

Minutes*

Faculty Consultative Committee
Thursday, March 1, 2001
1:30 – 3:30
238A Morrill Hall

Present: Fred Morrison (chair), Linda Brady, Susan Brorson, Dan Feeney, Richard Goldstein, Marti Hope Gonzales, David Hamilton, Joseph Massey, Charles Speaks, Billie Wahlstrom

Regrets: Wilbert Ahern, Muriel Bebeau, Les Drewes, Marvin Marshak, V. Rama Murthy, Paula Rabinowitz, Gwen Rudney

Absent: none

Guests: Executive Vice President Robert Bruininks; Professor Richard Weinberg (Faculty Representative, Men's Intercollegiate Athletics)

Other: Pauline Oo (Institutional Relations); Laurie McLaughlin (Office of the Chief of Staff); Sharon Olson (Office of the Executive Vice President); a DAILY reporter

[In these minutes: (1) (with Dr. Bruininks:) General College, budget comparisons with Wisconsin, Coffman and the Campus Club, East River Road ramp access; (2) report from the men's and women's athletic faculty representatives; (3) tenure code suspension procedures; (4) *inter alia*, an ad hoc committee on uniform application of female- and family-friendly University policies]

1. Discussion with Executive Vice President Bruininks

Professor Morrison convened the meeting at 1:35 and welcomed Executive Vice President Bruininks. He noted for the benefit of the non-members that the discussions are "off the record."

Dr. Bruininks and the Committee discussed a number of items.

-- The call by Governor Ventura that the University close General College. Dr. Bruininks provided information about the General College, said he doubted the President and Regents wish to revisit the question of closing General College (the last time the issue arose, in 1996, the Board voted 11-1 against closing it), and pointed out that General College brings in close to three times its state funds in outside support. In addition, he said that General College has become a nationally-recognized leader in developmental education. General College constitutes an extremely small part of the University's budget (about \$2 million in state funds); closing it would have almost no impact on the budget problems the University faces, and it would take years to fully recover the funds (all of the funds from closing the Waseca campus have yet to be recovered).

* 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 represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

A related issue was the extent to which students in CLA, IT, and Biological Sciences fulfill their liberal education requirements with General College courses. Dr. Bruininks said he would work on that issue.

-- University budget issues and the inaccuracies that occur when comparisons are made with the University of Wisconsin. He noted that unlike state agencies, whose budget requests are for NEW funds, the University's entire budget is considered "new." If the University were to receive a general increase in the base budget similar to that received by state agencies (for such items as salaries and fringe benefits, debt, and building operating costs), that would amount to about \$90 million.

-- The remodeling of Coffman Union and the budget for the renovation of the Campus Club (both of which projects have insufficient funds to complete the remodeling as planned). Committee members continued to express concern about the financial viability of Coffman and the possibility that draws against the academic budgets would be required to make up any shortfalls in the operating and debt service costs of the Union. Dr. Bruininks also spoke about the need for quality academic meeting space on the campus that can be provided by the Campus Club.

-- The East River Road parking ramp and elevators allowing access to the Academic Health Center: Dr. Bruininks explained how he continues to explore ways to improve the access for those with disabilities but he was not sanguine about the possibilities. He said he has asked for a written explanation of the ideas and alternatives. He noted that the ramp WILL be accessible but the access may be inconvenient to some parts of the campus.

Professor Morrison thanked Dr. Bruininks for joining the meeting.

2. Discussion with the Athletic Faculty Representatives

Professor Morrison now welcomed Professor Richard Weinberg, Faculty Representative for Men's Intercollegiate Athletics, and acknowledged Professor Linda Brady, member of FCC and also Faculty Representative for Women's Intercollegiate Athletics. He noted that the Committee wished to meet periodically with the faculty representatives to hear what they have to say and learn how things are going.

Professor Brady began by explaining that they (Professors Brady and Weinberg) are involved in on-campus activities such as the two athletic committees, meetings with the athletic directors, meetings with Vice President Tonya Brown and Vice Provost Craig Swan; they are also involved in off-campus meetings at the Big Ten, the NCAA, and the WCHA. They deal daily with multiple complicated issues, special events, and talks with athletes.

Professor Brady said that the University has athletics on campus and must deal with it, not attack it. She noted that she has not been involved in athletics (e.g., has not held season tickets in any sport) but she took the job with the idea that the University could responsibly administer an athletic program.

Professor Weinberg commented that neither he nor Professor Brady knew what they were getting into when they accepted the position of faculty representative; few faculty know about the faculty representative role. There are great variations across the country in the way the position is filled; some faculty representatives have 100% released time and serve in the position on a full-time basis. The length

of term in some places is outrageous; individuals may serve up to 25 years. Those are in place a long time work their way into the NCAA structure.

The learning curve is "ridiculously steep," Professor Weinberg said; both he and Professor Brady have large shelves of information. The NCAA operates in a very legalistic fashion and they are both glad to have the help of Frank Kara, the athletic compliance director. They sign hundreds of documents related to eligibility, financial aid, and summer employment, among other things. The range of activities required of them is far beyond what they had expected when asked to take the job.

He and Professor Brady walk a fine line, Professor Weinberg explained, as faculty members who must address athletic issues. He works with men's athletic director Tom Moe and Professor Brady works with women's athletic director Chris Voelz; they travel to meetings with the athletic directors as well as go to conference training sessions for faculty representatives. This ball game, he commented, is very far afield from what most faculty are aware of. What is critical is their meetings with student-athletes; that is the most enjoyable part of the job and something they do monthly.

Communication is the most important part of their job, Professor Weinberg said; they meet regularly with Laura Koch (interim director of academic counseling in athletics), Vice President Brown, and so on; they also meet with Professors Gene Borgida and Sara Evans, the chairs of the two athletic committees. The impossible part of their job is maintaining visibility in the athletic arena and surviving as a faculty member; they could go to events every night of the week (they do try to go to some events). He expressed doubt that anyone who served in the position for a very long period of time could survive as a faculty member. He noted that they were selected because they had no great attachment to athletics and had credibility with the faculty.

They try to build bridges with the athletic community, fulfill a communications responsibility, and also be hard-nosed when they need to. Minnesota has a bad reputation in the Big Ten as whiners, Professor Weinberg related.

Professor Brady discussed the progress that the two athletic committees are making. The Faculty Academic Oversight Committee for Intercollegiate Athletics (FAOCIA), chaired by Professor Sara Evans, is trying to identify predictors of problems and a process for dealing with those problems. They are being pushed by a Big Ten report on integrity, and the University received a special letter identifying problems that need to be worked out. The committee must understand what data it needs in order to identify problems before they happen; right now they do not know what is available or how fast it can be obtained (e.g., one proposal is to bar athletes from post-season bowl games based on their Fall Semester grades; the University does not typically have Fall Semester grades available that quickly).

The issue of integrity runs from the students to the President, Professor Weinberg said. And this is not an issue simply because of the problems that occurred at Minnesota; it is a general issue being raised nationally about the connection between athletics and academia.

One major issue the Athletic Advisory Committee, chaired by Professor Gene Borgida, is dealing with is gender equity; its role is one of providing advice. It is a large committee with broad representation. Professor Brady said the governance system may wish to revisit the question of having two committees, perhaps after they have both been functioning for two years. The difficult part for she

and Professor Weinberg is that they are members of both committees, which creates considerable demand on them.

Is there a substantial amount of overlap in what the two committees are doing, Professor Morrison asked? Both Professors Brady and Weinberg said there is not. The problem is that they must serve on both committees. The FAOCIA role would be hard to do with the Advisory committee, Professor Weinberg said, because FAOCIA consists of faculty carrying out faculty responsibilities. The Advisory Committee has a more free-floating agenda and deals with issues that do not come to FAOCIA, which deals with academic matters, eligibility, admissions, and special cases.

That was the intent, Professor Morrison said: to get those matters to a place where faculty make the decisions.

Professor Hamilton asked if part of their time is paid for. It is, through an augmentation and some funds for course release.

Professor Brady said that the two faculty representatives walk the line and try to understand both sides. The culture of intercollegiate athletics is so different from anything they have ever seen in life, but if the University is to have athletics, it must be supported with integrity. She expressed appreciation for the work of the two athletic committees and to Associate Vice Provost Laura Koch (filling in as director of academic counseling in athletics pending completion of the search for a new director).

The role also creates time constraints never felt in normal academic life, Professor Weinberg related. For example, something may need to be done by 4:00 that day or a student will not be permitted to compete -- even if the instructor knew about the problem six months ago. They constantly receive telephone calls, people run over with documents to sign -- it is a very disruptive existence not like academic life. Nor did it help that the director of academic counseling quit as their terms of office began. Professor Weinberg concluded that the fall "was terrible."

Professor Wahlstrom commented that "I'm glad you're doing this and not me."

Professor Morrison said that they were doing the right thing, making the academic presence known without being aggressive, and on behalf of the Committee thanked them for all they are doing. He said he hoped that next year would be calmer. He asked that the minutes of the Committee record the appreciation for the work the Professors Brady and Weinberg are doing.

3. Tenure Code Suspension Procedures

Professor Morrison asked Committee members to comment on the draft procedures that FCC would follow in the event it is required to exercise its responsibility under the tenure code of approving suspension of a faculty member. Professor Morrison explained to FCC as follows:

"Under the Tenure Policy, the administration may initiate a removal or suspension proceeding against a faculty member. That case is heard before the Judicial Committee. Judicial Committee procedures usually last for a year or longer, in order to provide adequate due process.

"The Tenure Policy also provides that a faculty member may be suspended (usually with pay) while those proceedings progress. Before doing so, the dean must consult with the a panel

of the FCC. We have no established procedures for handling such requests. FCC gets such cases about once a decade or so.

"In light of recent events, in which we might have been called upon to make such a decision, it occurred to me that a non-lawyer chair of FCC might not be aware of what needed to be done, and that it might be useful for us to adopt a protocol for dealing with such requests."

DRAFT

FCC PROCEDURES FOR ACTING ON REQUESTS FOR TEMPORARY SUSPENSION OF FACULTY MEMBER UNDER SECTION 14 OF THE TENURE POLICY

Section 14.6 of the Regents Policy on Faculty Tenure provides that a panel of the Faculty Consultative Committee will be consulted before a faculty member is suspended during proceedings before the Judicial Committee. This statement sets forth the FCC procedures for such cases.

Procedures for temporary suspension

1. Upon receiving a written request for temporary suspension of a faculty member under the provisions of section 14.6 of the Tenure Policy, the chair of FCC (or the vice-chair, if the chair is a faculty member in that college or is unable to act) will immediately appoint a panel of three elected FCC members to consider the matter and will designate a panel chair. The chair or vice-chair of FCC will normally serve as panel chair. No member from the faculty member's college will serve on the panel.

2. After consultation with the parties, the panel chair will set a time within 10 days of receipt of the request for a panel meeting. Postponements are strongly discouraged. The dean will supply the written request and supporting documentation to the faculty member at least three days in advance of the meeting. The faculty member may respond in writing.

3. The chair will conduct the meeting. The dean will present the reasons for seeking a suspension. The faculty member will be given an opportunity to respond. The dean may then reply. The only questions for the panel to decide are (1) whether proceedings are in fact being commenced under section 14 of the Tenure Policy, and (2) whether "there is clear evidence that the faculty member is likely to cause serious harm or injury or is not available for work." The panel need not address the merits of the underlying claim, which will be a matter for decision by the Judicial Committee.

4. At the conclusion of the meeting, the panel will meet privately and will send its written recommendation to the dean and the faculty member involved within two days.

Procedures for emergency suspension pending hearing

5. If the dean also alleges that the situation is so grave and urgent that an immediate emergency suspension is necessary until the full hearing of the request for suspension can be conducted, the panel chair shall immediately convene the panel or a majority of them. The panel will give the faculty member an opportunity to respond at that time. If the circumstances warrant, the panel may approve an emergency temporary suspension with pay for not more than 10 days

while the hearing described above is conducted. This temporary approval does not prejudice the full consideration and decision of the matter at that later hearing.

The whole notion is of expeditious action, not a full hearing; the hearing will come before the Judicial Committee.

Will the deans know about this, Professor Speaks asked? The provision is part of the tenure code, Professor Morrison said, and when a dean calls the General Counsel's office about what to do, the dean will be referred to FCC because the General Counsel knows the only way to get a suspension is through a panel of FCC members. Professor Massey suggested that the procedures be sent to the deans anyway.

What if a faculty member wants to grieve the suspension, Professor Wahlstrom asked? There is no appeal, Professor Morrison said; FCC has the final word. The faculty member, if the FCC panel so votes, is suspended pending the outcome of the Judicial Committee proceedings. Professor Wahlstrom asked if the Committee had a problem with that finality; no one indicated he or she did. What if the faculty member goes to court, she asked Professor Morrison? That should not be a problem, he said, because the faculty member has the right to be heard.

Professor Morrison also noted that there is an interim procedure for immediate removal if the danger appears to be so great that the University cannot risk having the individual on campus. In most cases, the parties would be given a week to respond; in situations of immediate danger the Committee must respond quickly.

Is there anything comparable for students, Professor Wahlstrom asked? There is not, Professor Morrison said, but that is something that should be given some thought.

Is the faculty member paid during a suspension, Professor Brorson asked? The tenure code provides that the faculty member is paid (1) until the Judicial Committee acts unless the hearing lasts more than one year from its start and the University caused the delay or (2) unless the faculty member is not available for work.

Professor Morrison affirmed that no faculty member of FCC could serve on a panel in instances when the case comes from his or her college.

With no further ado the Committee unanimously approved the motion (with one minor amendment inserted in the version produced in these minutes).

4. Other Business

Professor Morrison then turned to several other matters.

-- He urged Committee members to respond positively to requests from Professor Massey for meetings; Professor Massey is meeting with each member of FCC to find out what issues are of importance to them in order to help shape the agenda for next year. Professor Massey commented that he has already held two such meetings and has been surprised at how fruitful they have been.

-- The minutes of the February 22 meeting should be abbreviated to identify the issues pending and how they will be taken up. The Committee concurred.

-- With respect to one issue that arose on February 22, Professor Morrison said he proposed to appoint an ad hoc FCC committee to deal with the uniformity of application of University policy, especially with respect to making the University more female-friendly. He suggested the membership consist of Professors Muriel Bebeau (Dentistry, chair), Sue Chu (Human Ecology), Paula Rabinowitz (CLA), and Jeff Ratliff-Crain (Morris). Inasmuch as Professors Ratliff-Crain and Rabinowitz are on leave Spring Semester, it is expected that the ad hoc committee will do its work next fall and report by the end of Fall Semester.

The Committee unanimously approved the appointment of the subcommittee.

-- The Committee held a brief closed discussion of how students fulfill their liberal education requirements on the Twin Cities campus. It was agreed that this issue should be taken up with Dr. Bruininks.

-- Gary Engstrand

University of Minnesota