

FACULTY CONSULTATIVE COMMITTEE

December 4, 2014

Minutes of the Meeting

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 reflect the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

[In these minutes: Student Conduct Code Update, Employee Engagement Survey Update, Role of Faculty Governance in Collegiate Constitution Development, Information Security Policy, Policy on Percentage of Non-Tenure Track Faculty in Academic Units, Next Steps Regarding the Administrative Response to the Resolution on Faculty Caregiver Support]

Present: Rebecca Ropers-Huilman (chair), Chris Uggen (vice chair), William Durfee, Eva von Dassow, Linda Bearinger, Gary Cohen, Gary Gardner, Maria Gini, Joseph Konstan, Kathleen Krichbaum, Colin Campbell, Dale Carpenter, James Cloyd, Jigna Desai, Janet Ericksen, Karen Mesce, Jean Wyman

Regrets: Susan Wick

Others attending: Allan Erbsen (Law School), Jon Steadland (Office of the President)

Guests: Brian Dahlin, chief information security officer, Office of Information Technology

1. **Call to order:** Professor Ropers-Huilman convened the meeting, welcomed those present and called for a round of introductions.

2. **Announcements:**

- As follow-up from the November 13 meeting when the committee met with Vice Provost for Student Affairs and Dean of Students Danita Brown Young and her team, reported Professor Ropers-Huilman, Vice Provost Brown Young will be convening a work group made up of people who have a stake in or responsibility for the Student Conduct Code to address the concerns raised by the Faculty Consultative Committee (FCC). Vice Provost Brown Young is scheduled to attend the March 5 FCC meeting to share what the work group proposes. Professor Ropers-Huilman said that Vice Provost Brown Young enjoyed the November 13 conversation with the FCC and was happy to see how engaged faculty were around this topic.

Professor Durfee asked if any student governance leaders would serve on the work group. Professor Ropers-Huilman said she does not know, but will follow-up on this.

- Regarding the Employee Engagement Survey discussion at the November 13 Senate Consultative Committee (SCC) meeting, Professor Ropers-Huilman reported she and Professor Konstan met with Brandon Sullivan, director, Leadership and Talent Development, following the meeting to talk about what is being done with the survey data and how it will be used. Mr. Sullivan has been invited back to meet with the committee in late February or March to continue the discussion, and specifically talk about broad institutional issues identified in the survey, e.g., race/gender differences among faculty, and also to get guidance on how best to use the survey data.

Professor Konstan added that at the SCC meeting it was clear members were interested in having the data be shared more broadly than it had been. There seemed to be cultural differences between the expectations committee members brought to the meeting and the expectations Mr. Sullivan brought to the meeting. Members took the position that the data should be shared because this is the best way to make changes in units, colleges and across the campus. Mr. Sullivan, on the other hand, came in with the view that if senior leaders are to buy into a process that will ultimately lead to developmental change, they should be given the data first before it is shared more broadly with the University community. After meeting with the SCC, Mr. Sullivan likely has a better understanding of the challenges around sharing the data and that faculty and staff will not buy into a process that is not transparent.

Professor Ropers-Huilman said that she views the survey as a tool the whole University community could use. It was clear from the meeting that Mr. Sullivan felt it was more about giving leaders feedback about their performance. She added that she and Professor Konstan informed Mr. Sullivan that there are assumptions built into the survey, which may or may not correspond to goals a unit has set for itself. As a result, they suggested adding a couple of questions that would measure how a unit is performing based on the priorities it has set for itself. Professor Konstan said Mr. Sullivan might be willing to do this if deans requested it, but it would likely be too cumbersome to go below the college level.

What are the concerns related to releasing the data, asked Professor Carpenter? Professor Ropers-Huilman said in her opinion there are two concerns 1) releasing the diversity data could hurt recruiting and 2) to the extent the survey is being used as a leadership evaluation tool, it would be a personnel matter. Professor Konstan said he gets the sense that Mr. Sullivan really wants deans, in particular, to embrace the results and make the most of the survey, but is worried if unflattering information is disseminated directly to the employees in a college it could undercut a dean's willingness to engage in the exercise by discouraging their employees from taking the survey. With that said, coming from a faculty and staff perspective, a beneficial tool will be lost if faculty and staff do not see the value in participating because the results are not shared with them.

While some of the data could be personnel related, the University is a public institution and has a responsibility to the public to make the information available, said Professor Carpenter. The University should open itself up to critique.

Professor Campbell commented that faculty are ceding authority and opportunities, and once they are gone, they are gone for good. This is a university that happens to have some necessary corporate structure, but the University is not a corporation that in its spare time operates as a university, he added.

The survey questions do not ascertain the issues departments are dealing with and are not designed to make departments better, said Professor Desai. The survey does not give people the means to name some of the structural issues, e.g., resources coming into a department that impact engagement.

Professor Konstan sees this as a cultural direction the University is undertaking, and cited the Operational Excellence initiative as an example of this. Often, universities are viewed as operationally inefficient and ineffective, and in many instances this is true. As a result, for the sake of efficiency, there has been a push to outsource aspects of what has traditionally been done in-house to those who know how to do things more efficiently so more of the resources can be earmarked for the mission. There are, however, downsides to going too far down the corporatization path: 1) others are allowed to intrude on matters core to the academic mission by using corporate evaluations to evaluate academic excellence and 2) some of what is being done for the sake of efficiency is often done without an eye toward what is really valued. Efforts around being organized, efficient and corporate-like can, to a degree, intrude on the academic mission.

Professor Ropers-Huilman thanked members for a good conversation and suggested having a similar conversation with Mr. Sullivan when he comes back in the spring. She added that she will think about who else to invite to participate in the discussion besides Mr. Sullivan.

3. Role of faculty governance in development of collegiate constitutions: Professor Ropers-Huilman introduced the next agenda item, a discussion about the role of faculty governance in development of the collegiate constitutions, which she asked Professor Krichbaum to lead. Professor Krichbaum reported that as colleges are rewriting their constitutions, the question about the role of faculty as it relates to policy development and decision-making at the University needs to be clearly articulated in the collegiate constitutions. She said she is also interested in hearing about the work of the various collegiate consultative committees from members and the role they are playing vis-a-vis the administration and faculty.

The collegiate constitution issue for the Law School, said Professor Carpenter, is the role faculty play in choosing the next dean. A number of faculty believe the faculty's role is being diminished, and it will not have the same voice in the process that it has had in the past. The Law School is trying to conform to University policy as it revises its

constitution while at the same time trying to preserve the faculty role in the dean selection process. The Law School is rewriting its constitution now and grappling with how to incorporate this provision in its constitution.

Professor Ropers-Huilman asked Professor Durfee to say a few words about why the colleges have been asked to rewrite their constitutions. Professor Durfee explained the FCC had a subcommittee that looked at the college constitutions, and an outcome of their work was a report containing a number of recommendations. In response to the section of the report that dealt with faculty participation in the dean selection process, Provost Hanson made it clear that hiring a dean is a provost's responsibility. As a result, the guidelines for drafting the collegiate constitutions were changed to reflect this concern. Professor Carpenter clarified that the Law School issue has to do with the composition of the search committee. In Professor Durfee's opinion, this could be something that could be written into the Law School constitution.

Professor Bearinger asked if the same guidelines apply to selection of department heads. Professor Konstan said some colleges have this written into their constitutions. Traditionally, but not consistently, this was the difference between a department head and a department chair.

Professor von Dassow said that while the deans report to Provost Hanson, they bear primary responsibility to the faculty in their college. Is this addressed in the collegiate constitutions or somewhere else? Professor Krichbaum said she sees this as an opportunity for faculty to be clear about their role in making policy recommendations regarding curriculum, research, and academic appointments.

Professor Krichbaum said in both the college constitution subcommittee report and the guidelines for rewriting the constitutions, it was recommended that a clause be inserted in the constitutions dealing with a no confidence vote. Provost Hanson, however, has made it clear any no confidence vote would only be a recommendation from the faculty and it would ultimately be her decision whether or not to retain a dean. Professor Krichbaum asked members whether any of their constitutions had a no confidence provision written into them. Professor Carpenter said he recently read the Law School constitution and he did not remember seeing a no confidence provision.

Professor Konstan said in the College of Science and Engineering (CSE) constitution, while there is no specific language around a no confidence vote, there is language about the process for recalling the dean.

Professor Ropers-Huilman said she finds it striking that only a handful of FCC members know that the deadline for submitting revised college constitutions to Provost Hanson is December 31, 2014. Does or should the FCC play a role in this process? Professor Gardner said the FCC has a responsibility to make sure faculty governance is taken seriously at each collegiate level. He suggested asking Provost Hanson to review the constitutions with an eye toward making sure each college has an elected assembly that is faculty driven and they have the right to meet without the dean setting the agenda. In

addition, there should be a review process for deans that requires faculty input that is handled out of Provost Hanson's office. Professor Durfee proposed asking Provost Hanson the next time she meets with the FCC to provide a progress report on the status of the collegiate constitution revisions.

In terms of revising the School of Nursing constitution, said Professor Wyman, the issue that has come up has to do with role faculty play in policy development and decision-making at the University. There is a great deal of variation from school to school. She suggested more clearly defining, for example, what is meant by curricular policy? Similar questions have come up about research policies. The faculty could play a stronger role in guiding their school if there were clear definitions related to the terminology used in the constitutions.

Professor von Dassow commented there is little integration between University-wide faculty governance and collegiate governance, and this is problematic. For CLA, there is no link between collegiate governance, the FCC and University-wide faculty governance, and there should be. The FCC could help find ways to establish liaisons between the different bodies. In order for this to happen, said Professor Gardner, it would require senators from each college to be willing to meet with their collegiate assembly in addition to attending Senate meetings. He added the joint FCC/collegiate chair meetings are helpful in bridging this gap.

Professor Campbell agreed that a majority of faculty do not know what is going on in governance. He suggested asking Provost Hanson for something in writing about the process each college used when revising their constitutions. In all likelihood, only a few faculty in each college probably worked on revising the constitutions.

Professor Konstan suggested finding out the status of each colleges' consultative committees. Given the decentralized nature of the University, he imagines a lot of different processes and structures exist. He added that he does not get the sense there are many vibrant consultative, elected bodies that are actively involved in the problems of their college. If this is the case, the problem is not how the FCC interacts with them, but how the committee makes sure they are created and properly used.

4. Information Security Policy: Professor Ropers-Huilman welcomed Brian Dahlin, chief information security officer, Office of Information Technology, who was asked to come before the FCC to talk about the Information Security Policy (<https://docs.google.com/a/umn.edu/document/d/14cPZKFOAcm5amFGv-ePZ6kU2Pfk2B-ztmOy5zcSMnMo/edit>), which will be replacing the Securing Private Data, Computers & Other Electronic Devices Policy (<http://www.policy.umn.edu/Policies/it/Use/SECUREDATA.html>). She asked him to start by talking about the policy change, including what motivated the change and pointing out specific changes.

Mr. Dahlin began by reporting there were a lot changes to the appendices; there were probably more changes to the appendices than the policy itself. The primary reason for

changing Securing Private Data, Computers & Other Electronic Devices Policy to the Information Security Policy was because the Securing Private Data, Computers & Other Electronic Devices Policy took a binary approach to setting the rules people need to follow for security. The rules were set based on the type of data, e.g., public versus private data. The new policy takes a three level approach to setting the rules people need to follow because not all private data is the same, and not all private data has to follow the same rules. The rules around the Health Insurance Portability and Accountability Act (HIPAA) data are not equal to the rules around an address, for example, that someone wants to withhold, and so they need to be treated differently. The new three level approach gives the University more flexibility in its controls and setting them at the right level. Additionally, exception management was built into the new policy. Whenever rules are established there needs to be flexibility around them because there are times when a particular control cannot/should not be followed. Not following a rule needs to be evaluated based on the risk involved.

Professor Gardner asked how the new policy impact faculty. Mr. Dahlin said most faculty interaction will be through the Information Technology (IT) professionals in their department. The rules around making sure faculty and staff have anti-virus on their computers and the basic controls are not changing significantly. What is changing is the level of management by the IT professional. Mr. Dahlin said he wants the IT professionals focused on the enterprise systems where millions of records of data are residing rather than a couple of records getting on a device. While he cares about this too, he has to have a scale of what he cares about more so resources are being spent in the right place.

Professor Gardner added he is concerned about secure solutions actually not being secure and people having so many passwords that they have to write them down, which makes them not secure. Mr. Dahlin said security is about control, and centralizing the controls is how secure controls are created. The goal is to set forth rules that everyone needs to follow, e.g., X.500, MSI. Establishing the rules allows people to figure out if they can run their own system and satisfy the rules or whether X.500 should be used instead.

Professor Durfee asked if OIT could produce easy to understand guides for various entities around the University, e.g., researchers who deal with health care data. He said most people will not read through the policy plus its 22 appendices. If guides could be developed, he believes compliance will be better. Mr. Dahlin appreciated the feedback and said he believes OIT will be able to develop such guides.

In writing the guides, suggested Professor Cohen, write them from the point of view of how to handle the data that needs to be accessed in a secure way before saying what not to do. Clear, simple instructions on how to manage the data would be the most helpful for end-users rather than focusing on what not to do.

A special teaching assistant (TA) guide should be developed, said Professor Gini, because these individuals handle student data. Unfortunately, Moodle does not allow

multiple versions of the data to be saved, and, as a result, TAs have their own back-up records.

Mr. Dahlin thanked members for the feedback and asked if there are other things OIT can do to help faculty get more comfortable with what they need to do and who they can turn to make sure they are in compliance. Professor Durfee said there needs to be consistent messages from central and local IT. Mixed messages cause confusion.

Mr. Dahlin asked if members saw any fundamental issues with the policy that could create problems. Hearing none, Mr. Dahlin said the policy itself is a high level policy and there were not significant changes from the previous policy. He said he believes the flexibility the new policy incorporates will help everyone. Exceptions and trends in exceptions will help identify if rules need to be adjusted going forward.

Professor Durfee asked how many people in the University community have been denied access to IT resources because they violated University policy. Denial of access is always temporary, explained Mr. Dahlin, and it happens daily. OIT works with these individuals to clean up any malware issues, and get them back on the network in the shortest amount of time.

Professor Ropers-Huilman thanked Mr. Dahlin for his time.

5. Percentage of non-tenure track faculty: The next agenda item, said Professor Ropers-Huilman, is a discussion of the policy on percentage of non-tenure track faculty in each academic unit – (<http://policy.umn.edu/Policies/hr/Hiring/TEACHING.html>). While the policy states it should be reviewed every five years (last reviewed in 2008), it also states each collegiate personnel plan should be reviewed at least once every five years by the provost, and it does not appear this is happening. Is this a policy the FCC should ask the provost to enforce? Should colleges with more than 25% of its non-tenure track faculty in teaching positions be asked to write a supplemental plan to their existing collegiate plan as outlined in the policy?

Professor Konstan said this is an issue both the Senate Committee on Faculty Affairs (SCFA) and Academic Freedom & Tenure (AF&T) Committee have talked about. To give this item context, Professor Konstan said despite multiple attempts at clarifying what is meant by the 25%, there is no consistent understanding. The policy is not clear about what happens with people who, for example, are a single course adjunct faculty member when counting appointments and FTEs. Additionally, the policy has not and is not being enforced and regularly looked at in a serious way. SCFA, AF&T in addition to the Provost's Office have come to the conclusion that as currently written the policy is unworkable and does not achieve what it intended to achieve, which is meaningful, substantive and transparent review of cases where potentially tenure and tenure-track positions are being eroded into non-tenure track positions and identifying situations where tenure and tenure-track control of programs is at jeopardy. With that said, there is no consensus about what to do with the policy. A proposal that has been mentioned is if

a threshold is exceeded, the collegiate constitution should include a provision for dealing with the issue.

Professor Krichbaum said this issue is a particular problem in the Academic Health Center (AHC) because of the high number of contract/term faculty. In some areas, contract faculty outnumber tenure and tenure-track faculty. The constitutions need to be clear about who has voting privileges on policies within a unit. In her opinion, the policy needs to be reviewed given the changing nature of the composition of units and the increasing number of contract faculty.

Professor Cohen asked Professor Konstan if SCFA and AF&T came to the conclusion that there needed to be a University-wide policy with University-wide enforcement. There was a feeling that a policy about personnel plans and reviewing the level of non-tenure to tenure/tenure-track instructional faculty in the colleges was worthwhile, said Professor Konstan, but recognized that the appropriate level of non-tenure to tenure/tenure-track instructional faculty might vary dramatically depending on the mission and nature of each college. As a result, having a University-wide policy with fixed targets in it would make no sense.

Given the upcoming accreditation review by the Higher Learning Commission of the North Central Association of Colleges and Schools, said Professor Cohen, it might well be a good time to ask Provost Hanson to consider looking at revising the policy once the review activity settles down. The University needs a workable and enforceable policy.

Going back to Professor Krichbaum's point about the collegiate constitutions and faculty voting on policies, if everyone who teaches a course gets a vote, it would be easy for people who do not have a long-term commitment to the institution making long-term policy, noted Professor Gardner.

Professor von Dassow said the arithmetic regarding the level of non-tenure to tenure/tenure-track instructional faculty needs to be made clear in the policy. Professor Konstan agreed and said it would be nice if colleges could tell if they are in compliance with the policy or not.

As colleges do, Professor von Dassow noted, departments vary in their need for term faculty, mentioning the School of Music as an example of a department in which much teaching must be done by contact faculty. The policy should uphold the principle that regular faculty are responsible for the curriculum at the University.

In response to an earlier point by Professor Gardner, Professor Krichbaum said the Faculty Senate defines faculty who can vote as tenure, tenure-track and faculty with term appointments who are full-time and been in their position for at least three years. This would be a way to get around the issue of faculty voting who do not have a long-term commitment to the institution. In Professor Konstan's opinion, there is no simple solution to the problem, and it would need to be dealt with at the unit or collegiate level and regularly reviewed and monitored.

Professor Cloyd asked members to keep in mind that the word “term” implies a less than status at the University, and urged members to make sure they are not using language that is divisive but rather inclusive. It is important that term faculty know they are valued because this institution could not operate without them. If these are valued faculty members, asked Professor von Dassow, why can they not be tenured? Professor Cloyd said the University’s tenure policy makes it almost impossible for some highly valued term faculty to get tenure.

If there is no policy or a policy that is not enforced, said Professor Ropers-Huilman, she is concerned it signals to deans that they can maintain fiscal flexibility at the expense of having academic leadership among faculty who have academic freedom. While it is true units are different in how they operate and need different solutions, she believes the University should be able to articulate a policy that says it wants a substantial number of its faculty tenured so they can be fully engaged and participate in governance.

Professor Uggen commented that because the math around the policy is tricky and it is not clear what the current percentage is, it might make more sense to think of the percentage as an aggregate across the whole institution rather than at the individual college level.

The issue is not about faculty who are teaching one course, noted Professor Gardner, but about hiring 75% - 100% time faculty who are not tenure-track. The tenured/tenure-track faculty need to be the people who are determining long-term academic policy around teaching and research and not the term faculty. Clear language needs to be written into the policy to convey this message.

Professor Desai commented that she worries about the departments that do not have the resources to hire tenure/tenure-track faculty and are reliant on hiring term faculty. She said departments that are starved for money should be allowed to decide who should be able to teach a class. Having said that, no department should have just one faculty member and the rest contingent labor because there would be no faculty governance in such a department.

Professor Ropers-Huilman said she is hearing that members are interested in pursuing this policy, and asked for suggestions for next steps, e.g., establish a joint SCFA and AF&T subcommittee to work on this issue. In Professor Konstan’s opinion, most often joint committees do not work and suggested referring it to either SCFA or AF&T. He also proposed raising this issue with Provost Hanson the next time the committee meets with her to get a sense of how she feels about the policy. Professor Ropers-Huilman said she would put this as an item for discussion with Provost Hanson in future meetings.

6. Administrative response to the Resolution on Faculty Caregiver Support: The last agenda item, noted Professor Ropers-Huilman, is next steps regarding the administrative response to the Resolution on Faculty Caregiver Support (<http://www1.umn.edu/usenate/resolutions/caregiversupportres.html>). She said in her

opinion there are two issues 1) the response itself and what to do about it and 2) the resolution/administrative response process as a whole. Can a better way be found to foster partnership rather than estrangement between faculty and the administration?

Professor Konstan noted in talking separately with senior administrators from the Provost's Office and the Office of Human Resources one would get the impression they are in support of the resolution. However, in order to actually make progress on this matter it would require a small group meeting with Provost Hanson, Vice President Brown, other key administrators and the faculty leadership. Part of the executive function that the FCC serves is to bring together senior leaders to have a conversation if progress is ever going to be made.

At the fall retreat, recalled Professor Gardner, the issue of administrative silos came up multiple times and this is a prime example and it continues to be a source of frustration for faculty.

Professor Cohen suggested Professors Ropers-Huilman and Uggen, as the FCC leadership, bring examples of issues such as the caregiver, parental and maternity leaves, and the issue of training grants, all of which have run into similar roadblocks, to the attention of President Kaler, and find out if he would be willing ask Provost Hanson, Vice President Brown as well as any other key administrators to meet face-to-face to discuss these matters.

Professor Ropers-Huilman said she wonders whether there is a systemic problem. There has to be a better way to resolving issues. Professor Cohen suggested a two-part discussion with President Kaler 1) request the creation of a mechanism for requesting a review of policies that will break through administrative silos and 2) request the administrative responses be improved. This will require the FCC to do a better job of foreseeing where the administration may have concerns when resolutions are brought forward. Professor Ropers-Huilman asked is it incumbent on whatever Senate committee is putting a resolution forward to do the homework on it by provide supporting information, or is that the administrator's responsibility to do the research.

Professor Uggen commented that unless committees have a plan for how a resolution can be implemented, it likely will not happen. Professor Krichbaum said often the administrative response to resolutions that have a cost associated with implementation is no because it costs too much. There never seems to be room for compromise.

Professor Gardner said this is a serious issue. Often administrative responses to resolutions are no. If faculty consultative governance is effective, it means the faculty advice needs to be taken seriously and weighed. The automatic response from the administration does not need to be yes or no, but should be let's have a discussion in an effort to make some progress. This issue has gotten worse over the last few years and in many ways is attributable to the administrative silo problem. If faculty get the impression that governance is being ignored and they cannot have reasonable discussions with the administration, then the next step is organize and form a union. The

administration needs to understand the consequences of their decisions and actions. The dismissive nature of the administration toward faculty governance is disturbing and is not consultation.

Professor Gini shared an example of the Senate Research Committee last year requesting information on incorporating parental leave costs in the fringe benefit cost pool from the administration and never receiving it, despite repeated requests. Administrators often deflect faculty requests by asking what the University's peers are doing related to a particular issue, why can't the University be first if it is the right thing to do. The administration always has an excuse for why things can't be done. As a point of information, Professor Ropers-Huilman said that she asked Vice President Brown for benefits information having to do with parental leave and tuition for faculty members' children, and she said the Office of Human Resources is in the process of compiling this information and it will be presented to the Board of Regents in June so information is forthcoming.

Professor Durfee reminded the committee that a key part of the Strategic Plan is recruiting and retaining faculty field shapers, and it would seem that a large part of that would involve having family-friendly policies, e.g., parental leave.

All accountability is pushed down to the department level to take care of matters such as parental leave, said Professor Desai. Departments are held responsible for managing leaves and figuring out what to do. The University parental leave policy should be gender-neutral and people in their first year of employment should be eligible. The Women's Faculty Cabinet (WFC) has been working on the parental leave issue for quite some time and has written a report, which shows the University does not offer competitive benefits in this area. WFC members should be involved in all leave discussions. The same problem applies to diversity in terms of who is accountable and responsible.

In Professor Konstan's opinion, the FCC has a responsibility to target its requests recognizing this will mean it will have to hold off on some other requests. The FCC needs to prioritize its requests and systematically work with the administration to make them come to fruition.

Professor Bearinger said there are numerous examples of Senate committees not getting a satisfactory response to issues that have been brought in earnest to the administration. The administrative response to the University Support for Institutional Training Grants Proposals (<http://www1.umn.edu/usenate/resolutions/trnggrantres.html>) was far from adequate. If the University plans to achieve its strategic goal around accessibility and affordability of graduate education, this issue will need to be addressed. Instead of reading an administrative response to a resolution or proposal months after it was approved, key administrators should be invited to meet with the committee that brought the resolution/proposal forward and talk about how the decision was made.

7. **Adjournment:** Hearing no further business, Professor Ropers-Huilman adjourned the meeting.

Renee Dempsey
University Senate