

Minutes\*

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

- Present: Fred Morrison (chair), Wilbert Ahern, Muriel Bebeau, Linda Brady, Susan Brorson, Dan Feeney, (John Fossum for) Richard Goldstein, Marti Hope Gonzales, David Hamilton, Joseph Massey, Paula Rabinowitz, Gwen Rudney, Charles Speaks
- Regrets: Marvin Marshak, V. Rama Murthy
- Absent: Les Drewes, Billie Wahlstrom
- Guests: Executive Vice President Robert Bruininks; Professor James Carey (Chair, Senate Committee on Disabilities Issues), Bobbi Cordano (Director, Office of Disability Services)
- Other: Florence Funk (Office of the Executive Vice President and Provost); a DAILY reporter

[In these minutes: (1) legislative issues, the biennial request, and comparisons with Wisconsin; (2) elevators in the new East River Road parking ramp and access to the AHC; (3) Interim Faculty Development Leave policy; (4) Intellectual Property Policy procedures, role of the General Counsel's office, Coffman and the bookstores, autonomy of support service units]

Professor Morrison convened the meeting and began by welcoming Professor Gwen Rudney from the Morris campus, who is substituting for Professor Ratliff-Crain during Spring Semester. He also reminded Committee members that they are having dinner with the Board of Regents next week.

**1. Discussion with Executive Vice President Bruininks**

Professor Morrison turned now to Dr. Bruininks for a discussion of legislative matters.

Dr. Bruininks observed that the Committee and the administration will doubtless be having many conversations about the University's budget between now and May 20, the day the legislature may adjourn. The administration is presenting the University's case in many different ways at the Capitol, including in legislative committees. The discussions with the House and Senate leadership are going well; they are very knowledgeable people who have offered a lot of support and positive comments about increased funding for the University. There have also been a lot of meetings with individual legislative leaders; within the next month there will be a need for many individual contacts to present the right information and respond to questions. It will be important to engage the broadest range of people in these discussions and it will be important that the University be united in its arguments and themes.

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\* 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.

The University is NOT asking the State to "pour buckets of money" into the University, Dr. Bruininks said. Excluding the increased cost of health care, the core budget request barely exceeds inflation.

It will be important to focus on the issues, not on personalities, Dr. Bruininks emphasized. The University has a positive case to make. He said he will send a letter to set the record straight about comparisons with the University of Wisconsin. For example, UM-TC has 10% more students than does UW-Madison but only a few more faculty (3%). Salaries at the two institutions are quite comparable (UM-TC full professors may be slightly lower but associate and assistant professor salaries slightly higher at Wisconsin). This is a problem whenever the University tries to use other institutions as benchmarks: it depends entirely on what one puts in the market basket. The UW-Madison budget does not include the extension service nor does it include the costs of the system office, both of which are included in the UM-TC budget (and probably totals more than \$60 million for extension alone that is in the UM-TC budget but not in the UW-Madison budget). When one takes those elements out, one can still say that the University of Wisconsin is a great university that is well run and not that different from the University of Minnesota. The two institutions are facing the same challenges: they are in an international market for faculty and lag significantly in salaries.

Dr. Bruininks distributed to Committee members copies of an article entitled "The Silent Crisis: The Relative Fiscal Capacity of Public Universities to Compete for Faculty" by F. King Alexander; the article appears in the Winter, 2001, volume of THE REVIEW OF HIGHER EDUCATION. He drew the attention of Committee members to graphs plotting the growing discrepancy in average faculty salaries for full professors at research universities. Minnesota, Wisconsin, and the rest of the public Big Ten schools are comprehensive universities that try to address state needs--and that face serious challenges.

It is important, as the legislative session goes forward, to focus on positive messages. The University has a good story and real needs that must be addressed. It is reasonable for the public to ask what the University is doing with the dollars it is now getting. Dr. Bruininks said his office is developing a history of reallocation and it is a very good story. The University is constantly reallocating funds from lower to higher priorities; last year units reallocated nearly \$14 million to faculty and staff compensation and to retention offers and the University has also self-financed a \$60-million remodeling of its business operations (the Enterprise Systems, a.k.a. PeopleSoft and grants management and related upgrades). The University reallocates millions of dollars each year--and that does not count what is done at local levels.

The University is well-positioned right now but needs the active involvement of faculty, staff, and students. They have been told by legislators that "form emails" signed by a lot of people do not have the impact of a personal call or letter. The faculty are held in high esteem by legislators, Dr. Bruininks said, and can have a huge impact on legislative decisions. Faculty talking about their work have more impact than all the charts and graphs the University can present.

A Grassroots Committee has been formed; each college has a liaison who will work with individuals in that college on legislative matters. The liaisons meet regularly and are trying to get the message out. The liaisons are primarily communications people; it was suggested that there should be a faculty analog to connect with faculty at the local level in each college. Professor Morrison agreed and said FCC would develop one.

Professor Massey said he believed that each arm of the University--the faculty, the administration, and the Board of Regents should act as appropriate with respect to the University's request, and in a systematic, measured fashion. The faculty and administration are or will do so; what about the Regents? Dr. Bruininks said the Board members are "rolling up their sleeves" and working with the legislators. Professor Massey noted the recent editorial by former Regent David Lebedoff and said that it did not exactly represent the University's position and suggested that Regents' Chair Patricia Spence prepare a paper. Dr. Bruininks responded that the President has prepared items for the newspapers and the Regents are being encouraged to do so in local papers.

Professor Morrison said that he has been holding back writing anything and waiting for events to unfold; it is his sense now, he said, that silence is not the way to go. The faculty must respond. Professor Massey urged him to write something for the STAR-TRIBUNE. Dr. Bruininks said the PIONEER PRESS, the suburban newspapers, and the DAILY should not be ignored. Professor Speaks commented shortly that it is appropriate for the Faculty Consultative Committee to get into action.

Professor Speaks went on to comment that as responses to claims are prepared, the University must decide on its target audience. Is it trying to change the minds of the citizens of the state or of legislators? He surmised it was the latter. He also suggested that it would not be especially useful to respond directly to points raised in a recent editorial by the Governor.

Dr. Bruininks agreed. He said that the tone in the legislature right now is very positive, Dr. Bruininks said. He noted that the University was not singled out for lower increases and may, in fact, have done A LITTLE better than some other agencies. The issue is how much money the state should invest on certain priorities.

Is Wisconsin in the same position, Professor Speaks inquired? A number of states in the Midwest have done much better with public higher education than Minnesota, Dr. Bruininks said; in the Midwest, Minnesota is dead last in terms of state effort in the past several years. In a number of states with less economic growth than Minnesota they have decided to bite the bullet and put more money into both K-12 and higher education.

Professor Rabinowitz pointed out, drawing on a handout distributed by Dr. Bruininks outlining comparison points between Minnesota and Wisconsin, that Wisconsin is higher-ranked in part because of its humanities programs; she said that the best predictor of a school's rankings is its standing in English and history. These are areas the University has been cutting for years. They are also the hardest sell in the state because they are not new technology or new medical advances.

Professor Rabinowitz recalled seeing a letter in the STAR-TRIBUNE which declared that the University is mediocre, the state likes it that way, and it can stay that way. Professor Speaks is right, she said; the University must be clear about whom it is talking to and what the message is. In the long run, she maintained, the instrumentalist message (the University provides jobs, technology, etc.) is defeatist; Madison ranks high because of the humanities.

Dr. Bruininks agreed the University should aspire to be better in the humanities but he pointed out that they HAVE been a priority for the last few years; there have been unprecedented investments in recent years. There has been much money reallocated to the humanities--not enough, but the University has done a lot. Those efforts will be reflected in rankings downstream--if the University can hold on to

the gains it has made and not slip because of deep retrenchments. Professor Rabinowitz agreed that much has been done but the gains have not been translated into public discourse.

Dr. Bruininks again agreed and said he had recently sought information on why the four-year liberal arts degree is valuable. He read, of all things, a Department of Labor report, that said four-year college degrees will be critical for fueling the economy in the future and that liberal arts graduates were extremely important. One can put this in economic terms, he said: the future of the state's economy depends on HOW people think in addition to what they do.

Professor Ahern argued that it is necessary to speak both to the legislature and to the people of the state but that one must be mindful of WHICH group one is speaking to. This is a teachable moment, he said, a time to talk about the University both in economic terms and, along the lines noted by Dr. Bruininks, in terms of the liberal arts. Dr. Bruininks added that the facts do not support claims that liberal arts degrees do not lead to jobs; the lowest unemployment rate is in the group of people who have four-year degrees IRRESPECTIVE OF FIELD. What a liberal arts degree does, Professor Ahern noted, is open students to multiple career choices. The legislature and public must hear from the University or it will believe what Governor Ventura has claimed, he concluded.

Professor Hamilton disagreed with Professor Rabinowitz on the reason for Wisconsin's ranking. He said it also due to the fact that Wisconsin has more National Academy members and a Nobel Prize winner. The University of Minnesota has never had that and must always take credit for what FORMER faculty have done.

## **2. Elevators**

Professor Morrison now welcomed Professor Carey and Ms. Cordano to the meeting to report on a thorny issue with which they have been dealing.

Professor Carey explained that the Disabilities Issues Committee and the Office of Disability Services is very concerned about access from the new East River Road parking ramp to the Academic Health Center (Boynton Health Service in particular). He and Ms. Cordano distributed copies of a schematic showing the various new buildings being constructed, the ramp, and access from the former to the latter and vice-versa. The access planned for those with disabilities to the Academic Health Center facilities from the new ramp will be extremely circuitous using either the "switchback" system of pedestrian inclines to enter Boynton near the ramp entrance or using the main entrance into Boynton, which would require traversing the Delaware St. hill (on the north side of Boynton). The option of installing additional elevators in the ramp that would provide more direct access to the AHC is no longer being considered because of its estimated cost (\$3.7 million) and because of a desire to route traffic through retailers in the remodeled Coffman Union. The current plan is not adequate for the disabled or for the elderly. Can this Committee assist in dealing with the problem, he asked?

Committee members made a number of inquiries and comments about the schematics and the problem.

Professor Hamilton inquired what they wished of the Committee. Professor Carey said that a big decision is being made by small units that is not in the best interests of the University so they have come to this Committee and want to go to the Senate for advice. Who is making the decision, Professor Speaks

asked? Residential life, the union, and parking, Professor Carey said. How long has it been known that this project would not provide satisfactory access, Professor Speaks then inquired? There have been constant changes, Ms. Cordano said, but it came to her attention late in the summer and there have been continuing discussions since then.

Dr. Bruininks said the issue reached him in late September, brought to him by Vice President Robert Jones, who was alarmed at the problem. He asked Messrs. Kruse and Pfitzenreuter to identify alternatives. The dilemma is the huge cost. He said that the Committee could take this to the Senate, or even to the legislature, but someone has to figure out the engineering and make changes work within the budget. What could the Senate do? Pass a resolution? There would still be a need to get people around the table to solve the problem.

Professor Speaks said he is sympathetic to the argument that there are a lot of old buildings around the campus that it will take a long time to make accessible. But he is surprised, he said, that it is even legal to build a new facility with unacceptable access. Access through the back door or the side door is not acceptable. He acknowledged that he did not know where to find the money to remedy the problem.

Professor Morrison said he agreed with Professor Speaks and said the reason the University is in a box is because the decision was made to finish Coffman Union at a fixed price and a rapid pace. He said he was dismayed that the University would provide poor, but cheap, access. Professor Ahern concurred, saying he was appalled that the University would build a ramp, presumably expected to last for years, without providing adequate access.

Dr. Bruininks repeated that he has asked people to work on the problem but that he has not yet received any answers.

Professor Carey said that the Director of Boynton Health Service said he would fund the change if the Health Service could be relieved of its IRS obligation. That will not happen, Dr. Bruininks declared. Every unit would be trying to strike some kind of a deal; the University is not going to change its entire financial system to address this problem. There is no doubt that Boynton must be a partner in the solution--and the Director has indicated a willingness to do so.

Professor Feeney related that this issue had arisen with the Academic Health Center Finance and Planning Committee. Parking, Residential Life, and the Union are acting independently, he said. The AHC users help support the ramp but the need for access to the AHC is not being accommodated. He commented that he was bothered by the way these internal service units make decisions without regard to the impact on the rest of the University; any academic unit that tried to do something that did not fit into the master plan would be stopped. There is no collegiality in the decisions. It seems like someone threw up their hands on this one.

Dr. Bruininks told Professor Feeney that he (Professor Feeney) knew more than he (Dr. Bruininks) did about this problem. He said he would check to see what alternatives there are but cautioned against generalizing from one instance about how the administration worked.

Dr. Bruininks said that was not acceptable and said that pointed questions have been raised about this question of access to the AHC from the new ramp.

Professor Speaks then commented, apropos the remodeling of Coffman Union, that he had been approached about a need to get the matter on the agenda of the Finance and Planning Committee as quickly as possible in order to consult on the consolidation of the bookstores into the anchor tenant of a remodeled Union. The Committee held a discussion; he had thought it might be appropriate for the Committee to adopt a resolution expressing its views, but then learned that the President has already approved the project. The discussion was a waste of time for both this Committee and the Finance and Planning Committee.

Dr. Bruininks said that he would check on this. He observed that the University is trying to self-finance the project and recover its costs. The building and the ramp are very expensive and ways have to be identified to get them done and also solve as many problems as possible in doing so. He told the Committee it was fine to "blast away" at him and that he would carry the message to his colleagues.

Professor Morrison said there was no consultation with the faculty on the entire project and they were merely informed after the fact. That then limits the willingness of the faculty to support it. He nonetheless thanked Dr. Bruininks for joining the meeting.

### **3. Interim Faculty Development Leave Policy**

Professor Morrison turned to Professor Fossum for a short discussion of the Interim Faculty Development Leave Policy.

Professor Fossum reported that the Committee on Faculty Affairs had been asked by Vice Provost Robert Jones to recommend renewal for one year of the Interim policy. There is a committee working on a revised new policy. The only changes in the existing Interim policy were removing references to quarters and taking out dates that had passed.

Professor Morrison asked if a permanent policy would be presented in the Fall; Professor Fossum said it would.

The Committee voted unanimously to recommend to the Senate that it approve the one-year extension of the Interim Faculty Development Leave Policy.

### **4. Report of the Chair**

Professor Morrison reported on two issues:

-- There has been progress in the discussion of providing access to the grievance policy for emeriti faculty. He, Professor Cooper, and the Grievance Officer, Carolyn Chalmers, met with President Yudof and there will be a proposal as a result of that meeting.

-- The Intellectual Property procedures were brought to FCC last year with a request that they be approved on a temporary basis, with the understanding that the permanent procedures would be brought to the Senate for official approval. FCC agreed. Then the procedures went to the General Counsel's office, which sat on them for months and then substantially rewrote them. Professor Hamilton reported that there had a meeting with a representative of the General Counsel's office and concluded that they did

not understand the issues; in their attempt to make it a legal document they took away the utility the faculty saw in it.

Professor Hamilton said he believes the procedures have largely reverted to their original form and that there will be one more meeting before they are presented to the Drafting Committee [the group of four, with representatives from the faculty, the administration, the General Counsel, and the Regents, that tries to ensure a document going forward to the Senate and elsewhere will be acceptable to all groups].

There was a representative from the General Counsel's office involved in the original drafting of the procedures, Professor Morrison recalled, but that person disappeared and the new representative of the General Counsel's office completely rewrote the draft. He said he was concerned that there is a sense the General Counsel's office believes it can rewrite a policy so it is acceptable to them and assume that it will be acceptable to everyone else. He was also concerned that the changes were originally represented to him as mere technical details. He asked for a red-lined version, with strike-outs and underlining; virtually every word of the original procedures were struck out and replaced. At that point he had insisted on knowing what was done and why and discovered that the changes were NOT just technical. The Committee needs to raise this whole issue of how policies are handled by the General Counsel forcefully with the President, Professor Morrison concluded.

Professor Feeney cited an example of how the General Counsel's office nearly cost his college a very significant piece of equipment sold to the University at an extremely low price and said that the faculty must be sure that entities around the University do not run it into the ground because they think it ought to be run like business.

Professor Rabinowitz returned to the problem of grievances. She related the problem a junior colleague had with the existing process and a lack of representation--when other University offices were represented in the same matter. That is one reason she advocated a union, she said, because the union would represent faculty in disputes. As the system becomes more and more legalized, and every incident is turned into a "case," faculty are the ones who are left out. Can the Committee think about this?

One suggestion he has heard from both faculty and administrators, Professor Morrison related, is that a faculty ombudsman might be helpful in resolving issues. The question of how far the ombudsman would go in representation versus talking about working a problem out would have to be resolved.

Professor Hamilton said he agreed with Professor Rabinowitz; as life is more and more litigious, faculty need something.

Professor Brady said that this train of conversation suggested to her the Committee should take up the question of service groups at the University that are supposed to help the faculty but that actually more often get in their way. This happens a lot, she maintained.

Professor Massey recalled that Vice President Kruse talks about buildings that must last 100 years, but earlier they were talking about something that should not be allowed in 2001 [the elevators issue]. In the case of Coffman, Professor Morrison said, there is not enough money so they have x'd out things to get down to the price they can afford--and they x'd out REASONABLE access while providing minimal access--and then put the bookstore in to finance it.

When the Finance and Planning Committee asked for financial details on the plan, Professor Speaks reported, it was told that they were experts. He said he was not interested in receiving the plan once he learned that the President had already approved the project. They are, he concluded, "running over us again." When they asked what student services would go in order to accommodate the bookstores and who will occupy the space vacated by the bookstores, there were no answers and nothing in the way of a financial or business plan.

If the project is relying on optimistic projections and it fails, the money will come from academic budgets, Professor Feeney pointed out. Professor Bebeau said she could not believe the presentation that had been made to this Committee--it was as if the Committee would endorse the idea after they said a few words about it. Professor Speaks said he was troubled that the decision had already been made; why did they bother coming to the Finance and Planning Committee?

Were the students consulted, Professor Rabinowitz asked? Professor Morrison said the discussions were with the Coffman Board of Governors, who want a union; in their view, a union with a big bookstore is better than no union at all.

There have been a number of instances that all come back to haunt the academic budgets, Professor Morrison said, agreeing with Professor Feeney. They range from underestimating building costs for athletics, to parking, to bailing out Gateway with rents, to Coffman, Professor Hamilton noted another incident that could cause the University to violate federal law if it is not dealt with. He said that he is working on it, that he has many of them "in his sights," and that these support units are loose cannons that no one pays any attention to as long as they are financially profitable. The faculty have to insist that there be control over them. They are big profit centers.

What does the administration think about these autonomous units, Professor Feeney asked? One has the sense that they do not see any problem.

Professor Morrison adjourned the meeting at 3:30.

-- Gary Engstrand