

Minutes\*

**Faculty Consultative Committee**  
**Thursday, July 12, 2007**  
**1:15 – 3:00**  
**238A Morrill Hall**

Present: Gary Balas (chair), Nancy Carpenter, Carol Chomsky, Emily Hoover, Mary Jo Kane, Judith Martin, Nelson Rhodus, Geoffrey Sirc, Jennifer Windsor, Becky Yust

Absent: none counted for a summer meeting

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

Other: Katherine Himes (Office of the Provost)

[In these minutes: (1) discussion with Provost Sullivan (his list of issues for the upcoming year); tenure Procedures document]

**1. Discussion with Provost Sullivan**

Professor Hoover convened the meeting at 1:20 and explained that Professor Balas was on his way from the airport from a professional meeting. She asked for a round of introductions and then asked Provost Sullivan to provide an update on his plans for the year.

The Provost said he had 20 items on his agenda.

- Launch an international search for the director of the Institute on the Environment
- Appoint an interim director of the Institute for the Advancement of Science and Engineering (he is consulting with the faculty on the selection)
- Complete the review of 7.12 statements and have them back to the departments by the time the faculty return in the fall
- Conduct the scheduled reviews of two deans (Elde and Crouch)
- Evaluate how well the faculty in the humanities are funded in terms of research support and what needs to be done to improve that support
- Monitor strategic positioning reforms: expansion of freshman seminars, the new honors program, UROP, the new writing department and writing across the curriculum, and the increase in academic advisors and implementation of the graduation planner

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\* 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.

- Complete the review of liberal education requirements for the Twin Cities campus by the end of fall semester
- Continue to monitor and move forward on graduation rates
- Continue to monitor the profile of first-year students for diversity and academic performance and ensure that financial considerations are not a barrier to access
- Monitor the financing of graduate education and look at the recruitment, retention, and success of graduate students in light of the new money that has been put into graduate education
- Try to determine how the University can provide a fully-paid research leave to all tenure-track faculty before the tenure decision. (There was brief discussion of why all of the funds in the sabbatical pool are not spent each year.)
- Beyond the discussions that take place in the compact discussions, assist the deans in monitoring college budgets, ensure financial progress, and avoid problems. (Professor Martin reported that the Committee on Finance and Planning had learned that because of cost charges under the budget model, some of the largest colleges face a structural deficit. Provost Sullivan emphasized "ensure financial progress" and avoidance of deficits.)
- Monitor cost-pool increases in the new budget model
- Spend more time monitoring faculty compensation and assist in the retention and recruitment of faculty
- Continue to monitor and work with the "wave one" colleges and not allow problems to fall through the cracks
- Do a University-wide review of the competencies and capacities to be world-class leaders in biofuels, given the fact the University has recently been unsuccessful in obtaining major grants; the review will include an internal evaluation and then an external peer-review team to obtain the most accurate picture possible
- Following conversation with Professor Chomsky, develop communications to faculty and department heads about the rules on faculty transferring from one department to another
- Continue a process, begun in the spring, of a review of space needs on all campuses in order to align real estate, space, and academic programs and priorities; he has received a report on the St. Paul campus
- His office has one dean search taking place this year (the Law School); Dr. Cerra also has a dean search to conduct (Veterinary Medicine).
- They are interviewing finalists for the Rochester chancellor position.

Professor Kane asked if there will be any formal report on the implementation of strategic positioning. Provost Sullivan said the President will make a full report to the Board of Regents in the fall on the first three years of the process, both on what has been accomplished and what remains to be done.

Professor Martin reported, apropos faculty compensation and retention, that there appears to be preventive retention occurring in some parts of the University—even if a faculty member only receives a call or letter expressing interest from another institution. Provost Sullivan said each department and college has its own traditions, cultures, and norms and he expressed the hope that deans and departments have insight into when an outside offer might be serious. He cannot micromanage that process from the Provost's office. He also added that he believes it a mistake to wait for, or insist on, a formal offer from another institution before considering a retention offer; by that time, he said, the unit has probably already lost the individual. In some units, Professor Sirc commented, a prospective outside offer will be ignored if it seen to come from an institution less prestigious than the University of Minnesota, which can lead to the loss of very talented faculty. The Provost agreed that the issue is not the source of an offer but the possibility of the loss of a faculty member; he said he has told the deans that the source of an offer should not be the determining factor.

Professor Balas, who had joined the meeting, said that the funding for faculty salaries has helped in rewarding faculty by recognizing their value and in fending off outside offers. He thanked the Provost for his comments and report.

## **2. Tenure Procedures**

Professor Balas now welcomed Professor Clayton, Chair of the Academic Freedom and Tenure Committee, and Vice Provost Carney to discuss the revisions to the tenure Procedures, the document that provides the detail intended to implement the language of the Regents' policy "Faculty Tenure" (the tenure code).

Professor Clayton said he was glad to join the Committee, that the Academic Freedom and Tenure Committee has very good people serving on it, and that Vice Provost Carney did much of the initial work in suggesting revisions to the Procedures. Until a few years ago, the tenure committee was a subcommittee, then it became a committee because it had more work, and then it became the Academic Freedom and Tenure Committee. Since then it has been meeting about once per week to revise the tenure code: Vice Provost Carney "brought tablets down from the mountain" weekly and the committee would review them with a fine-toothed comb. Following completion of the revisions of the tenure code, the committee turned its attention to the Procedures, which required at least as much attention as the code itself.

With the Procedures, the committee aimed at clarity, specificity, and economy, and it worked with a constantly-evolving document over several weeks. The committee attended to matters of fairness in the Procedures rather than merely serving as an editorial body.

Vice Provost Carney began reviewing the major changes in the document, starting with the name. It now sets out procedures for reviewing candidates for tenure and/or promotion for both tenured and tenure-track faculty (rather than providing procedures for tenure-track probationary faculty only). In the existing procedures there is only one sentence that alludes to promotion; now the document addresses it in a more comprehensive way. The scope of the document has also been expanded to include review for

tenure and promotion both to associate and to full professor. She noted that there are 5-10 cases per year that involve a tenure-only or promotion-only decision.

At this point Committee members began raising questions about specific language in the draft.

-- Professor Chomsky suggested that the language describing the individuals who are covered in the draft is confusing. Dr. Carney noted that the AF&T committee spent a lot of time on the words and voted to adopt the ones in the draft; she said that other proposed language might be more confusing.

-- Professor Yust noted that in addition to tenured and tenure-track faculty there are also contract faculty. Dr. Carney said that this document does not cover them; a separate and new document is needed for promotion for contract faculty.

-- Professor Rhodus noted that in some cases unit heads are not tenured faculty; and in some cases post-tenure review and the annual review are combined; can non-regular faculty carry out the responsibilities identified in the Procedures for tenured faculty? They cannot, Dr. Carney said; if a non-regular faculty member is unit head, the responsibility must be delegated to tenured faculty. There is also language in the Procedures governing the role of a department head who is an associate professor. Professor Martin commented that the deans in the Academic Health Center (which has most of the instances of non-regular faculty as unit heads) must be very clear about what non-regular faculty can and cannot do.

Vice Provost Carney next noted that the revision reorganized the provisions on voting on promotion and tenure decisions.

-- Professor Yust said the draft was not clear that voting on a probationary faculty member is optional in the years before the tenure decision and that the practice varies. Dr. Carney said a vote is required in the final year but that departments are not required to conduct votes in earlier years.

-- Professor Yust next raised a question about the definition of a quorum for voting on a tenure decision. People are not counted if they are absent? The language reads: "A quorum must be present at the meeting at which the vote takes place. A quorum is defined as more than 50% of those faculty eligible to vote on a personnel question, except that those absent and not voting are not counted for the purposes of determining a quorum." Dr. Carney said she also had questioned the language, but the AF&T committee believed it clear. In its present form, the language suggests that if a department has 20 members, 14 of whom are out of town or absent and not voting by absentee ballot, 6 are available, so 4 is a quorum and 3 can vote to recommend or deny tenure.

The Committee at this point had a long discussion about what a quorum should consist of. There was particular concern about situations where a significant number of the tenured faculty in a department did not attend a meeting to make a tenure recommendation. Professor Kane said it is the responsibility of a department head to get faculty members to the meeting—and if he or she is unable to do so, the dean should become involved. Professor Balas and several other Committee members expressed strong views about the obligation of faculty to attend the meeting, participate in the discussion, and vote on the candidate. (Dr. Carney reported that to her knowledge only the Law School uses an "excused" category; she has seen reports with a number of faculty not voting—but it is not from a large number of departments.) Professor Kane said that it is unacceptable to have decisions about life-time appointments made with people not showing up for the meeting; a number of Committee members expressed strong

agreement with the sentiment. The chair may need help in getting people to recognize their responsibility. Professor Sirc asked Professor Kane how she would put teeth into a declaration that faculty must show up for the meeting if they are not excused; Professor Kane suggested that there are things a chair can do to get the message across about a faculty member's citizenship responsibilities in the department but they need to be discussed in advance.

Professor Windsor emphasized that the department head has to be given specific authority in the Procedures, not just admonished to get colleagues to attend the meeting. A large number of Committee members concurred with Professor Windsor's view.

The Committee agreed that the language of the Procedures about faculty responsibility to attend tenure-decision meetings and participate in discussions should be strengthened.

Professor Chomsky suggested that the AF&T committee could decide that a quorum is a majority of eligible voters (but not counting those who are excused). That would mean that someone is voting "no" on a candidate if he or she does not show up for the meeting. The requirement of a quorum has meaning, she pointed out: the intent is to have a discussion, not a decision made largely by absentee ballots. People would have to understand that one consequence of not attending the meeting would be the way the vote would be counted (in the negative). Dr. Carney said she worried about adopting such a rule because it could be unfair to candidates.

The current draft also contained this sentence: "To be eligible to vote, a faculty member must have reviewed the candidate's file." Professor Chomsky suggested deleting the language because it might be learned, after a meeting, that someone had not reviewed the file, thus opening up the recommendation to a challenge. Dr. Carney agreed and said this might provide a basis for candidates to bring a case to the Senate Judicial Committee. Professor Chomsky agreed that faculty should review the candidate's file and the Procedures should articulate that obligation in clear terms, but thought that the term "must" should be removed.

Dr. Carney said she too was concerned about how abstentions are counted. How they are counted can affect what the Provost's response must be. For example, a department could vote 12-10-2 in favor of a candidate, with 2 abstentions that are not counted, or it could vote 12-10-2 with the 2 abstentions counted as negative, thus a 12-12 vote. If the Provost were inclined to agree with the 10, in one case he would have to write a special letter explaining why he was not agreeing with the majority vote (12-10); in the other case he would be agreeing with the department (because a tie vote is automatically a vote not to recommend tenure). If an abstention counts as a "no" vote, what's the point of abstaining, Professor Carpenter inquired? It is a "soft" no, Dr. Carney said, or may reflect ambivalence. She noted from the minutes of one AF&T meeting that language about abstentions for some reason did not make it into the draft, but the AF&T committee voted that an abstention should be equivalent to a "no" vote.

At this point the discussion flowed in a number of directions. The major points were these.

-- (Professor Martin) The provisions about a majority and abstentions would be a significant cultural change in some units. The provisions are supposed to provide increased specificity, Dr. Carney said; what she did was bring to AF&T the questions that had been asked of her in the last year; she said she preferred to see language in the Procedures and that she was uncomfortable just making decisions about these issues on her own.

-- (Professor Martin) Once department chairs learn about new and stronger language about the obligation of faculty to attend and participate in meetings, they will feel more empowered. Dr. Carney said the Provost's office has considered whether to have mandatory sessions for all department heads to review changes in the tenure code and these Procedures, because they are important. Professor Balas said that department heads recognize the importance of the changes and such a session would just be one more imposition on them. Dr. Carney agreed but pointed out that last year she had a large number of calls that were often one hour before tenure-decision meetings and that raised very significant issues that affect a faculty member's life.

-- (Professor Yust) It would be helpful to have a sample ballot and documents to use. Dr. Carney said she could include best practices as an appendix and go over them with department heads.

-- (Professor Chomsky) AF&T should consider a rule that abstentions count as "voting" and that a department must have a majority of all those voting to recommend tenure. If people are clear about what an abstention or absence means (that it counts as a "no") they will be more careful. That is about what half of the units now do, Dr. Carney said, and voting rules should never have been up to individual departments because that leads to treatment of some probationary faculty that is invidious in effect.

-- (Professor Kane) Will these changes go to the Faculty Senate? (They will not.) Professor Chomsky noted that the tenure code provides that the Procedures are reviewed by the AF&T committee and then adopted by the Provost. She said she has argued before, and now believes even more because of the discussion at this meeting, that the Procedures should go to the Faculty Senate for information and discussion. Dr. Carney said she would be troubled if faculty are treated differently because of varying department rules and the University were to delay changes to the Procedures for another year in order to bring the draft to the Faculty Senate. If the Procedures will now say a department must count an abstention as a "no" vote, that would be a big change for some of them and they should be consulted about it, Professor Kane maintained. She agreed that whatever the practice, it should be standard across the University.

-- (Professor Yust) Because these changes significantly affect people's lives, waiting one more year in the 153-year-life of the University will not matter that much in order to make sure the changes are done right. Vice Provost Carney can interpret the Procedures in the meantime, she suggested—a proposition that Dr. Carney took issue with, saying that interpreting the Procedures without supporting language is problematic. She also pointed out that if the Senate, in deliberating about the Procedures, were to act in a way contrary to what was expected in requiring departments to change their practices, the cases in which she had made interpretations at variance with what the Senate recommended would very likely go right to the Senate Judicial Committee. She observed, as well, that when one adds in the requirement for a super-majority for a tenure recommendation, the issue becomes even more complicated.

-- (Professor Chomsky) When balancing between (1) allowing one more year's worth of faculty to be promoted and tenured under the existing Procedures and (2) presenting all faculty and departments with a *fait accompli* in the new Procedures, (2) would be highly problematic even if not everyone understood the issues. There should be commentary by the Faculty Senate on the Procedures, after which the AF&T committee can put them in final form for the Provost. If it is not possible to get the Procedures revised in time for personnel decisions during 2007-08 (Dr. Carney said the first decisions are made in early October), she agreed with Professor Yust that waiting one more year in the 153 years of the University is

better than provoking an explosion when departments realize the nature of changes that have been imposed on them. All of the good will that was generated by the process of widespread consultation on the tenure code and adopting the changes unanimously will be gone. Dr. Carney said that there is nothing in the revised Procedures that would harm anyone and that they would in fact work to the advantage of new faculty. Professor Yust agreed but said that there would be a reaction to the sense that people are being railroaded. Dr. Carney said it appeared from the discussion that the Committee proposed to empower the Provost to make unilateral decisions about some issues that are not in the Procedures.

-- (Professor Balas) What are Professor Clayton's views? The AF&T committee talked about all of these provisions at great length, Professor Clayton recalled, and, on the specific issue of abstentions, suggested that they be included in the denominator, as Dr. Carney reported. Now he was not so sure that is a good idea because an abstention counted as a "no" vote reduces the voter's choices to "yes" or "no," in effect, and weighs excessively against the candidate. Professor Clayton agreed with Professor Chomsky's recommendation that the Faculty Senate be consulted.

-- (Professor Chomsky) Much of the revised document is not controversial; it is possible that AF&T and the Provost could adopt all of the parts of it that are not and isolate the provisions that present substantive choices that must be made. Dr. Carney said her only discomfort with that plan was that it leaves in place the possibility of inequities in treatment of probationary faculty next year. The point of the tenure code, she said, is that there not be variations by college in how candidates are treated (such as in how abstentions are counted). Professor Kane said the Committee is trying to resolve that problem but if there will be an impact on faculty lives, the point is to make sure the faculty weigh in on the discussion. She said she would be very uncomfortable proceeding without the advice of the Faculty Senate. Professor Sirc agreed, especially since in some units an abstention seems to be a popular vote.

-- (Vice Provost Carney) Another problem is that departments do not write minority reports when the vote is 12-10 or something similar. That is unfair to the candidate, who cannot respond to negative views that are not articulated. The chair may speculate about the reasons for the negative votes, but speaking as an advocate for probationary faculty, Dr. Carney said believes it is unfair to the candidate if there is nothing to respond to.

Dr. Carney finally noted, in her review of the major changes in the Procedures, that the coordinate campuses have been more fully and effectively integrated in them.

Professor Martin said it would help if there were a message from the Provost to the faculty reporting that the Procedures are moving forward and that there will be discussion at the Faculty Senate about two or three issues. It would be better to provide a "heads up" than to have people walk into the issues cold. Dr. Carney reiterated that the issue of abstentions is not even in the draft so that question can be brought to the Faculty Senate and added to the Procedures later. The quorum question can also be changed if Faculty Senate discussion suggests it would be appropriate. Professor Chomsky amended the suggestion to say that any message should come from the AF&T committee and the Provost, not just the Provost.

Professor Kane said she would like to know what other Big Ten schools do in terms of counting abstentions on tenure votes. Professor Sirc added that it would also be useful to know how they deal with the quorum issue. Professor Clayton said that this in point in human history it is unlikely that there is no authoritative statement on abstentions and he would also consult Robert's Rules of Order on the subject.

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Professor Balas suggested that the AF&T committee identify points of major contention in the draft and that other Committee members contact Professor Clayton with any additional issues. He thanked everyone for coming to a summer meeting and adjourned it at 3:00.

-- Gary Engstrand

University of Minnesota