Minutes[*]

Faculty Consultative Committee
Thursday, June 6, 2002
1:15 – 4:00
238A Morrill Hall

Present: Joseph Massey (chair), Muriel Bebeau, Susan Brorson, Tom Clayton, Arthur Erdman,
                Daniel Feeney, Marti Hope Gonzales, Candace Kruttschnitt, Jeff Ratliff-Crain, Martin
                Sampson, Charles Speaks

Absent: Wilbert Ahern, Les Drewes, Richard Goldstein, Roberta Humphreys, Marc Jenkins, Mary
                Jo Kane, Leonard Kuhi, Marvin Marshak, Judith Martin, Mary McEvoy, Scott
                McConnell, Paula Rabinowitz

Guests: Rebecca Hippert (Senate Office); Associate Vice President Steve Cawley, Ken Hanna
                (Office of Information Technology); Vice President Robert Jones, Chief George
                Aylward, Vice President Greg Fox

Other: none

[In these minutes: (1) Morris FCC election; (2) School of Dentistry Senate election; (3) administrative
changes; (4) report from the ad hoc committee on governance (proposal concerning voting authority); (5)
University network security; (6) University Press; (7) campus security and accountability (the hockey
game "riot")]

1.   Morris FCC Election

        Professor Massey turned to Professor Ratliff-Crain and Ms. Hippert to discuss the election for the
FCC representative from the Morris campus. There were three candidates, one of whom (Professor
Ratliff-Crain) received an absolute majority of the votes. The Senate bylaws stipulate that there are to be
two candidates, so it could be argued that there needed to be a run-off and a second election held. The
Senate Parliamentarian expressed the view that the election as held was acceptable.

        The Committee concurred and concluded that no changes in the existing constitution or bylaws
were required.

2.   The School of Dentistry Senate Election

        Ms. Hippert explained that after the discussion at the last FCC meeting, she had inquired of
Human Resources the number of P&A staff members who would qualify to be nominated and to vote in
Senate elections, given the interpretation by the Senate parliamentarian that the term "full time" should be
applied the same way to faculty and P&A staff (that is, an appointment of 67% or more met the criterion
of "full time").

What of the Senator whose term had been terminated, Professor Bebeau asked? It was agreed that Professor Massey should send a letter directing that she be reinstated. There is also the larger question about representation from colleges that have a large number of P&A staff eligible for Senate membership, Professor Bebeau said. This relates to the work of the ad hoc committee on governance, Professor Ratliff-Crain suggested; if there are not enough faculty members willing to be nominated for Senate membership, they may be shirking their responsibilities. Professor Bebeau agreed; some faculty, she said, see Senate membership as unimportant and a waste of time so say that if there are P&A staff who want to serve, let them.

Is this something that should be handled at the college level rather than enact a policy, Professor Ratliff-Crain asked? Perhaps a letter should be sent from FCC to deans and department chairs encouraging faculty participation, Professor Massey suggested.

It was agreed that the ad hoc governance committee should be asked to look into this issue; it should also clarify what Senate representation means, Professor Ratliff-Crain suggested. It should explore the issues "with an eye to clarity and fairness," Professor Massey said.

3.   Administrative Changes

Professor Massey reviewed for the Committee what had occurred over the last several days.

This Committee met on June 3, closed the meeting, and discussed personnel matters, including the appropriateness of recommending individuals for the position of interim president to the Board of Regents. It also considered the issue of whether an appointment to the provost position should be permanent or interim. The conclusions reached by the Committee were transmitted to the Chair and Vice Chair of the Board of Regents the next afternoon. Regents Reed and Bergland were presented with a letter concerning the search process and a statement from the Committee on the interim president and the provost position.

Before the meeting with the Regents, Professor Massey reported, he had made a courtesy call to President Yudof to explain what the Committee intended to tell the Regents. The President said it was his opinion that it was entirely appropriate for FCC to make the recommendations it did. Also before the meeting, he made a courtesy call to Executive Vice President Bruininks to inform him of the recommendations that FCC was making. Dr. Bruininks also said it was his opinion that it was entirely appropriate for FCC to make such recommendations.

He received an email just before this meeting that the Regents would be making the decision tomorrow (June 7) or next week about the interim president, Professor Massey concluded. Is it in the power of the Board to appoint an interim president, Professor Kruttschnitt asked? It is solely their authority, Professor Massey said.

Professor Speaks moved that the letter to the Regents and the statement the Committee issued about the interim president, approved at the meeting on June 3, be a part of the minutes of this meeting, although not released until the Regents had taken action. Professor Massey asked if that would not violate the assumption that the discussion on June 3 was closed; Professor Speaks said the DISCUSSION was closed but the faculty have the right to know what the result of the discussion was. After a further

exchange of views on what should be distributed and when, the Committee voted unanimously that the statement and letter should be distributed if the Regents acted in accord with the wishes of the Committee--and after they did so. If they did not do so, the Committee would request consultation with the Board. [NOTE: the statement and the letter were distributed on June 7, 2002.]

4.   Report from the ad hoc Governance Committee

        Professor Feeney now reported for the ad hoc governance committee. He recalled that when he reported on the final policy to the Committee on Faculty Affairs and to this Committee, he said the ad hoc committee had taken the position it should draft the tightest possible document because it would not likely get any tighter after committee reviews; to the contrary.

        This the third time in less than 10 years that the general issue, the role and responsibility of the tenured and tenure-track faculty, has arisen. First it came up during the tenure debate, then during the prolonged development of the new academic appointments policy, and again recently in connection with developments in several colleges. The Committee decided it was time to take a stand. There are units, in the professional schools but also other colleges, where the balance between tenured and tenure-track faculty (TTT faculty) and P&A/term/contract faculty is shifting to the point where the latter could make up the majority.

        So the question is, what is the role of the TTT faculty? The question came to a head over one unit, and the gist of the document from the ad hoc committee is that certain things rest with the TTT faculty (curriculum, governance, appointments), Professor Feeney said. Some tasks can be delegated, but the responsibility rests with the TTT faculty. If the ad hoc committee learns that people do not believe what the report proposes, that is fine; they are not completely wedded to the language.

        The report went to the Committee on Faculty Affairs, which requested some changes and then approved it. It was then to be brought to this Committee. Professor Feeney reported that he had had breakfast with Mr. Croce, Chair of the Council of Academic and Professional Administrators (the P&A governing body); the P&A staff are concerned about the policy. Professor Feeney said he told Mr. Croce that there would be no discussions with P&A staff, or deans, or anyone else until FCC had approved the proposal. He told the Committee the ad hoc committee wishes to know the views of FCC. Action does not need to be immediate; it would be better to have a well-thought-out policy before it is distributed for discussion.

        With respect to the P&A staff, Professor Feeney said, he knew they would not particularly like the proposal. While they do not have any interest in dealing with tenure, they are concerned about the provisions restricting voting rights on other issues. A unit can give voting rights to people in a lot of areas, Professor Feeney said, but they should not be able to do so on unit constitutions, curriculum, and appointments. In some cases, non-TTT faculty have been given voting rights and those units will have difficulty with this policy. He said he has been asked by one administrator if the document is really necessary, since there are only one or two units that have problems; what that tells him, he said, is that there is a lack of recognition that there are problems in a number of places. And this Committee is not prescient about where else the problems might arise in the future, Professor Gonzales added. Professor Feeney agreed; the question, he said, is whether they address the issue now or wait for a problem. He said he did not want this to create friction with the P&A staff but in some cases there will be problems.

Professor Speaks said he believed the report addresses issues which must be addressed, and while there may be friction, the Committee cannot back away from them.

Professor Speaks then asked about the proviso that all department and college constitutions must be approved by a two-thirds vote of the TTT faculty: Does that mean that all constitutions which have not been approved by such a vote must be revisited? It does, Professor Feeney affirmed. Then the report should say so, Professor Speaks suggested, so that units cannot continue to use constitutions that conflict with this policy.

Does the call for a majority vote of the TTT faculty on such items as curriculum and governance mean a majority of those present or a majority of the eligible faculty in the department, Professor Sampson asked? It means a majority of those eligible to vote, Professor Feeney said. That may mean that some departments will be unable to make decisions, Professor Sampson said, if not enough of the faculty are present at, for example, a faculty meeting. There could be a quorum to conduct business, but with people on leave or otherwise absent, there might not be enough votes to obtain an absolute majority of those eligible to vote.

Professor Feeney said that the bottom line is that meetings should not be held at the convenience of a small group and that decisions have to have the affirmative vote of a majority of the faculty in the unit. He said he has heard horror stories about how decisions were gerrymandered; the policy requires that decisions not be made by a subset of the faculty, even if there is a quorum present to conduct business. Professor Bebeau said that units with a lot of faculty absent or on leave can hardly conduct business; it is for that reason the ad hoc committee included language suggesting that some departments may need to be restructured.

His department and many others have policies on these matters, Professor Erdman noted; this policy must be carefully worded so it does not place a burden on the faculty. He noted ambiguity in some of the language requiring faculty approval for all processes relating to searches, for example; it would create a burden to require all TTT faculty to vote on every process for every search. Professor Gonzales responded that a majority of the TTT faculty could approve HOW something will be done, not the actual doing of it.

Professor Speaks said that it is important to keep separate the issue of a quorum and the issue of a majority. A quorum is what is necessary to conduct business; there needs to be clarification if the policy requires a majority of all eligible TTT faculty to vote on issues. He also suggested that a majority be the minimum standard; in some cases, departments may wish to exceed that standard (such as requiring a 2/3 vote in favor of hiring, for example).

Professor Ratliff-Crain asked how much of the policy is articulation of current Regents' policy and how much is new. He said it is his sense that the proposal is an articulation of the rights and responsibilities of the TTT faculty. The draft attempts to set forth what has largely been lore handed down over the years, Professor Feeney said. The tenure code is central, but it does not address all of the issues contained in the draft policy. Some of the ideas came up during the work of the ad hoc committee chaired by Professor Bales to look at academic appointments (of non-TTT faculty), the report from which was then modified by a mixed faculty/administrative committee, which in turn led to the new academic appointments policy. That policy provides that departments can hire as many P&A and contract/term

faculty as they want, subject only to administrative approval. Much of what is contained in this policy, he said, is not written down anywhere.

This report, Professor Speaks said, could be doing some departments a favor, in cases where the TTT faculty have lost control. It is difficult to back away from "dumb decisions" made in the past; this policy, if adopted, would require departments to do so.

Professor Sampson said he was sympathetic to the objectives of the proposal. What if the focus were on who is eligible to make decisions; the notion of an absolute majority could then be relaxed. He said he worried about the requirement for an absolute majority; if a certain number of votes were needed for a decision, a department might have to wait while votes were rounded up. The requirement could also devalue faculty meetings, because faculty would know they would have to be contacted whether or not they attended; even if 2/3 of those present favored something, it could not be approved. He said he was concerned about the consequences of the proposal. He also noted that it is unusual to have such a requirement for most decisions in a unit.

In some clinical departments, Professor Feeney pointed out, the faculty meeting will never have enough people present to conduct business and much must be done by written ballot.

Professor Kruttschnitt said she agreed with Professor Sampson about the focus on eligibility. The number of required votes could then be left up to the departments. Professor Feeney said the ad hoc committee thought otherwise for the issues specified in the policy. The provisions can be changed, but doing so may mean the TTT faculty could be outnumbered in a meeting by the non-TTT faculty.

Professor Ratliff-Crain agreed with Professor Kruttschnitt: if the eligibility is determined, that should take care of the quorum issue. How a department defines votes required to conduct business should be left up to them because they face different situations and pressures.

After further discussion of a quorum versus a majority, Professor Feeney said he would reconvene the ad hoc committee in a few weeks and rework the policy in light of the comments made at this meeting.

5.   Network Security

Professor Massey next turned to Messrs. Cawley and Hanna to discuss network security issues.

Mr. Cawley began by noting that he is the Chief Information Office of the University; Mr. Hanna is the Security Assurance Director. He said that trying to manage technology in an organization as decentralized as the University is like herding cats. He inquired how many people on the Committee remembered Gopher, the early web information retrieval system invented at the University, widely used prior to the development of the browser. He had not heard or thought about it for years, but it turns out there are still places where it survives--and it is in the news recently as a Microsoft security threat. Their purpose today is to discuss what the University is doing about network security and the steps they are taking to protect private University data (e.g., certain research data).

Mr. Hanna began by explaining that "security" means information and data are confidential, maintained with integrity (i.e., not corrupted), and available to those who should have access to them.

The risks to data can come from several sources: the network, hardware devices and software, and people. The risks include, for example, hand-held devices. And good hackers can often simply get in through people--by calling up someone to ask for a password (a surprising number of people asked for their password will give it out). The Internet is a source of risk because it is a two-way street: it is a link to the world but it is a link from the world to the individual.

        One response from OIT has been to adopt policies, standards, and guidelines, which can help (e.g., requiring anti-virus software on computers helps protect everyone; it is provided free to all faculty and staff on University computers and for one home machine and also provided for students). There are also longstanding policies on acceptable use as well as authentication. Of more recent vintage are guidelines on wireless networking; with more use of wireless devices, if people do not follow the guidelines they will interfere with each other--and if not followed, people leave themselves open to having their data intercepted.

        One of the commercial tools that OIT uses to reduce risk is called the ISS scanner, a program that goes through the network to look for obvious weaknesses. The University has identified about 500 critical systems that need to be scanned. The program looks at ports--which are open and which might be vulnerable--by sending data packets to them. It provides a report on high, medium, and low-vulnerabilities; OIT, in turn, works with system owners to reduce vulnerability. This effort has greatly reduced the risks for the University. They also scan several thousand desktop computers on the network upon request; doing so is a very effective way to reduce risks (some of which exist because of simple human error).

        It is a truism in security that half the job is education and awareness, Mr. Hanna told the Committee. They have monthly meetings and talk to departments and colleges about the risks and challenges. Security awareness is an area that needs continual attention. He explained that the saying "good security today is better than great security tomorrow" alludes to the human tendency to procrastinate; he constantly preaches that people should not wait to start.

        They are not 100% successful, however, and incidents do happen. "Incidents" include not only hacker attacks, but also such things as spam and harassment as well as worms and other destructive programs. OIT uses the tools it has to find "hacked" computers on the network and then sends someone out to talk with the person whose computer it is about what must be done.

        Mr. Hanna then distributed copies of a draft standard for Protection of Private University Data, prepared by OIT. Such a standard is needed because University computing is very decentralized and it is necessary to inform many people that they must take extra steps to protect data if it is private. The standard tells people what they must do by providing seven baseline technical requirements that substantially improve security. There is much data on desktop computers; if they contain private data, they must have such protections as anti-viral protection and logs of who used the data, vulnerability scans, and off-site back-ups. These are really not particularly onerous, Mr. Hanna commented, and with free anti-viral software, they are also not that difficult to implement.

        In the case when there are a LOT of data, there are other actions that can be taken that do require more time. One that does not, however, is simply turning off one's computer at night--data are then secured from any network-based intrusions. Mr. Hanna said he sees many computers left on at night and he urges people to turn them off.

Mr. Cawley said that Mr. Hanna's office has a group of four people who, in addition to handling incidents and performing vulnerability scans, are available to the University community for assistance. They work with the General Counsel and with outside law enforcement agencies as needed, but the primary focus of their work is on providing help to the University.

Professor Ratliff-Crain observed that there is a program all faculty are supposed to participate in, the Responsible Conduct of Research; one module in that program concerns data management. The OIT efforts do not appear to be a part of the RCR program but its efforts are of core importance in protecting data. Mr. Hanna said his office works with Ms. Keane, who heads the subjects protection program, and the oversight committees. They were the prime movers behind the draft policy on protection of data. Data protection will be an integral part of the RCR program, particularly because federal agencies will be looking more and more at data protection. OIT will work with the RCR team and the team doing training for HIPAA to ensure coordination of policies and information. Professor Massey said that information about what OIT is doing should also be provided to Professor Brezonik.

Professor Erdman commented that he has recently been receiving many emails written in Korean or Japanese, probably; how can they be filtered out? There are many variations of the messages, Mr. Hanna said; the source could be a viral infestation elsewhere that causes the messages to be sent. In general, however, spam from outside the University is difficult to deal with--people who are not on the technical end often believe that OIT can easily block them, but doing so is actually very difficult. He said for now the best thing to do with spam is to delete it and not respond at all to the sender (those that respond get even more spam). To report spam that looks like it originates from within the University (often the address is forged) send to abuse@tc.umn.edu he said, but the address "headers" must be included to have any hope of investigating. The OIT Security web site at www.umn.edu/oit/security has specific information about "what to do if I receive spam" and how to preserve the headers.

Mr. Cawley said that OIT is working on development of filters but the problem with them is accuracy. Some, however, do look promising and they hope to have some options available by fall. Otherwise, the only option is to delete unwanted messages.

Are the faculty correct in assuming that there is a firewall built around the University's computing network, Professor Feeney asked? Mr. Cawley said that some things can be blocked at the border but that it is an open network. If one uses a server that includes private data, there should be a firewall or some protection around it. One wants to assume that systems are reasonably protected, Mr. Cawley said, but he cannot say that across the University that is universally true--there are some systems that are not protected.

People assume their desktop computer is safe, Professor Feeney said, but could it be hacked? It could, Mr. Cawley said. Should faculty and departments set up their own firewalls? As part of their security plan, they should for human resources and other non-public data, Mr. Hanna replied, and there are a number of good software firewalls available. And many are free for personal use, Mr. Cawley added.

Mr. Cawley affirmed, in response to a query from Professor Ratliff-Crain, that his office is system-wide and works with the coordinate campuses.

Professor Massey thanked Messrs. Cawley and Hanna for their presentation.

6.   University Press

Professor Massey next welcomed Vice President Maziar to discuss the situation with respect to the University Press.

Dr. Maziar explained that she had appointed an external review panel to look at the procedures the Press uses to decide on whether or not to publish a book. The three reviewers came from the leadership of other university presses and two had served in leadership position of the American Association of University Presses; while she does not have a final report yet, the exit interview discussions she had with the reviewers suggested that they found much to be positive about in the policies and procedures used by the University Press.

The Press normally uses two external reviewers for a book manuscript. If those reviews are positive, the Editorial Committee will submit the project to the Committee on the Press (COP), a committee composed of tenured faculty members of the University of Minnesota. She emphasized that the judgment about selecting a book for publication rests on two primary factors: whether the book achieves the necessary level of scholarship to warrant the Press imprint and whether it falls into one of the categories of books the Press publishes.

One point she has been making is that because the Press receives some public funding (about $300,000 out of a total annual budget in excess of $5 million), there is an even GREATER obligation to actively protect the freedom of the press and the First Amendment than there might be with a private publisher. The Press cannot be in the position of censoring opinions with which it, or the University, may not agree if a book otherwise meets publishing criteria. In contrast, a private publisher may choose not to publish a book because it might engender unwanted controversy or because the thesis of the book might be in conflict with the prevailing values of the publisher's sponsors.

In the case of Ms. Levine's book, because of the interdisciplinary nature of the manuscript, the Press submitted the book to three additional reviewers (beyond the normal two); all reviews came back with a recommendation to publish. This effort to seek a broader range of disciplinary input in the review of the project was appropriate and is a demonstration of the care the Press exercised in evaluating this project. It also suggests the extra care needed and the difficulty associated with assessing broadly interdisciplinary work.

Professor Feeney thanked Dr. Maziar for her comments.

7.   Campus Security and Accountability

Professor Massey turned next to Vice President Robert Jones and Chief George Aylward to lead a discussion about the events that followed the men's national collegiate hockey championship game.

Chief Aylward provided a run-down of what happened. He said he was not certain how information got to the Minneapolis Police Department (MPD), but they received misinformation. The UMPD expected a large crowd and three times the usual contingent of officers on duty. The UMPD focused on University Avenue and fraternity row (not because the fraternities themselves would be a

source of problems but because people tend to congregate in that area). The UMPD stayed on the campus perimeter and did not allow large groups to come on campus. People on the streets did not object and there were no large groups on campus during the night. The MPD pushed large numbers on to the campus but the UMPD refused to allow them, so the people were pushed elsewhere--where they did damage.

There were 24 arrests, of whom 17 were of students (none from fraternities or sororities). They have since obtained videotapes of the events and are preparing charges against additional students who did a lot of damage.

Since the post-hockey game events, the UMPD has changed its approach. At Spring Jam, a lot of officers walk around and try to serve as a "good neighbor" crew. Police officers were linked to fraternities and sororities; the officer could be called to solve problems. There received a lot of cooperation.

Professor Feeney said that he and Professor Marshak had talked after the events following the hockey game and wondered if anything could be done to prevent a recurrence of the "riot" that took place. It seemed to them that diversionary activities would have been appropriate--scheduling events that would have attracted students. If students can be pulled away from just milling around, the situation can be defused.

Dr. Jones said they have been thinking about providing a place to gather if a team with a lot of spectators wins another national championship--a planned activity where people can celebrate rather than just letting things happen. They are starting to gather information from places that have gone through such celebrations to learn what they have done to intervene and what they have provided as a planned outlet for students. They are appointing a committee to look at the issues and may tap this Committee for assistance.

Has any problem with the MPD been straightened out, Professor Feeney asked? Was it human error or a failure by the police? Chief Aylward said there was a new inspector on duty that night and they had not yet worked out the liaison with the UMPD. He said they have since had a meeting with the MPD and believe the relationship is worked out and the same thing should not happen again. He also said that they will have more officers out walking around, saying hello; students respond appropriately when officers act that way. It is also helpful if police are not dressed in riot gear, Professor Ratliff-Crain observed, because that only increases the tension.

There was also confusion about the amount of damage, Dr. Jones said. It was a relatively small amount, Mr. Fox reported.

More students are also being charged, either through the city or through the University's Office of Student Judicial Affairs for Conduct Code violations; those charges are working their way through the system, Dr. Jones said. Mr. Fox added that the students being charged are being charged with gross misdemeanors or felonies--these are not small matters. He noted, too, that it is not a University decision whether to charge students for criminal acts. Nor do such charges absolve students who are charged under the University's student judicial process, Dr. Jones added.

Chief Aylward told the Committee that the UMPD is going to change uniforms so that its officers can be distinguished from those of the MPD. In addition, the community policing program will get officers into the community in positive ways, Mr. Fox said; for example, officers now eat in residence halls. These kinds of practices will help create positive relationships. They also have an officer liaison to student groups, Chief Aylward added, including Middle Eastern groups; after the events of September 11, the officer went to the groups and asked them to contact him if they had any problems. The University of Minnesota has had only one complaint about harassment--far fewer than elsewhere--and the relationship with the UMPD helped. Of the 40+ officers in the UMPD, most are fairly young, Mr. Fox said, so they are close to the age of students. That creates problems in training but also creates commonalities with the students.

Professor Massey thanked Dr. Jones and Chief Aylward for reporting to the Committee.

The Committee thanked Professor Massey for his service as chair of the Committee and gave him a round of applause.

He adjourned the meeting at 3:50.

-- Gary Engstrand

University of Minnesota