changes.

VP Carney announced that this would be her last meeting with the committee. Professors Flink and Miksch, on behalf of the committee, expressed their deep gratitude for her dedication to the University and the best interests of the faculty.

Hearing no further business, Professor Miksch adjourned the meeting.

Jeannine Rich
University of Minnesota