

Minutes*

Faculty Consultative Committee
Thursday, December 16, 2004
1:15 – 3:30
238A Morrill Hall

- Present: Marvin Marshak (chair), Gary Balas, Jean Bauer, Charles Campbell, Carol Chomsky, Tom Clayton, Gary Davis, Dan Feeney, Emily Hoover, Mary Jo Kane, Morris Kleiner, Kathleen Krichbaum, Scott Lanyon, Judith Martin, Fred Morrison, Jeff Ratliff-Crain, Martin Sampson, John Sullivan
- Absent: Susan Brorson
- Guests: Professor Art Erdman; Senior Vice President Frank Cerra, Senior Vice President and Provost E. Thomas Sullivan, Professor Charles Speaks (Senate Committee on Finance and Planning); Executive Associate Vice President Alfred Sullivan; Professor W. Phillips Shively, Cheryl Olsen (Political Science), Julie Sweitzer (Equal Opportunity and Affirmative Action)
- Other: Lynn Holleran, Kathryn Stuckert (Office of the Chief of Staff)

[In these minutes: (1) academic strategic planning; faculty retirement plan waivers by college; (2) institutional autonomy versus central regulation in athletics; (3) the University's budget model; (4) discussion with Provost Sullivan; (5) the compact process; (6) searches and equal opportunity/confidentiality requirements]

1. Report of the Chair

Professor Marshak convened the meeting at 1:15 and welcomed everyone to the last meeting of 2004. He reported first that the group dealing with the academic part of the strategic planning process met earlier in the day; the faculty members in the planning group are Regents' Professors David Tilman and Patricia Hampl and him. The President has told the Regents that the strategic plan will be due at the end of March so there is not a lot of time to develop it. The senior faculty serving on the group are strongly committed to ensuring the plan will enhance the academic mission—everything in the plan must be clearly connected to better teaching, research, and public engagement. The group to deal with the operations part of the process has not yet been appointed.

Only two colleges have not granted waivers for new young faculty to participate immediately in the faculty retirement plan, the College of Liberal Arts and the College of Biological Sciences. (There is a third unit that has not granted waivers as well, the colleges of UMD excluding the Medical School, but those fall outside the purview of the Senate and this Committee.) There has long been a two-year waiting period; colleges were given the right to grant waivers. Should he send a letter to the two deans asking that they grant waivers, Professor Marshak asked?

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

Professor Feeney reported that this is an issue the Retirement Subcommittee has been working on. It is not only a question of waivers, he pointed out. If one has been in a retirement plan before coming to the University, the waiver allows immediate participation in the faculty retirement plan. If one has not been in a plan before, one must wait—the waiver does not apply to such people. The waiting period for P&A staff, however, is based on salary, not previous participation, so that a department could hire an assistant professor and a new P&A staff member who met the salary threshold, neither of whom had been in a plan previously: the P&A staff member would participate immediately while the assistant professor would have to wait two years. The value of the first two years of contributions is about equal to the last five years' contributions (at peak salary), if one makes reasonable assumptions about interest rates, salaries, and rates of return. This is not pretty and it is inequitable, Professor Feeney concluded.

Professor Kane suggested that Professor Marshak ask the deans of CLA and CBS about the reasons for not granting the waivers. Professor Marshak agreed to do so.

The funds are already in the colleges, Professor Feeney noted. Professor Kleiner reported that the arguments that were presented to the Senate Committee on Faculty Affairs for not granting the waivers in those colleges were that doing so would not help faculty recruiting and that several faculty were reported to have said that they would prefer not to contribute because they would not then lose the 2.5% of salary.

Professor Marshak commended Professor Feeney and the Retirement Subcommittee for their work in pushing on the issue.

2. Institutional Autonomy Versus Regulation in Athletics

Professor Marshak noted that Professor Kane and Dr. Engstrand will be attending the meeting of the Coalition on Intercollegiate Athletics in early January; they have asked for a clarification of the faculty's views. The Coalition is a national group of faculty leaders from faculty senates at Division I institutions lobbying for reforms in college sports. The question before the Committee is whether the Minnesota representatives should tend to support proposals that embrace institutional autonomy or that move toward additional regulation by the NCAA. He welcomed Professor Erdman to the meeting; Professor Erdman chairs the Advisory Committee on Athletics (ACA), which had deliberated about the issue and prepared a statement. The statement read as follows:

The ACA applauds the efforts of the COIA and supports many of the proposals in its documents. It endorses the notion of best practices and identifying the key areas to balancing a level playing field. However, it believes that the notion of balance between institutional autonomy and NCAA regulation presents a very complicated set of issues. A vote on the ideas presented as institutional autonomy in the COIA document would require one to go through the document item by item to determine which of these proposals would be reasonably implemented and how they would be monitored and enforced; and, their cost to the athletics department and the institution. The ACA is only interested in supporting regulations that are enforceable.

Furthermore, the ACA is cautious about adding another document to an already voluminous NCAA manual. We believe that in the end, it is impossible to regulate the integrity of an athletics department. The ACA does not believe that integrity can be regulated by adding rules that create a burden on an over regulated system.

It is also the recommendation of the ACA that the Coalition work collaboratively with and through the NCAA to achieve its goals and that it confer with Compliance Offices with respect to monitoring of activities as well as the Academic Counseling Offices as they are the ones who are involved in the day-to-day implementation and monitoring of NCAA legislation and institutional policy.

Professor Erdman noted that Dr. Engstrand meets from time to time with ACA to receive advice about Coalition activities and proposals. The Coalition is discussing important things—admissions standards, scholarships, curricular integrity, time commitments, and so on. Dr. Engstrand came to ACA indicating a bent toward favoring more regulation because of the nature of athletics; ACA concluded that the Coalition should stay away from increased regulation. The Coalition is doing a great job and ACA endorses the development of "best practices" documents, but not increased legislation. Some of the proposals are very complicated; one needs to look at the cost to intercollegiate athletics and also whether they are enforceable. ACA does not believe it is possible to regulate integrity, Professor Erdman concluded.

This is a "states rights versus the federal government" issue, Professor Kane observed. Institutions tend to favor states rights; ACA says there should be a balance. This is a sliding scale, Professor Marshak said, with definitive rules on one end and injunctions on the other. Professor Kane and Dr. Engstrand need direction: should they lean more toward institutional autonomy or towards more specific rules. This is, however, a complicated set of proposals and ultimately the Committee will have to trust its representatives.

Professor Morrison said there is a four-part box involved. There is the question of institutional autonomy versus regulation; there is also the question of technical rules versus general principles. The NCAA operates solely on definite rules and does not care as much about general principles. The Coalition should promote general rules; he said, however, that he was uncomfortable saying that broad general principles are enough.

The Committee voted 11-3 to instruct Professor Kane and Dr. Engstrand to support central regulation rather than institutional autonomy; the Committee voted unanimously that they should support general principles rather than technical rules.

Professor Marshak thanked Professor Erdman for joining the meeting and wished him a happy holiday.

3. The Budget Model

Professor Marshak next welcomed Senior Vice Presidents Cerra and Sullivan to discuss the budget model. He also welcomed Professor Speaks, whom he said has been the faculty voice on finance and planning issues for many years and whose voice will be missed when he retires at the end of the year. He turned to Senior Vice President Cerra, co-chair (with Vice President Pfutzenreuter) of the budget model task force, to lead the discussion.

Dr. Cerra said the budget model task force was created in response to two factors: a dissatisfaction with the current budget model and the felt need to look at the budget model to be sure that

the University and all its pieces can achieve what they need to in strategic planning. He noted that four other members of the task force were present at this meeting (Professors Campbell, Feeney, and Speaks), each of whom could comment on the process as well.

He has worked with the current budget model for seven or eight years in a senior management position; what he hears is that the budget model has a series of flaws and that it was designed to do something it is not doing. The result has been a lack of predictable revenues and expenses as well as a lack of transparency. "Transparency" has various meanings—process, the ability to see data, the ability to see what decisions have been made, and the manner in which decisions are made, among other things. There have been a lot of criticisms of the current budget model, so the President initiated the process of review.

Then came the question of how to sequence things. The strategic planning process was already well developed, and they did not want to start the budget model review before they understood the direction of the strategic planning process. The University is also installing a new financial system. Those three pegs all go together, Dr. Cerra related, and the budget model is only a tool to do—what? It is a tool to see the end results of decisions that have been made by the rules of the budget model. There are policies that surround the budget process—on tuition and other matters—and there decisions about implementing strategic planning that also surround the budget process.

The question is what one wants in a budget model. The discussions have been conducted by groups of faculty and by the Twin Cities Council of Deans and they have developed a list of attributes: facilitate strategic planning, transparency, predictability, and so on. The budget model task force has assessed the current budget model and asked where the University wants to go, and developed several options. One, tweak the current model, or two, move to a full-cost attribution model: define the categories of costs, and identify how they will be allocated. Anyone using such a model will know what they bought and used. There are other models, but the task force asked the President about the options; neither he nor the task force cared much for them, so they have focused on the two.

At this point they have the principles/attributes and two models and are trying to understand the pros and cons of each—and the evaluation will not be complete until they have fully assessed both models. They will develop rules, such as the formula for space costs, if they are to be attributed, and how much will be attributed to the unit (some may not be, but all will understand the subsidies that will exist in the system, if set of rules is chosen). For some units, the libraries being one example, there will be a need to better define its boundaries and functions within it and how they relate to what the people using the services will actually be "purchasing." That will begin to define what the cost categories in use are and how they are paid for. It will also be necessary to define what common goods are and what investments are and how they are costed out. This necessitates developing a the full-cost attribution model with the categories and attribution methods, and also learn from what other institutions have done (they will not re-invent the wheel, Dr. Cerra assured the Committee). They have also contacted one of the leading experts on responsibility-center management to advise the University.

They are trying to define the contents of the two (hypothetical) models and will apply them to get a feel for how they function, what rules are needed, to see if they add value to the ability of the University to achieve its strategic planning goals, and help people understand (through transparency, predictability, and so on) the budget rather than create problems.

In broad general principles, is the administration leaning more toward a states' rights model or a central government model, Professor Kane asked? How much autonomy will colleges have? Dr. Cerra said he did not believe that would change very much. There are under the current system central decisions during the budget-making process; colleges prepare budgets, participate in the compact process, the administration develops "Fitz's list" of expenses that must be covered, there are discussions about tuition, and then colleges are given budgets and manage their own.

If the focus is on the model calling for full attribution of costs and revenues, Provost Sullivan said, with 100% of the revenues directed to the colleges, the different is on the cost side. Deans have never had to pay attention to costs but now will need to in at least three categories: public goods, overhead/utilities, and initiatives/investments. That additional focus should lead to greater clarity: costs will be identified, shared with colleges, they will be charged for some, along a continuum, and one will be able to follow the dollars. Dr. Cerra added that the budget model can never change presidential authority; it is an analytic tool.

Professor Sampson commented that this is an enormously important matter and he expressed appreciation to and for the talented people who are working on it. He said Dr. Cerra's comment that four other places use this model partially answers his question about what models have been successful elsewhere. On the other hand, if only four universities use this model, two of which are private and one of which (Michigan) is becoming private, there must be other models in operation elsewhere. Has an effort been made to identify a variety of models that have worked well at universities similar to Minnesota? Dr. Cerra said they have surveyed the Big Ten schools about budget models. One using the cost-revenue attribution model has gotten very complex. Minnesota could be a lot more transparent in the use of its current model, with more information on the decision-making process; some parts are relatively clear, such as presidential initiatives and compacts, but some are more nebulous, such as tracing the use of money from the Internal Revenue Sharing tax.

In response to Dr. Cerra's question whether this responded to his concern, Professor Sampson said that did not answer his question. Being able to follow the dollars should be part of other models as well. Are other universities using different budget models? They are and the task force is looking at them, Dr. Cerra replied.

Apropos following the money, Professor Balas asked if the selection of the budget model would affect the new PeopleSoft system. The new system affects the chart of accounts and other things. It will, Dr. Cerra said. He related that he sits on the steering committee for the new financial system and has learned a great deal about financial systems and the chart of accounts. The main changes in the new financial system will be on the expense side.

Dr. Cerra said that he told Messrs. Berthelsen and Pfitzenreuter that the first principle, from his office's perspective, is that academic priorities should dictate what gets into the PeopleSoft/Oracle system. He said he does not want to hear that something cannot be done because PeopleSoft won't accommodate it. The financial system must be flexible and able to accommodate what the University wants to do. Dr. Cerra agreed that the underlying philosophy is that academic processes should drive the financial model.

Professor Morrison said that he helped design the current budget model and believes that the full cost/revenue-attribution model is the right next step. In terms of states' rights, right now there is states' rights for revenue and the central government is responsible for expenses. Before the current model was

adopted, the central administration was responsible for both revenues and expenses. This would move both revenues and expenses to states' rights. They thought of this eight years ago but could not implement it; he said he sees this as a great step forward. Dr. Cerra agreed that it is a natural continuation of what began with IMG. The University functions with a distributed system and should have a budget model that supports it.

Dr. Cerra said that they have abandoned the original timeline, requiring a final report this month; they will not fully flesh out the full cost/revenue attribution model until perhaps next September, after which they will run simulations and consult about it. The price of moving to a new model is taking the time to do it right.

Professor Lanyon said this makes sense to him and will lead to the better management of the colleges. To him, the exciting part of the University is its interdisciplinary programs; everything that has been said about the budget model makes sense WITHIN units—the budget model can lead to management within colleges but it will not promote interdisciplinary work. Dr. Cerra said that they are trying to identify a solution to that problem. The full attribution model adds clarity to the discussion, and one knows what one is buying and selling, but questions like this must be addressed at the policy level. There are other ways to solve the interdisciplinary funding problem, and they have developed one approach in the Academic Health Center. He said he believed a new budget model would facilitate answers (it would not provide them, because those are policy decisions). Professor Lanyon said his concern is that the new budget model may require much stronger policies because it will discourage interdisciplinary initiatives. The full attribution model puts an emphasis on the development and enforcement of policy at a higher level. Dr. Cerra said he thought Professor Lanyon was correct. The budget model will force decisions and definitions, he said.

Professor Speaks said that the more he has listened to people talk about the internal budget model, and especially about the full attribution model, the more it makes sense—in particular since there have never been incentives for the deans to control costs. Before any budget model is adopted, however, there are two or three points that require a lot of discussion by the faculty, deans, and the University leadership. The revenue side is fairly clear (e.g., there is \$540 million in state funding that will be under the control of the President). If the model is to succeed, there will need to be strong leadership from the President, the Provost, and the Senior Vice President for the Health Sciences. The real questions are on the cost side and they will be difficult to answer. What costs will be attributed to units? The budget office has identified eight, but the list has not been fully discussed. Once the costs have been identified, what will be the bases for attribution? (Faculty head count? Student head count? This will take a lot of discussion). Once a model has been adopted, it will be essential to run a simulation in order to see the outcome (and this involves more than predictability, transparency, efficiency, and so on—it also means examining whether it supports the strategic planning goals as articulated by the Provost's office). Before the University gets to that point, it should not embrace any new budget model.

Professor Hoover said that the creating research programs across colleges is usually not a problem and there is a fairly good model. There needs to be a similar model for teaching, which is where the problems lie. She observed that "some of us have been howling about this for a long time." Dr. Cerra agreed that teaching needs to be addressed.

Professor Sampson urged the budget model task force to be cognizant not only of the budget model here but also what is happening across the country and what is happening about encouraging interdisciplinary activities.

Professor Marshak thanked Senior Vice President Cerra for his report and wished him happy holidays.

4. Discussion with Provost Sullivan

Provost Sullivan remained in the meeting and provided updates on several matters.

-- The President informed the Board of Regents he has asked for reports on priorities from the two strategic planning task forces (academic and administrative) by the end of March. The academic task force will use all of the college documents and others submitted by various individuals and groups. The President also told the Board he hopes to be back with his own recommendations by May or June.

Professor Balas asked if the groups that provided environmental scans will have a chance to review the task force reports. Provost Sullivan said they hope to have the document done by January and available on the web for comments, before the final version is presented to the Board of Regents. The comment period, however, may be short, given the deadlines.

-- A number of searches are being brought to a close or are under way (Dean of the Graduate School, Dean of IT, Vice Provost for Academic and Faculty Affairs, Dean of the School of Public Health, Dean of the School of Nursing, Vice President for Research, and Vice President for University Relations).

Professor Marshak thanked Provost Sullivan for his report and wished him happy holidays.

5. The Compact Process

Professor Marshak now welcomed Executive Associate Vice President Al Sullivan to discuss the compact process.

Dr. Sullivan began by noting that before he joined the central administration he spent about 10 years as Dean of the School of Natural Resources, so he has seen both sides of the process. He prepared five compact documents while dean and developed some ideas about the process (such as the wisdom of providing 18 pages of instructions for a document that was to be limited to 7 pages). He distributed copies of the 2005-06 compact instructions—which, he pointed out, included only 3-4 pages of instructions and called for a compact document limited to 7 pages.

The goal is to streamline the process and make it shorter, Dr. Sullivan said. Provost Sullivan also had experience with the process as a dean, he pointed out, and played a role in revising the instructions. Dr. Sullivan walked the Committee through the document. The same elements are in the instructions but they call for a focus on fewer bigger ideas; the compacts are not to be just a bill to the administration for what it should fund. The compact document is also NOT a strategic plan; it is to assume the college has strategic goals that will be referred to in the compact.

-- The compact is not to exceed 7 pages. They have not decided what to do if a document is longer. In the past they have received compacts of 30-35 pages, which they want to avoid.

-- Units are to identify their top three strategic goals, which will be a major transition for some units. There is also to be more focus on the future "because there has been an earthquake at the University."

-- Is there a central administrative decision about how they will view goals from multiple colleges versus from one college, Professor Lanyon asked? Dr. Sullivan said they respond happily to goals from multiple colleges, and have done so in the past. That is consistent with the theme of fewer, bigger goals.

-- Units will be asked to identify the impact on space of any initiatives they propose.

-- Capital investment priorities will be unlikely to change very much from year to year. Units are asked to list major capital needs that might reasonably be addressed in the next six year (for inclusion in the six-year capital plan), but there are widely-varying perceptions of what might be reasonably addressed.

-- The instructions have always asked for a description of the consultation process used to develop the compact document. Professor Morrison inquired of Committee members how many had seen anything related to their college compact; about half indicated they had. Dr. Sullivan noted that the instructions this year sharpened the question because they are frequently asked about consultation.

Professor Balas observed that there has been conflicting information about whether the compacts will be on the web. They always have been once they are completed, Dr. Sullivan said; there has been no final decision about the compacts this year but he said he believes they should be public.

Professor Ratliff-Crain said he had seen the UMM compact at the front end but not the approved final document. What is the communication at the end of the process? They get word to the units as soon as they can once the budget decisions have been made, Dr. Sullivan said. Some compacts are not available yet because they are still being discussed. The final results are sent to the units, and after questions have been answered the compacts have been put on the web.

Given his experience on both sides of it, is the compact process of value, in his opinion, Professor Marshak asked? It does not hurt to have this kind of accountability once a year, Dr. Sullivan said.

This year there was \$9 million in the compact pool, Professor Campbell noted. What is a reasonable amount to expect to have in the pool? There needs to be that amount every year if the process is to have any impact, Dr. Sullivan responded.

Professor Balas suggested that the performance scorecard should include a provision for working well with others, an "ask not what the University can do for you but what you can do for the University" measure. The compact focuses on each unit but not on what the unit is doing as part of the whole. Professor Martin commented that interdisciplinary/cross-disciplinary activities should be a part of the compact as well.

With respect to the role of consultation, Professor Chomsky said it is not enough to ask for a paragraph in the compact document. There needs to be a lot of direction and guidance to the deans about how much and what is expected. Dr. Sullivan agreed and said that Provost Sullivan has made this clear. He said he believed the message is getting out.

The compacts are always a work in progress, Dr. Sullivan concluded. This year's instructions are the most dramatic change in a number of years; while they are interested in perfection, they will settle for steady progress.

Professor Marshak thanked Dr. Sullivan for his report and wished him happy holidays.

6. Equal Opportunity Procedures

Professor Marshak next welcomed Professor Shively and Ms. Olsen from the Department of Political Science to discuss a problem with application of the University's equal opportunity rules.

Professor Shively said it was good to rejoin the Committee he earlier chaired and thanked the Committee for the time. He said he chaired a search committee for his department this year and was asked to talk about a small matter in which he was involved. He realized that it might not even be appropriate business for this Committee, but the events will provide an opportunity to see how things work at the department level. He has been at both ends of the process—as a central administrator and in the department—and said there is a wide variation in what departments do with respect to employment rules. While this was a small matter, it took a week of his time last summer to get it straightened out.

In his department, all faculty are involved in searches for faculty. When the administration learned that some members of the committee would not be there for some searches but would for others, they were told that those members not involved in a search could not be present when candidates in that search were discussed. The rule is that a search committee never divulges who was interviewed, but the Department has never done business that way. Human Resources cut its teeth on difficult central administrative searches, where a breach of confidentiality could kill the search, but that is not true in faculty searches—often one receives kudos for being a candidate for a position.

Professor Shively said he believed the application of the rule of confidentiality to search committees in departments is a mistake and that the University should draw its rules loosely enough to allow various ways of doing things. The problem with firm rules is that (1) they usually require compromises that can be awkward and (2) failure to adhere to a firm rule may open the University to the possibility of litigation. They would never have known about the rule and it is likely, he said, that many departments conduct searches the way Political Science does (i.e., all faculty participate).

This Committee is always interested in issues where process supersedes outcome, Professor Marshak commented. The University culture sometimes appears to emphasize process over outcomes. He said that Professor Shively was before the Committee because of his unique position, presenting a case study, and the value of a case study should not be under-emphasized.

One of their searches was open to all fields, Professor Sullivan (chair of the Political Science department) reported. A search committee would not have had the necessary expertise, so they took the

files to the experts. They were told they could not do that—until all of the faculty were deputized as members of the search committee.

Ms. Olsen said that in terms of how things happen at the department level with respect to equal opportunity rules, they conducted two interviews for a position but were required to indicate, about each of hundreds of files, why a person was not interviewed. They were supposed to send the tracking form to all applicants, most of whom fill out the form by checking boxes. The department is supposed to indicate the number of minority individuals in the pool, but only a small percentage return the tracking form, so they were informed they should try to identify the ethnic background by reviewing the files. That itself could be illegal, Professor Morrison commented. Ms. Olsen said they had thought the same thing and said they would not go through the files to try to guess at the ethnic/racial background of the individuals.

Professor Lanyon said he was glad Professor Shively brought this issue up. At every university he had served at before he came to Minnesota, the departments conducted searches as Political Science does, with the entire faculty serving as the search body. Here his department was brought up short on doing so. He suggested that the Committee tell Human Resources that it is acceptable for an entire department to serve as a search committee. Professor Morrison said that Human Resources should also be asked to re-think the rule and justify it; the Committee should also tell the President that the rule does not make sense.

Ms. Sweitzer said that she was one of the people who had been involved in drafting the search guidelines. There is a reason for the rules, which can get lost. Federal law requires that the University attempt to identify the gender and race/ethnicity of applicants for positions and employees. If an organization receives federal funding, it must comply with federal rules. The university asks employees and applicants to self-identify using forms, but often only 50-60% of applicants reply. The University must do an analysis each year of applicants, those qualified, interviewed, and hired. She said that units do not have to parse every word of an applicant's vita, but if activities indicate a particular race or gender, the information should be used. Professor Shively said the department did that; it worked hard to identify minority candidates.

At the same time, state law requires that the identity of applicants cannot be revealed until they become finalists; she agreed that for the average applicant to be an assistant professor, confidentiality is not a concern. But the law provides that the names cannot be released without the permission of the applicant. The more people who are involved in a search, the more likely it is that word will get out. A search committee can winnow out those who would not be hired; after that the entire department may want to know who is being considered. In Economics, the entire department is the search committee; in other departments, a search committee makes the decisions until the number of candidates is narrowed to four or five.

What are the institution's obligations under the law, Professor Shively asked? That it not divulge the information or that it makes sure no information gets out? He said he understood why Human Resources adopted the rule, because they thought it would be good practice. The law provides that the names cannot be divulged outside the University, Ms. Sweitzer said. The names may not be divulged inside the University except on a "need to know" basis. Why would not the faculty in a department have a need to know, Professor Marshak asked? And why is this an equal opportunity issue? He suggested it is not obvious that confidentiality is an EEO issue. Ms. Sweitzer said the law grants a high degree of privacy to applicants, but much less to employees (except evaluative information).

Ms. Sweitzer repeated that her concern is about the size of the search committee—5-6 versus 12-20 versus 80—the more who are involved, the more likely names will be released. When there is a large group, it is not clear that everyone will pay attention to the rules and there may be a bias toward people they know. Professor Marshak said he did not believe it appropriate to assume that a larger committee would be biased. It happens, Ms. Sweitzer responded.

Professor Chomsky said it would help to clarify privacy rules when all faculty in a unit will know who the candidates are. They did so in the Law School dean search; the faculty were told what they could and could not do in terms of disclosure and contacting others. All faculty were involved. When they are, they need to know the rules; that would deal with a lot of the problems.

Professor Morrison said that it sounds like Human Resources and CLA are saying things different from what Ms. Sweitzer is saying. There could be a problem in trying to micro-manage a search; perhaps there is a problem in CLA. As Ms. Sweitzer has described the situation, the Political Science department process was not a violation of the rules. It was, Professor Shively said, because they had a search committee. Technically it is not a violation if the department is defined as the search committee, Ms. Sweitzer said, but it is a riskier practice. Professor Lanyon said the Committee needs to hear from someone in Human Resources; he thought it was likely that Political Science had violated the rules, because it had appointed a search committee, and the rules provide that no one outside the search committee can know the names of applicants until they are finalists.

In terms of asking others about candidates, Ms. Sweitzer said there is a difference between asking people inside the department and asking colleagues at other institutions, but even asking people inside the department raises the issues discussed above. Professor Chomsky said that it must be recognized that faculty searches and administrative searches are different beasts and that it is problematic to apply the same rule in the same form to both. The equal opportunity questions are the same; the privacy concerns are not. Good practices differ in the two cases, Professor Shively agreed.

It was agreed that the Committee would invite Vice President Carrier and a representative from the Office of the General Counsel to discuss the legal issues involved in searches.

Professor Marshak thanked Professor Shively, Ms. Olsen, and Ms. Sweitzer for joining the meeting and wished everyone a good holiday and happy new year. He adjourned the meeting at 3:30.

-- Gary Engstrand