

Minutes*

**Faculty Consultative Committee
Thursday, December 14, 2006
1:15 – 3:00
238A Morrill Hall**

Present: Carol Chomsky, (chair), Gary Balas, Nancy Carpenter, William Durfee, Barbara Elliott, Megan Gunnar, Emily Hoover, Mary Jo Kane, Kathleen Krichbaum, Scott Lanyon, Judith Martin, Richard McCormick, Nelson Rhodus, Geoffrey Sirc, John Sullivan, Jennifer Windsor

Absent: Jean Bauer, Steven Ruggles, Martin Sampson

Guests: Professor Tom Clayton (Chair, Academic Freedom and Tenure Committee), Provost E. Thomas Sullivan

Other: Sharon Reich Paulsen (Office of the Provost)

[In these minutes: (1) committee business; (2) discussion with Provost Sullivan (tenure code matters)]

1. Committee Business

Professor Chomsky convened the meeting at 1:15 and reviewed the issues the Committee wished to bring up with the Provost concerning the tenure code discussions. These issues were gleaned primarily from discussions Committee members had with department chairs, faculty senators, and from other interactions with colleagues. Most of the points Professor Chomsky itemized in this discussion were repeated for the Provost, and are reported there, but other points were also made.

-- Perhaps the revised drafts of sections 7.11, 7.12, and 9.2 should be circulated to all faculty so that they can see comments made at the Senate meeting have been incorporated.

-- Professor Chomsky said it is important that changes to the tenure code be reported through this Committee or the Academic Freedom and Tenure Committee, not as administrative decisions, which they are not. Where the changes come from is important.

-- The whole discussion makes some faculty nervous because this is a land-grant, urban institution with multiple missions, Professor Martin said, but in the discussion of post-tenure promotion, it seems that teaching and public engagement have dropped out completely. The 7.12 statements are only about research. Professor Chomsky said that that depends on the 7.12 statement, and pointed out that in section 9.2, covering promotion to (full) professor, all three responsibilities are mentioned. The institution is also saying that it wants students to graduate in four years and wants to provide a better education, Professor Martin said, and "we all have colleagues" who are not promoted to professor but who are the workhorses of departments; the code must take into account the entire mission.

* 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.

-- It is more important that the process be proper and be carried out fully than that the Regents act on any proposed tenure code changes in May or June, Professor Chomsky said. Professor McCormick said that the changes will not apply to people in the fall of 2007 anyway, since many contracts will be signed in the spring. Committee members agreed that if the process needs a few extra months, they should be taken. If the Regents want to make changes, the code requires that they consult with the Faculty Senate, which would prolong the process in any event, Professor Chomsky observed.

-- There must be clarity about what standards will apply when current assistant professors are in the position to be promoted to (full) professor. Will it be the current code or the new section 9.2? Is this a unit decision or an institution-wide decision? There must be a decision on this point or there is a risk of additional cases going to the Senate Judicial Committee. It was agreed this issue should be considered first by the Academic Freedom and Tenure Committee.

-- There will need to be a decision about whether the Procedures continue to be approved by only the Academic Freedom and Tenure Committee and Provost or if they should also be approved by this Committee and the Faculty Senate. This issue, too, will be considered first by the Academic Freedom and Tenure Committee.

2. Discussion with Provost Sullivan

Professor Chomsky welcomed Provost Sullivan to the meeting and reviewed the issues related to revision of the tenure code.

In terms of overall issues and attitudes, there are a significant number of faculty who worry that the fact the tenure code is being modified is a stealth attack on tenure. This is a concern that lingers from the tenure debate of 10 years ago and there are questions about the impetus for the changes, what the changes are intended to accomplish, and how they will be applied: will there be more tenure denials at the central level, or more reversals of department recommendations? There is also a concern not about what the current Provost and President will do, but what their successors might do in the future: will the changes allow future central officers to be harsher and deny more tenure recommendations?

There is also the perception that these changes are being driven by the administration. The Committee emphasizes the faculty culture task force and its own discussions, as well as those of the Academic Freedom and Tenure Committee, but faculty who are not involved in the process sense there is a mandate from the administration, even though Academic Freedom and Tenure may be doing the wordsmithing. It is very important, Professor Chomsky emphasized, that the message be consistent: this is a faculty process, with proposals going from Academic Freedom and Tenure to this Committee, then to the Faculty Senate, then to the administration. To the extent there are messages from the administration or the Provost's office about what will be in the revised tenure code, those messages can be misinterpreted.

In terms of the process of rewriting the departmental 7.12 statements, some departments are waiting for college templates; some feel strongly that they will not move definitively forward until there are final versions of sections 7.11 and 9.2 and that they will not go through the entire process and then need to make changes again later; some are making reasonable progress and will meet the deadline; and some feel they do not have sufficient time because of department and college processes that must be observed.

In terms of timing of the changes, it appears that the Academic Freedom and Tenure Committee is close to final versions of 7.11, 7.12, and 9.2. They have talked about sharing the drafts with the faculty, which might help units that want something more final.

Professor Chomsky told the Provost that his perspective on changes to post-tenure review provisions of the code, which he advocated in a recent meeting, is very important. Provost Sullivan noted that the only changes to section 7a of the code he believed would be to clarify certain language, not to change the substance. On review, he said he thinks the post-tenure review process is working well and does not need substantive changes. Professor Chomsky observed that possible changes in section 7a have affected the willingness of departments to move forward on 7.12 statements.

All of the changes will be brought to the Faculty Senate twice, once for information and once for action, and all changes will be proposed for action as a package. The committees are working as expeditiously as possible, but it may not be possible to get all the changes adopted by the time of a February 15 Faculty Senate meeting, which would be required to bring the changes to the Regents for preliminary review in April. It is likely they will be able to finish the work this academic year, it is just not clear when.

It would be helpful to communicate to departments that they can have more time if they need it (which some do not), Professor Chomsky said; some units do not know that option is available. It would also help units to know if the Provost would accept 7.12 statements adopted based on the information available—what they propose to adopt pending his comments and the final 7.11 statement. It would help to know that there will be an opportunity to make final changes later. Professor Lanyon said that it is the sense of the Committee that much of the angst about the 7.12 timeline would disappear if departments understand that what they submit early in the spring semester need not be the FINAL version.

There is also a question about the Morris campus and other units: the 7.12 process is not in gear. Is this a University-wide process? Is the process on the coordinate campuses under the jurisdiction of Senior Vice President Jones?

Provost Sullivan began with the last point. He said he would talk with Senior Vice President Jones about the timing of the process on the coordinate campuses.

With respect to the 7.12 statements, Provost Sullivan said that once a draft has been sent to his office, a conversation with the college and department would start in order to reconcile and harmonize the document. If departments wish to send a conditional document, that would be fine; they do not need to consider it a final version to start the discussion with the Provost.

With respect to post-tenure review, the Provost said he has looked at the provisions of section 7a, which govern post-tenure review, and the file of cases, and does not see any reason for substantive changes in the tenure code language. Stylistic and clarifying changes would be welcome, but he said there is no compelling reason to change the substance. Rather that discussion is more properly within the department and college at this time.

The Provost noted that annual evaluations of faculty are within the province of colleges and departments, in line with their 7.12 statements. The Faculty Culture Task Force recommended a focused

three-year review of probationary faculty, but he is not making that a central-administration recommendation.

What is the point of these changes to the tenure code? The Provost said the impetus comes out of the recommendations of the Faculty Culture Task Force; he emphasized that they are NOT designed to weaken faculty rights and prerogatives. The intent is to fulfill task force recommendations and to bring more clarity to the code for departments, colleges, and his office. The COACHE survey of probationary faculty indicated they wanted more clarity in tenure standards. He said he did not know how subsequent provosts would interpret the code, but he relies on the plain meaning of the documents when he interprets them. Provost Sullivan said the work of the Academic Freedom and Tenure Committee has been outstanding, and the drafts they have prepared are well-thought-out, very clear, and they avoid much of the ambiguity of the current language of the code. The new language will make it easier for probationary faculty to understand the tenure standards—and for senior faculty to interpret them.

Professor Chomsky said that the Provost's statement about post-tenure review at the Faculty Senate meeting had also been very important and positive: that failure to be promoted to (full) professor did not in itself mean that special post-tenure review would be invoked. That statement went a long way in responding to concerns about post-tenure review. Provost Sullivan noted that the Academic Freedom and Tenure Committee has added a footnote to confirm this point, necessary if there are perceptions to the contrary.

Professor Kane asked what would happen if the Provost and the faculty of a department do not agree on the language of a 7.12 statement? Who has the final say? Under the Board of Regents' and President's delegation of authority, the Provost does, Provost Sullivan responded. He said he plans to work very closely with department heads and deans to work out any difficulties in 7.12 statements—and said he believes any differences can be worked out. Everyone must finally agree, he said—the department, the dean, and the provost. The final authority of the Provost, he pointed out, is not new; that authority has always rested in the Provost's office. He also observed that there have been a number of proposed 7.12 statements during his time as Provost where he and the department did not agree, but in each case they have successfully negotiated the differences.

Professor Carpenter asked who approves the 7.12 statements for the Morris campus. Provost Sullivan said that he does, with coordination and cooperation with Senior Vice President Jones. He affirmed that the 7.12 statements for Academic Health Center departments also come through his office for final approval.

Professor Windsor noted that concerns expressed by the Faculty Culture Task Force were explicitness and consistency of tenure standards and asked what reconciliation meant in that context. What happens if a department sets the standards for tenure too high? If there is a discrepancy between standards in law and education, would he reject one of the statements? The 7.12 statement is to be a life-course document; if it does not do a good job in that regard, will he ask for changes? Provost Sullivan said that the process used to reconcile the 7.12 statements includes a meeting with the dean, the department head, and the senior faculty to ask about the impetus for changes and for him to gain a sense of the culture of the department and how things have been done before, what they are trying to achieve with the new language. Once he has clarity about the purpose and background, he will look at section 7.11. In the cases where reconciliation has been needed, those involved have reached agreement in all but one case, and in that one case it was agreed the decision would await University discussion of section

7.11. If a department wants to set a higher bar, that is allowed now and it is explicit in the revised language. He said he would likely ask a department if it realized the implications of its standards and inquire about its plans, given the standard it proposed. The fact the 7.12 statement is a life-course document is very important, and it may be that a preamble to that effect would be helpful in indicating the thinking in a department at the time the statement was approved.

What will happen if a department statement does not set the standard sufficiently high, Professor Chomsky asked? The Provost said that if a statement is inconsistent with section 7.11, he would have a conversation with the department about the language that was not clear. It would be difficult to know what that would mean in implementation, Professor Chomsky said. Section 7.11 is broadly stated; issues will be more likely to arise in application than in the texts of the 7.12 statements, if the Provost's view is different from the department's.

In terms of variance across college, Provost Sullivan said, that is where the importance of the 7.12 comes into play, so that he can understand the histories and aspirations of a department. There are University standards, but he must be mindful that colleges and departments are different; this is one of the most comprehensive universities in the world, and those differences must be respected. That is why the 7.12 conversations are important, and he will take the time necessary to understand the culture and mission of the colleges as expressed through the new 7.12 standards.

In terms of why and whence the revisions to the code, Professor Rhodus said he believed the process has been proper and transparent. If it can be said that the process is faculty-driven and for the benefit of the faculty, that would help. Provost Sullivan said that he has tried to say, both at meetings of this Committee and at the Faculty Senate meeting, that the process must be owned and driven by the faculty, and that it will only work if the faculty, administration, and Regents come together in a way that addresses University aspirations and expectations.

Professor Martin said there is a tricky timing question at hand. The Committee just learned, before the Provost arrived, that the Morris campus has seen nothing about revising 7.12 statements. Since the tenure code governs the entire University (outside of collective bargaining agreements), there are significant parts of the University that have not been involved in the revisions. Provost Sullivan said he would follow up on this question with Senior Vice President Jones; it could be that there will be a parallel process for the coordinate campuses. Professor Martin suggested the Committee would be uncomfortable with a different process for its colleagues on the Morris campus.

Professor Lanyon commented that he knows of faculty who could be appointed in any one of several departments—and the probability of getting tenure in those departments varies wildly. How will he address that problem? How does one get "hard" comparisons between something like the performing arts and genomics, and face different standards in similar fields? Provost Sullivan said he has had to reconcile the standards the last two and one-half years. Last year 203 tenure and promotion cases were decided. In some cases he approves the files, in some cases he does not, and in some cases he talks to the deans about them when there are close conflicts. Ultimately, however, he must make a judgment. What if the cases suggest the bar is too low, Professor Lanyon asked? That is why the 7.12 statements provides an opportunity to discuss the standards and positions the department in the way it will evaluate cases—in advance of the individual cases. It will also depend on the definition of "excellence," Professor Gunnar said. Provost Sullivan agreed and said that while they can try to standardize decisions, it will come down

in the end to individual decisions and interpretation of college and department documents, along with the University's standards in Sections 7.11 and 9.2.

When someone is granted tenure, the assumption is that the person is on a trajectory to be promoted to (full) professor, Professor Kane recalled. What if someone, post-tenure, is a great teacher and advisor, performs all the service requested, but it becomes clear later that the individual is falling behind in the trajectory in terms of research? What is a department chair to say or do, other than to inform the person he or she will not be promoted to professor? The person may not be doing research but is doing very well in teaching and service—and may be satisfied with being an associate professor. Provost Sullivan said that Professor Kane's question illustrates why the conversation about the tenure code is so important this year: it provides the opportunity, after two-plus years of strategic positioning, to look at college and department aspirations. The University has decided its aspiration and expectation is to be among the top three public research universities in the world. From an administrative standpoint, one must ask if the University has the right infrastructure, support, mentoring, leadership, and clear standards so that everyone can be successful from the time they come as a new faculty member. He has said throughout the strategic positioning process, and frequently to the Faculty Culture Task Force, that the University should only hire faculty who are expected to be very successful at all levels and receive support and mentoring throughout their time at the University.

In terms of Professor Kane's specific question, the Provost continued, he could report on what he did during 14 years as a dean. A serious, thoughtful annual evaluation is important. Such evaluations allow the department chair/head to see if a person is going off the track and to have a heart-to-heart conversation annually to help work on a plan for the faculty member (it may be that something is going on in the person's life that is affecting his or ability to perform). It is a plan the chair and faculty member should work on together, to help the faculty member get to the goal. It is a two-way process, and the administrator must have a candid conversation with the individual. If those conversations occur and things still do not work out (perhaps the person was hired into a culture where not everyone was expected to become professor, and now the situation has changed and the department is in transition), and if everything has been tried, then there must be a decision about the person's contributions in teaching, service, and research and to try to deploy the talents in a way that best contribute to the department and college. This is, he pointed out, far from invoking section 7a of the tenure code, the post-tenure review provision.

That approach, Professor Gunnar said, reduces the competence of the unit. Everyone is doing research, teaching, and service if everyone is a star. Could the department consider a buy-out package? If the individual does not meet expectations, and is not carrying out other expectations, the department head and dean can have conversations with the individual about retirement. So departments "better bloody well hire well" and make sure the tenure decision is right, Professor Gunnar concluded, if they don't want professors who are only teaching. The department can set standards and expectations in its 7.12 statement, Professor Chomsky pointed out. She recalled a point Professor Martin made in the first part of the meeting: as departments review their 7.12 statements, it is important that they not focus exclusively on research. It is important the statements articulate the whole mission, including teaching and service. Teaching is a critically important part of what faculty do and it should be emphasized as well. Provost Sullivan said that point is clear in the tenure code revisions drafted by the Academic Freedom and Tenure Committee, and he assured the Committee that teaching is very important in the evaluation of individual cases when they come to his office. And, he has applied explicitly the standards calling for excellence in teaching when that issue has been raised in individual cases.

Professor Chomsky thanked the Provost for the discussion. She noted again that the committees are working as fast as they can but that additional conversation about the schedule may be required.

Following the Provost's departure, Committee members made a few closing observations:

- The Provost must communicate to departments that their 7.12 statement need not be final and that more time will be allowed if necessary.
- The Committee must be clear that the Provost initiated the process of considering a review of the tenure code. The "deliverables" in the Faculty Culture Task Force charge clearly included tenure code revisions. It is fine if he initiated the process, as long as the faculty voice takes the lead in considering and drafting the revisions.

Professor Chomsky adjourned the meeting at 3:00.

-- Gary Engstrand

University of Minnesota