

## **Academic Freedom and Tenure Committee (AF&T)**

### Meeting Minutes

February 13, 2015

[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: Changing of faculty appointment home procedures draft editing (formerly Section 12 procedures); Graduate Student Bill of Rights discussion; Updates]

Present: Phil Buhlmann and Teresa Kimberley (co-chairs), David Born, Jerry Cohen, Jessica Larson, Al Levine, Holley Locher, Karen Miksch, Paula Rabinowitz, Nicole Scott, Nathan Shippee, Catherine Squires, Kevin Upton

Regrets: Cristian Cardenas Cofre, Barbara Elliott

Others: Rachel Bergerson, Ole Gram, Derk Renwick

### **1. PROCEDURES FOR FACULTY MOVING APPOINTMENT HOMES - Formerly Section 12 Procedures**

Ole Gram, and Professors Buhlmann and Kimberley, following input from the previous discussions, developed this latest draft of Procedures collaboratively. Professor Kimberley explained that changing the title of the procedures creates opportunity to outline procedures for different scenarios, not just for programmatic change. Conversations with faculty members experiencing the Post Secondary Teaching and Learning (PSTL) changes emphasized the need for other procedures. She outlined the following characteristics of the procedures:

- Section V. II. B addresses an issue that was only addressed by the memo from Provost Sullivan.
- This version strives to make the procedures complementary to Section 12 and not duplicate what is in the code.

Members had the following questions and comments:

- This is a very clear document and will be helpful.
- Instead of defining programmatic change, the procedures consider the effects on the individual. Members asked: What would trigger these procedures? Professor Born said that this document might not address some of the issues that the Judicial Committee

faces. Members commented that procedures would not typically define programmatic change.

- Professor Miksch pointed out that this would address Section 12.2, 3, and 4. If programmatic change is in question, AF&T can discuss that instance, as they are typically rare.
- Members suggested adding a hyperlink for the tenure code to the procedures.

The committee unanimously approved the procedures. The approved draft is appended to these minutes. Professor Miksch explained that the next steps would be for the draft to be sent to Provost Hanson and then to the FCC for information.

## **2. GRADUATE STUDENT BILL OF RIGHTS**

Ms. Scott explained that sections have been added to make the document easier to read. The DGSs have not viewed the document. The “shoulds” have been changed to “will” to emphasize that this is an agreement and not meant to be confrontational.

Members then had the following questions and suggestions:

- The meaning of phrases such as “best education” or “best research” are unclear.
- Rearrange sections to create a meaningful order of the document.
- Article titles could be used in a more descriptive way as guiding principles, which would allow the section headings to be more specific.
  - The first section could be titled “A Graduate Student’s Right to Know”
  - Section IV- Add a link to the Regents Policy
  - Consider putting the academic rights and responsibilities together
- Has clear language of what is expected.
- In regard to Article 1.01 (a) - Professor Cohen explained that in some programs the course requirements are decided after admission. There is a committee that decides the requirements based on the individual student’s needs.
- The language of the Faculty Code of Conduct could also be helpful.
- Provide a link to Office of Equal Opportunity and Affirmative Action (EOAA) as they also offer services to students.
- List resources at the end related to examples of grievances. This will maintain a more positive tone. Ms. Scott explained that they do not want to be prescriptive about where complaints should be filed because each case is different.

In closing, Ms. Scott said that this would be brought to FCC and SCEP. Professor Buhlmann closed the discussion by saying that the document is not yet ready to be voted on, and acknowledged the progress that has been made.

### 3. UPDATES

The following updates were provided:

- Professor Rabinowitz updated members on the Minnesota AAUP meeting. She said that it is clear to her that the University serves an important function of being a leader in academic freedom as it sets a model for other institutions in the state. The circumstances of contingent faculty, or P&A faculty, varies across institutions but she emphasized that it is the committee's responsibility to keep track of tenure and tenure track faculty. They should possibly develop guidelines that would cover contingent faculty, which would likely serve as a model for other institutions.
- UMR is in the process of rewriting their 7.12 code. There is a current 7.12 statement that faculty can opt to use. Professor Rabinowitz expressed concern about the statement's language in regard to research requirements. She has observed a possible academic freedom violation because as it is written now, the statement is extremely restrictive and not clear where work should be published to count towards tenure.
  - VP Levine said that they are discussing these issues.
  - The committee met with the former Chancellor Lehmkuhle of UMR in the past, so it might be helpful to review the minutes from the following meetings:
    - September 12, 2008:  
<http://conservancy.umn.edu/bitstream/handle/11299/44954/08-09-12%20AF%26T.pdf?sequence=1&isAllowed=y>
    - October 17, 2008:  
<http://conservancy.umn.edu/bitstream/handle/11299/44956/08-10-17%20AF%26T.pdf?sequence=1&isAllowed=y>
    - November 21, 2008:  
<http://conservancy.umn.edu/bitstream/handle/11299/46057/08-11-21%20AF%26T.pdf?sequence=1&isAllowed=y>
  - A member commented that restricting the mission of a campus creates a conflict and stagnates progress of the individual faculty.
- Professor Kimberley explained that the policy [Academic Appointments with Teaching Functions](#) states the following:

In addition, the collegiate plan must include a specific supplemental plan for any unit in which the number of FTE contract faculty positions (category 2A) plus the number of FTE academic professional positions with primary responsibility for teaching (category 4A) exceeds 25% of the FTE tenured and tenure-track faculty.

This is not only part of the charge of the committee to review, but it is related to the Strategic Plan. There are issues in obtaining the data, as there are different designations. Professor Kimberley spoke with Professor Mary Nichols, who will be leading the implementation of the Strategic Plan, and discovered that this issue is not specifically

being discussed. She then posed the following question to the committee: How do you find the appropriate balance that is best for academic freedom and students?

- The count of the individuals does not convey the number of hours and courses that are taught by P&A faculty.
- Dr. Levine said that they would find out more information from the provost. He added that this is a national discussion, very timely, and it will involve more than just the committee.
- Professor Rabinowitz recommended that the committee formally discuss this issue before the end of the academic year.
- Professor Miksch said that there have been guests invited to discuss this in the past. Some requested that procedures be created, but colleges have different needs.
- Professor Upton commented that the true cost of having P&A faculty is not being acknowledged. Faculty without tenure are not given opportunities such as sabbatical and professional development funding, yet they are focused on only teaching and service without incentive to stay current on research trends.

Members agreed that they should continue to communicate with other groups on campus to ensure work is progressing on this topic, but that all are working together and not duplicating efforts.

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

Jeannine Rich  
University Senate Office

**Draft Procedures for Faculty Moving Appointment Homes**  
**Approved February 13, 2015 by the**  
**Academic Freedom & Tenure Committee**

**VII. Faculty Moving Appointment Homes**

This section of the Procedures addresses the procedures for and circumstances under which regular, tenure-system faculty (tenured/tenure-track faculty) can move academic appointment home. 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. Faculty at the University of Minnesota are hired into a department, school, college, or division (hereafter called “unit”) that can be considered their appointment home, and the salary and fringe benefits for the faculty member are the responsibility of the unit in which a faculty member is appointed. However, tenure is held at the University of Minnesota and not at the unit level.

**VII.A. Programmatic Change**

If, as a result of programmatic change, a faculty member’s academic program is discontinued, he or she must be informed about the University’s 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.

The president will appoint an officer, typically the vice provost for faculty affairs, to be responsible for overseeing the reassignment process and ensuring that faculty receive an offer of training or other professional development if needed to perform reassigned duties. The appointed officer will, at an early stage in the process, consult with affected faculty members and ensure that a suitable protocol outlining the specific procedures and an appropriate timeline for reassignments is developed, followed, and communicated to the faculty. [Section 12 of Faculty Tenure](#) describes the specific rights and responsibilities of the faculty member regarding reassignment and other options (insert hyperlink).

Regular, tenure-system, faculty at the rank of assistant professor and associate professor who accept reassignments in another unit as the result of programmatic change will be provided a choice of having the criteria for promotion and/or tenure described in their old 7.12 statement continue to apply until promotion to the next professorial rank or to accept the current receiving unit's 7.12 statement. After promotion and/or tenure to the next rank, the promotional criteria and indices of the 7.12 statement in the receiving unit shall apply going forward.

Final transfers to any new appointment home must be approved by the senior vice president for academic affairs and provost.

In situations in which a faculty member receives an offer of reassignment within the same administrative and fiscal unit, such as the same department or college, but she or he prefers moving to a unit in another college, the protocol described below for Academic Appointment Home Change Initiated by Individual Regular Faculty must be followed.

## **VII.B. Academic Appointment Home Changes Initiated by Individual Regular Faculty**

### **VII.B.1. Positions Advertised**

A faculty member who wishes to move from one unit to another may apply directly for any open and advertised positions. In that case, all standard regulations and procedures for academic searches apply. A faculty member interviewing in another unit should inform her or his department head and dean about the potential move to another unit. If the faculty member moving from another unit already has tenure at the University, he or she must be hired at a rank with tenure. There will be no repeat review for the conferral of indefinite tenure. Tenure-system faculty who were successfully transferred will be covered under the current department 7.12 criteria and indices for promotion and tenure of the receiving unit.

### **VII.B.2. Positions Not Advertised**

Both deans of the appointment home unit and the receiving unit must agree on the transfer of appointment with a memorandum of understanding signed by all parties and the senior vice president for academic affairs and provost, detailing the terms of the transfer. Financial support for the transfer must also be resolved before any transfer is complete.

Tenure-system faculty at the rank of assistant professor and associate professor who initiated a transfer, and who were successfully transferred to another unit, will be covered under the current department 7.12 criteria and indices for promotion and tenure of the receiving unit.

If a faculty member wishes to change unit in another college, and if there is no advertised faculty position open in the destination unit, the individual should contact the vice provost for faculty and academic affairs to discuss a request for change of appointment home. After discussions with the faculty member, the vice provost will contact the dean of the college to which the faculty member wants to move and provide written materials for his or her information. The dean of the potential receiving college will review the materials and provide the materials to the head of the potential new home department.

The faculty of the potential new unit home will review the materials and make a recommendation to the dean about the suitability of this faculty member in the unit. After conferring with the dean, the unit may invite the faculty member to give a colloquium and to interview formally with the department, or the unit may conclude, after an initial review, that the faculty member is not a match for the department. The dean of the potential receiving college has the authority to review the hiring proposal and to make the final decision about the hire.

If a faculty member wishes to change departments within the same college, discussion of a transfer should be with the dean of that appointment home college.

Any transfer involving one of the colleges in the Academic Health Center must entail consultation with the vice president for health sciences or his designee and receive her or his approval.

Final transfers to any new appointment home must be approved by the senior vice president for academic affairs and provost.