

**Academic Freedom and Tenure Committee (AF&T)
Meeting Minutes
December 12, 2014**

[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.]

[In these minutes: Graduate Student Bill of Rights discussion; Section 12 Procedures draft editing]

Present: Phil Buhlmann and Teresa Kimberley (co-chairs), Jerry Cohen, Barbara Elliott, Jessica Larson, Al Levine, Holley Locher, Paula Rabinowitz, Nicole Scott, Nathan Shippee, Catherine Squires

Regrets: Cristian Cardenas Cofre, David Born, Karen Miksch, Kevin Upton

Others: Rachel Bergerson, Robert Stewart

1. GRADUATE STUDENT BILL OF RIGHTS DISCUSSION

Nicole Scott and Robert Stewart, co-authors, presented the Graduate Student Bill of Rights (GSBOR) as members of the Council of Graduate Students (COGS). The GSBOR was developed in response to the issue of rankism between the adviser and advisee, which can create a vulnerable relationship for graduate students. Inappropriate situations have occurred and this document could at least inform students of what they can expect as graduate students at the University.

The GSBOR was recently presented to the Student Senate because, as it is currently written, it is specifically for graduate students. However, professional and undergraduate students are welcome to create their own bill of rights by modifying the GSBOR for their needs. The document is open for comments here: <http://www.cogs.umn.edu/index.html>

Members had the following questions and comments:

- What is the goal of the document?
 - The goal for the document is to summarize existing policies and act as an agreement between graduate students and the University. This will also help support students that are experiencing issues.
- Several members shared the belief that the target should be the Graduate School. They felt it would be more impactful from the Graduate School because they control the operations of graduate programs. It could also be shared by the provost and the Graduate

School. They suggested it should also be included in the Graduate Student Handbooks that many programs currently have.

- The department level seems to be where the poor dynamics between faculty and students are seen, so this would be a timely item for those departments currently creating program goal statements.
- COGS has found it difficult to get feedback when it has been sent via email. Members suggested having it sent from Dean Schroeder to DGSs asking for comment.
- Professor Rabinowitz said that she found the document to be infantilizing and another addition to the faculty's increasing bureaucratic burden. She then asked how this would be enforced. Ms. Scott explained that this is not meant to be enforceable. It is a way to set expectations and empower students to be able to come forward with issues. Mr. Stewart added that the dynamics of the faculty and adviser relationship involves power. For many students this will not be an issue, but there are situations where advisers have the perception of the graduate student as a personal assistant.
- Is there a way to more clearly state the expectations for professionalism, as it does not seem to address the issue of inappropriate requests?
- The document could possibly be sent to the Office for Conflict Resolution for further feedback.
- The request to provide training for non-academic careers could be out of the scope of this document.

In closing, Professor Kimberley said that this can be seen as a positive way to exemplify the culture shift that some students experience when transitioning from a professional career back to a student and encouraged AF&T members to make individual comments on the posting.

2. SECTION 12 PROCEDURES

The outcome of the discussion is appended to this document. Professor Kimberley introduced the topic and explained that Professor Shippee recently edited the draft of the Section 12 Procedures. She then asked the committee to make changes to create a draft that will then be forwarded by Vice Provost Levine to Provost Hanson, and then Professor Kimberley will bring it before SCFA.

Professor Shippee introduced the draft and added that he relied heavily on the memo from Provost Sullivan, as it addresses that there are two ways in which a department home could be changed: by the faculty members choice or as a result of programmatic change.

Section 12 does not deal with the situation when the faculty member chooses to change their appointment home. Members then discussed making the following changes:

Lines 4-17:

- Leave out defining of term “unit” or only use the term “appointment home”?

- VP Levine said that the term “unit” is used in other documents, so it would be appropriate here.
- VP Levine pointed out that “fundamental changes” will need to be defined, though this is difficult. It could be left as is and the Judicial Committee would have to define it.
- Professor Shippee reminded members that 12.2 summarizes and sets up when 12.3 begins, and if 12.3 is not accepted, then 12.4 is activated.
- Professor Shippee posed the question: What would cause a change in the place of the administrative home? He then said that the faculty member has the right to remain employed, despite any program changes. Section 12 procedures should be faculty centric, not program centric. It would be overly broad to include the case when a faculty member requests to change appointment home.

Lines 20-30:

- Professor Cohen takes issue with the word “retraining.” Professor Kimberley reminded members that the term “training” is used in the tenure code.

Lines 36-41:

- A phrase was added to clarify that the faculty member does not have binding consultation in the reassignment package.

Regarding the issue of faculty initiating a reassignment, VP Levine said that from his perspective, programmatic change could lead to a situation where a faculty member wants to leave their appointment home. Though not entirely appropriate to this section of the tenure code, these procedures may be the best place to put this information to make it accessible to those seeking information. This specific issue will be discussed further to determine the optimal location for this information.

Hearing no further business, Professors Buhlmann and Kimberley adjourned the meeting.

Jeannine Rich
University Senate Office

Procedures for Handling Programmatic Change Pursuant to Section 12

Scope

Programmatic Change. The University and faculty recognize that changes in academic programs are an essential part of the development and growth of the institution. These changes should be based on academic considerations and on long-term policy and planning, and may be undertaken only after consultation with the faculty from the unit involved, including the appropriate governance structure.

Faculty are hired into a department, school, college, or division (hereafter called “unit”), that can be considered their appointment home. However, tenure is held at the University of Minnesota and not at the unit level. Therefore, in the event that programmatic change leads to discontinuation or structural reorganization of a program in which a member of the faculty is employed (that is, the appointment home or unit), the University recognizes its obligation to continue the employment of regular faculty in accordance with the terms of their employment, and to continue the employment of non-regular faculty for the term of appointment. In case of fiscal emergency, the provisions of Section 11 apply.

Faculty Rights And Duties (procedures for Section 12.2)

Regular faculty members who exercise their right to be retained have the responsibility to accept teaching or other reassignments for which they are qualified, and to accept training to qualify them for assignment in other fields, as outlined in Section 12.3. The University has the responsibility (i) to assign such faculty members to responsibilities as closely related to their original field of tenure as is practicable, (ii) to allow them time in which to continue scholarship in their original field if they wish, and (iii) to recognize scholarly contributions in that field as valuable in assessing their contribution to the University for pay, promotion and other purposes. Faculty can challenge the reasonableness of the reassignment with the Judicial Committee (12.3), or choose not to accept the reassignment (which will result in termination according to terms in Section 12.4).

In addition to the steps mentioned above, the University has the right to offer inducements to faculty members voluntarily to change fields of study, to seek employment elsewhere, or to accept early retirement.

Reassignments (procedures for Section 12.3)

In cases of programmatic change, an officer designated by the president will make the reassignment or offer of training. The officer will consult with the faculty member and the receiving unit and will seek a mutually satisfactory assignment. If agreement cannot be reached,

the University officer will assign new responsibilities after further non-binding consultation with the individual.

The University may give the faculty member assignments other than teaching in the faculty member's discipline. For example, faculty might be assigned

- * to teach in another field in which the individual is qualified
- * to perform professional or administrative duties, including professional practice in a field in which the individual is qualified
- * to transfer effort, by assignment in a suitable professional capacity, at another educational institution or similar entity, while retaining University tenure, compensation, and benefits

Faculty members who execute their rights to be retained must accept any reasonable reassignment or offer of retraining. Any dispute about the reasonableness of reassignment may be taken to the Judicial Committee, as provided in Section 15. The faculty member shall perform the reassignment pending resolution of the dispute, unless the president on the recommendation of the chair of the Judicial Committee determines that provisional measures are appropriate.

The principles and considerations underlying the move of a faculty member to another unit are: (i) fit of the faculty member with the mission and goals of the receiving unit; and (ii) merit of the faculty member related to standards of hiring, merit, promotion, and tenure within the receiving unit.

Both deans of the appointment home college and the receiving college must agree on the transfer of appointment with a memorandum of understanding that is signed by the Senior Vice President for Academic Affairs and Provost and the Vice President for Human Resources (as well as the Senior Vice President for Health Sciences for transfers involving the Academic Health Center). The salary and fringe benefits for the faculty member are the responsibility of the receiving unit. These may be offset by tuition generated by course offerings, sponsored funds, or endowments. In addition, the dean of the appointment home college may transfer some funds with the faculty member in some situations; this is not a required part of the transfer. The decision to accept or not to accept the faculty member's transfer should not be determined by financial issues but rather by the criteria outlined above. However, the financial support for the transfer must be resolved before any transfer is complete.

Termination Of Appointment (procedures for Section 12.4)

A faculty member who chooses not to accept a reasonable reassignment or retraining opportunity shall receive:

- (a) Assistance in locating other employment;
- (b) A minimum of one full academic year's notice or one year's salary as severance pay in lieu of notice, unless the appointment would otherwise expire earlier.

(c) Continuation of the University's contribution to health benefits for one year after the date of the termination of the appointment.

In place of the severance payment provided by this section, a faculty member may select another severance program for which the faculty member is otherwise eligible at the time the appointment is terminated.