

Minutes*

**Faculty Consultative Committee
Thursday, December 2, 1999
12:00 – 1:45
Room 473 Law**

- Present: Fred Morrison (chair), Susan Brorson, Les Drewes, Richard Goldstein, Stephen Gudeman, David Hamilton, Roberta Humphreys, Joseph Massey, Judith Martin, Paula Rabinowitz, Jeff Ratliff-Crain
- Absent: Linda Brady, Mary Dempsey, Mary Jo Kane, Leonard Kuhi, Marvin Marshak, V. Rama Murthy
- Guests: Professor Laura Cooper (Grievance Advisory Committee); Executive Vice President Robert Bruininks
- Other: Maureen Smith (Institutional Relations); Florence Funk (Office of the Executive Vice President and Provost)

[In these minutes: grievance advisory committee report, Campus Club, bookstores, athletics, academic appointments, various other matters]

1. Grievance Advisory Committee Report

Professor Morrison convened the meeting at 12:10 and welcomed Professor Laura Cooper to present the report of the Grievance Advisory Committee.

Professor Cooper began by noting that the Grievance Policy approved by the Regents calls for a 5-year review of the operation of the policy by the Grievance Advisory Committee (GAC). She pointed out that the GAC has no decision-making authority, and is not involved in individual cases; it reviews the performance of the grievance office and the process. GAC also conducts annual surveys of those who use the process.

In general, GAC concluded the process works quite well. It covers all University non-bargaining unit employees. There are, however, a few minor things that should be changed:

- the policy should cover emeritus faculty, who could have a significant relationship with the University
- terminology about administrators is made generic in order not to have to keep up with title changes
- sexual harassment claims may go either to the EEO office or to the Grievance Office; at present, such claims MUST go to the EEO office. GAC believes employees should have a choice, because when a claim goes to the EEO office, the University becomes the investigator and takes

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- charge of the claim; when it goes to the Grievance Office, the employee retains more control.
The change would give an employee a choice.
- changes in how faculty are appointed to grievance bodies
 - jurisdictional clarifications
 - clarification that all panel members are to be neutral, even though they may be designated by one party or the other in the dispute
 - a change in one of the timelines in the process
 - clarification of who is an attorney (if one has a license to practice in any jurisdiction, one is an attorney; if one has a legal education but no license to practice, one is not)

Professor Cooper said she has spoken with the Student Senate Consultative Committee, the Senate Committee on Faculty Affairs, the Civil Service Committee, and will speak with the Academic Staff Advisory Committee. None of the three groups with which she has spoken have recommended any changes in the GAC report.

Professor Rabinowitz said she had heard a concern (from another institution) that grievance proceedings can be used to subvert what is going on in a department, used in a political or factional way rather than to resolve a grievance. Professor Cooper said that in the five years of surveys of grievants and respondents, that issue had never come up. She noted that a grievance must be a claimed violation of some specific University policy, practice, or rule. Professor Morrison recalled that he was acting University Grievance Officer some years ago, and saw a couple of such cases; he tossed them out. The Grievance Officer has the authority to refuse to accept such cases. Salary, for example, is a legitimate grievance, but only the process, not the result.

Professor Morrison thanked Professor Cooper for her report, and said that if there were no objections from ASAC, the Senate Consultative Committee would place the report on the February Senate docket.

2. Report of the Chair/Committee Discussion of Various Issues

- Professor Morrison reported on an exchange of letters he has had with former governor Arne Carlson concerning a newspaper report of a statement he (Professor Morrison) made about the basketball controversy. Mr. Carlson was not happy with the statements Professor Morrison made.
- There will be a hearing on December 14 of the Higher Education Committee of the House, at which Professor Morrison has been asked to testify.
- There will be a committee to deal with the Campus Club, composed of four members from the Campus Club board, two members of the administration, and two member from this Committee. Professor Kuhl has already agreed to represent FCC; Professor Morrison asked Professor Rabinowitz if she would also serve; she agreed to do so. The committee will deal both with issues of the interim, while Coffman is being remodeled, and with long-term planning for a new club, to make it more attractive to the faculty.
- The Bookstores want an advisory committee, and want a faculty nominee from FCC.

The Bookstores are less bookstores than commercial entities, Professor Hamilton commented; they stock books required for courses but not many other books that expand the mind. That was a conscious decision, Professor Rabinowitz said; there is little profit in books and lots of profit in junk. It is, she added, outrageous that a major research university does not have a good bookstore. Perhaps, Professor Hamilton said, it should be allowed to fade away, and students should purchase their books off the web. It is not right to have a university without a bookstore, Professor Humphreys opined. Professor Hamilton said he would rather have a library than a bookstore, to which Professor Humphreys responded that IT does not have a library because it is losing its library. After a number of additional comments in which Committee members expressed their dismay at the quality of the Bookstores, it was agreed that the issue should be brought to the Committee on Finance and Planning.

Professor Ratliff-Crain asked if there was any concern about the proliferation of committees that are not included in the normal service component of faculty work. This is a serious problem at Morris, he said. What argument was made that they need an advisory board? Professor Morrison said that while that may be a legitimate concern, the faculty do NOT want to discourage units from reaching out to the faculty for advice and help.

-- On the proposed appointment of attorney Tom Moe as interim men's athletic director: Professor Morrison noted that for eight years, Moe was managing partner of the Dorsey and Whitney law firm, and in that role had to deal with a lot of individuals with big egos and make them work as a team, and also had to deal with a few cases of miscreant behavior; he dealt with the misconduct and put the affairs of the firm in order. Moe was also a varsity athlete and is a sports fan, although has not been an excessively vocal sports fan--he lettered in his sports, graduated, and went to law school. He will also clearly not be a candidate for the permanent position, but he could be in the position for awhile and get the shop in order while the University carefully searches for a permanent director. This is a very positive development, he concluded.

-- Professor Morrison reported that there will be a special administrative position created in the Provost's office, and a special faculty committee, to go through the investigator's report on the basketball scandal allegation by allegation to determine if there is anything that should be referred for further review and possible action. The report identified potential faculty and student misconduct; the committee would identify where the allegations should go for resolution. Former Graduate School Dean Warren Ibele has agreed to take the position; the committee is being appointed.

-- Professor Hamilton raised again the question of time limits in the conduct of investigations of alleged misconduct. They take much too long.

-- President Yudof will be unable to meet with the Committee on December 16; the time may be spent by the Senate Consultative Committee completing work on the proposed bylaws dealing with athletics. Professor Morrison reported that he has been hearing from some of those involved in athletics (people who were "good guys" in the events and the report) that creating two committees will divide authority so there is no authority at all. The Committee may wish to think about that potential problem.

One problem appears to have been that the Assembly Committee on Intercollegiate Athletics had no authority, Professor Humphreys said. In drafting the bylaw changes, Professor Morrison responded, the Committee will need to try to obtain authority for the committee(s) and certainly the authority to take matters to the President. Professor Martin reported that the Clayton Committee wanted to protect the

academic piece of the oversight of athletics from involvement with non-academics, but at the same time recognized that there were other constituent groups with a legitimate interest in the programs.

Professor Morrison also reported that Professor Sedo has resigned as chair and a member of the Assembly Committee on Intercollegiate Athletics.

3. Discussion with Executive Vice President Bruininks

Professor Morrison now welcomed Executive Vice President Bruininks. Dr. Bruininks provided a series of updates and progress reports on various issues.

He began, however, by noting that this has been a difficult period for the University. He complimented the work of the faculty during this period, said they done an extraordinary and timely job of addressing the issues. The Clayton Committee report was very fine work, building as it did on the excellent earlier Shapiro Committee report, which was also faculty-driven

-- He reported on the appointment of former Dean Ibele to the position that Professor Morrison had informed the Committee about earlier in the meeting. He added that he hoped the small group to be appointed would also identify issues of importance to his office that should be addressed. He said he had decided not to give this responsibility to someone in his office who already has a full portfolio, but to ask someone to serve ad hoc who could give single-minded focus to these matters.

-- He has had a meeting with the director of Academic Counseling and Student Services (ACSS) in athletics, Dr. John Blanchard, to welcome him to his office and to introduce him to the staff. Dr. Bruininks said he has the sense that academic advisers generally, not just those in athletics, are feeling somewhat tarnished by recent events, and that that is unfortunate because advisers are a highly professional staff who deserve much credit. He said he would like to consult with the Committee about the measures that might be used with ACSS, beyond the gross statistics of graduation rates and GPAs; he would like this to be more than simply an administrative shift. Some of the problems occurred when that office reported to the Provost in the past, so a change in reporting lines is not a magic bullet.

-- The Academic Appointments Working Group will have its report ready quite soon; the group has consulted widely, and the recommendations will likely call for a much simpler appointment system for non-tenured/tenure-track academic instructional appointments. It should improve the appointment classification system, create career ladders, deal with benefits issues, and deal with accountability and oversight issues.

Has thought been given to the impact of changes on PeopleSoft, Professor Hamilton asked? It could be huge. Dr. Bruininks noted that Vice President Carrier is on the working group, but agreed that implementation could be delayed a few months because of changes needed in PeopleSoft.

Her concern is the consequences for tenure, Professor Rabinowitz told Dr. Bruininks. There is more and more power going to non-faculty teaching staff; they are in some cases now teaching graduate students and serving on departmental committees; the erosion of tenure is disconcerting. Dr. Bruininks said these issues are at the heart of the discussion, and that there will probably be a call for strenuous review and accountability mechanisms with respect to the appointment and responsibilities of non-tenured/tenure-track (NTT) faculty that will require the engagement of the tenured/tenure-track faculty,

including tracking of employment trends. It must be recognized, he said, that the teaching and research missions of the University could not be sustained without a differentiated appointment system, and it would be irresponsible not to address the issues thoughtfully. There is no magic appointment strategy that will fit every unit; there must be active involvement by college and department faculty in these issues--but at the same time, each unit cannot develop its own personnel system.

Professor Morrison said he has heard from senior administrators, including some in Dr. Bruininks's office, that the University should not treat P&A staff/faculty any differently from tenured/tenure-track faculty because then the former will feel like second-class citizens. At the same time, if the P&A staff are teaching graduate students, then the University has a problem. Dr. Bruininks said he did not necessarily agree; such teaching opens opportunities for engagement of senior researchers and others in teaching students. This, however, is why it is necessary to have oversight at the local level. There is need for a conceptual framework and operating principles, discussion about how they will be applied in each unit, and oversight and monitoring in central administration.

Professor Humphreys mentioned that she was a member of the Joint Committee on Academic Appointments, appointed by SCEP and Faculty Affairs (whose work was taken up by the working group), and one of the main goals of that group simply was to count the faculty and NTT faculty and those doing faculty work without recognition. They discovered a proliferating group of people who were not treated appropriately. It is to be hoped the working group addressed their needs. Dr. Bruininks said he believes it will.

The report will be taken up at the December 16 FCC meeting.

-- A self-study review group for the Crookston campus will be appointed, and will among other things conduct a two-day site visit. The charge letter is close to being ready.

-- Dr. Bruininks said that he, Professor Morrison, and the chair of the Campus Club board will be sending a letter appointing a group to look at a post-remodeling plan for the Club. He said he would like to see the University sponsor more academic events during the remodeling period, and may ask someone to coordinate such activities. For the Club, however, he said he would like it to be seen as more than remodeling the 4th floor of the Union, but more about how to create a greater sense of community on the Twin Cities campus. The remodeled facility will be first-class, with conference capabilities on the third and fifth floors that could accommodate department retreats, major events, working conferences, and so on. To achieve the goals, it will be necessary to involve the faculty in the planning, because there is little knowledge about what people want or what matters to them.

There are, in the meantime, efforts being made to identify places that departments can use for research groups, colloquia, etc.

-- He has asked a group to look at classroom support for the expanded use of technology. The University has been spending about \$750,000 per year on technology-related costs, and he would like to see a major investment of these funds in enhancing the technological capability of general-use classrooms (perhaps \$800,000 - 900,000 over the next two years). In two years there would be about 360 classrooms that will be reasonably well equipped. It is essential, Professor Hamilton said, to have dhcp servers, so that connections to anywhere can be made.

-- The Committee has asked how requests to outside agencies (such as foundations--non- sponsored research) are coordinated. There is little active coordination except through the University Foundation. The one place where proposals are put together is to the Bush Foundation, a process to which he has brought more order since assuming office, Dr. Bruininks said. Bush insists on having institutional academic priorities, so requests to Bush are tied to the University's longer-term priorities (e.g., diversity, the Humanities Institute, the Academy, etc.). He said the administration needs advice about what should be on the list. Other foundations either do not take proposals or have much narrower foci.

-- Professor Morrison said he had two additional items to ask Dr. Bruininks about, at the next meeting. One, members of the Committee have been having meetings across the Twin Cities campus with various faculty and have picked up two recurrent issues. One, raised primarily by IT faculty, is concern about an edict on letters of recommendation from the General Counsel's office which discourages writing such letters unless one jumps through a lot of hoops. Two, there are a large number of faculty in CLA who are upset about the lack of neutrality in workload when the change to semesters was made; many believe that the promise of workload neutrality has not been observed. Professor Goldstein reported that the Committee on Faculty Affairs is taking up the issue; Professor Morrison said that the Committee would wait on a report from Professor Goldstein.

He then adjourned the meeting at 1:50.

-- Gary Engstrand

University of Minnesota