

Minutes*

**Academic Freedom and Tenure Committee
Friday, September 8, 2006
9:00 – 10:30
238 Morrill Hall**

Present: Tom Clayton (chair), Tracey Anderson, Arlene Carney, William Doherty, Candace Kruttschnitt, John Mowitt, Ronald Siegel, Terry Simon

Absent: Carol Carrier, Nancy Ehlke, James Farr, Tina Huang, Karen Miksch, Jianyi Zhang

Guests: none

Revision of Section 7.11 of the Tenure Code, a New Section 9.2 on Promotion from Associate to Full, and Amendment to Section 5.5 (Stopping the Tenure Clock)

[N.B. The Committee wished it to be made very explicit that the changes in the tenure code being deliberated at these meetings apply to prospective faculty, not those who are already at the University.]

Professor Clayton convened the meeting at 9:05 and announced that the discussion would begin with Section 7.11 of the tenure code. He began with a round of introductions, including Professor Kirt Wilson, co-chair of the strategic positioning task force on faculty culture.

[Note: The "tenure code" is formally titled "Faculty Tenure" and can be found on the Board of Regents website at <http://www1.umn.edu/regents/policies/humanresources/FacultyTenure.pdf>. In these minutes, it will be referred to as the tenure code. Section 7.11, which sets the institution-wide standards for achieving tenure, reads as follows:

7.11 General Criteria. The basis for awarding indefinite tenure is the determination that the achievements of an individual have demonstrated the individual's potential to continue to contribute significantly to the mission of the University[3] and to its programs of teaching, research, and service over the course of the faculty member's academic career.[4] The primary[5] criteria for demonstrating this potential are effectiveness in teaching[6] and professional distinction in research,[7] outstanding discipline-related service contributions[8] will also be taken into account where they are an integral part of the mission of the academic unit. The relative importance of the criteria may vary in different academic units, but each of the criteria must be considered in every decision.[9]

Here are the pertinent footnotes:

[5] Criteria other than those expressly listed in this sentence must be explicitly stated and justified in terms of the mission of the University. Such additional criteria may not impinge upon the academic freedom of the probationary faculty member.

* 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.

[6] "Teaching" is not limited to credit-producing classroom instruction. It encompasses other forms of communication of knowledge (both to students registered in the University and to other persons in the community) as well as the supervision or advising of individual graduate or undergraduate students.

[7] "Research" is not limited to the publication of scholarly works. It includes activities which lead to the public availability of products or practices which have a significance to society, such as artistic production or the development of new technology or scientific procedures.

[8] "Service" means performance within the faculty member's academic expertise and the mission of the academic unit. It does not include performance of quasi-administrative functions such as membership on faculty or senate committees or other similar activities; those activities are relevant only to the limited extent set forth in the following paragraph of the text.

Where service is not an integral part of the mission of the academic unit, a faculty member's service may be considered, but is not a prerequisite to the awarding of tenure.

Other exceptions may be made only in exceptional circumstances by means of special contract, as provided in subsection 3.6.

The individual's participation in the governance of the institution and other services to the University and service to the academic unit may be taken into consideration, but are not in themselves bases for awarding tenure.

[9] Indefinite tenure may be granted at any time when the candidate has satisfied the requirements. A probationary appointment must be terminated when the appointee fails to satisfy the criteria in the last year of probationary service and may be terminated earlier if it appears that the appointee is not making satisfactory progress toward meeting the criteria within that period.]

[Note 2: Section 7.12 of the tenure code reads as follows:

7.12 Departmental Statement. Each academic unit must have a document that articulates with reasonable specificity the indices and standards which will be used to evaluate whether candidates meet the criteria of subsection 7.11. The document must comply with those standards, but should make their application more specific. Each such document is subject to review by the dean or other appropriate academic administrator and by the senior academic administrator and by the senior vice president for academic affairs. Each academic unit must provide each probationary faculty member with a copy of the document at the beginning of the probationary service.]

Vice Provost Carney introduced the subject by reporting that she reviewed all promotion and tenure files (except for those from Duluth, which are covered by union contracts) prior to review by Provost Sullivan. Last year she read all 179 dossiers for faculty recommended for promotion or tenure or both. She also worked closely with the faculty culture task force, one charge to which was to look at the promotion and tenure process. She came at this with a new set of eyes, since she took office only recently and had not been through the process before. Professor Wilson will speak about the work of the task force, which included in its report recommended language changes to the tenure code. She pointed out that everyone should understand that the proposal for change came from the faculty culture task force, composed of faculty members.

Professor Wilson told the Committee that one of the "deliverables" expected from the task force on faculty culture was a look at the tenuring process used by the University's aspirational peers. It was not expected that the University would replicate those processes used elsewhere because each is unique,

but the task force was asked how the process might be revised to help the University become one of the top three public research universities. They consulted widely across the institution and tenure came up as a faculty concern—not all expressed concern, but there were pockets of concern as well as pockets of comfort. The differences appeared to be based on how deans and chairs implemented tenure policy, not because of disagreements with the language of the code itself. The task force wondered if the code is not supposed to provide guidance, to achieve more consistency. They identified several changes that they believe would help achieve those goals, guided by these ideas:

-- The 7.11 statement needs to be strengthened. Interim Co-Dean and Professor Fred Morrison, who was instrumental in drafting the language in the current tenure code, agreed that Section 7.11 was somewhat indirect and not easy to interpret. The task force question was whether it could be streamlined and made more direct without affecting academic freedom (about which it was also very concerned)?

-- The language of Section 7.11 speaks more to the POTENTIAL of a candidate rather than demonstrated evidence of performance.

-- It is important to look at the evidence but fundamentally the decision about tenure must be a qualitative decision by academic peers, not just a process of counting numbers. Numbers matter, but departments must have the freedom to assess quality and just meeting the number criteria should not be a guarantee of achieving tenure.

-- There was not enough language about how one goes from Associate to Full professor. It was claimed that promotion to Full required demonstrated leadership in the field.

Professor Clayton observed that "leadership" is not included in any of the proposed tenure code revisions provided to the Committee; is it implicit? Their initial draft did refer to leadership, Professor Wilson said, because it was something the task force was very concerned about. The task force felt that requiring "a national or international reputation" was an odd criterion for being promoted from Associate to Full professor. In some fields, an international reputation is not difficult to achieve and the national reputation is more important. The task force believed there should be other ways to evaluate leadership.

Professor Kruttschnitt asked if examination of tenure codes of Berkeley and Michigan affected the task force recommendations. Professor Wilson said it did, although not how the institution processes cases because those are very different at each university. Did that review of other codes affect the task force recommendation vis-à-vis national and international leadership, she asked? It did, Professor Wilson said. They had a robust discussion. Michigan is also discussing changing the tenure clock, an issue important to the task force but one upon which there was no consensus.

Vice Provost Carney related that she had looked at tenure codes at many of the University's peer institutions as well. When she reviewed the recommended language from the task force, she incorporated some of the items in other codes. But there was almost nothing about promotion from Associate to Full professor. One must go to Human Resources policy and even then there is only one sentence—and the department 7.12 statements provide little amplification. Berkeley and Michigan have a little more language on the subject; Berkeley, for example, says that an individual should expect to be an Associate Professor for six years—that is the benchmark, after which time one is expected to become a Full Professor. Dr. Carney said she cannot claim to have read every line of every department 7.12 statement, but in only one case that she saw did a department have a clear statement that there was an expectation that each faculty member was to become a Full Professor.

In that department, Professor Clayton asked, have a number of Associate Professors gone more than six years? Have any? Dr. Carney said she did not know how many but some have been at the Associate level more than six years. The department 7.12 statement did not create an expectation of promotion in six or seven years. But there is an expectation that an Associate will be promoted to Full, Professor Clayton said; in how long? Dr. Carney said that this is a strong and well-respected department. At the University generally, 38% of Associate Professors have been in rank more than six years and there are a number who have been in rank for more than 15 years. The chances for promotion lessen the longer one is at the Associate level, but even then promotion can finally happen.

Professor Mowitt asked if there is any reference to promotion to Full in the departmental post-tenure review statements. Dr. Carney suggested to the task force, and Provost Sullivan put in a memo he sent to Twin Cities deans, directors, and department heads, the recommendation that post-tenure review and promotion standards all be combined in the 7.12 statement. Some departments already have an excellent post-tenure review statement as part of their 7.12s. It would be helpful to faculty to have these all in one place.

Are there any statements about the consequence of failure to achieve promotion, Professor Mowitt inquired? Dr. Carney said there may be an aspirational statement in some documents but there are no statements like "you will lose your tenure if you are not promoted." There is no time expectation in the draft revision of the code for promotion from Associate to Full Professor; that is a part of the Berkeley culture. But it is a topic departments should discuss as a value—what are the real expectations of Associate Professors? What does happen if someone does not meet the time expectation—are there consequences, Professor Kruttschnitt asked? There are not, which is why the draft 9.0 revision does not recommend a time period and consequences, but departments could discuss them. For example, if someone never achieves Full Professor, is that person still meeting tenure standards? A department could say, for example, to retain tenure regardless of rank, someone must do X, and to achieve Full Professor it could set the bar higher. Departments should have these discussions when it is not about a particular person—which is when it usually occurs, around a dossier. She said she hoped faculty would have a discussion of values that do not revolve around a specific case.

Professor Doherty said that most contentious discussions in a department will not be about tenure but about promotion from Associate to Full. Nothing is written down. One question is whether a department is to evaluate all of the candidate's work or only that work since promoted to Associate Professor? Dr. Carney agreed that is an important question. Many departments say that only work performed since promotion to Associate is to be considered. But none say one should never look at the early work, but the question to be asked is whether the person is ready to go to the next level.

After they have achieved tenure, people can take on administrative work; is that considered "stopping out," Professor Doherty inquired? They don't publish as much, so don't get promoted, and that can generate hard feelings. Professor Siegal said in other cases an Assistant Professor might do stellar work and very shortly be up for Full Professor; there can't be a blanket rule. That is the kind of decision that is appropriate at the department and college level, Dr. Carney said, not in the Provost's office. These kinds of dilemmas come up case by case.

Professor Kruttschnitt said it is very difficult, in her experience in hiring at the Full Professor level, to get outside candidates through the tenure process in a timely fashion even if they already have tenure at Michigan or Berkeley. It is an embarrassment to recruit national scholars and require letters of

reference. What if the person is not from a Michigan or Berkeley but from the next tier, Dr. Carney asked? The department would go through the process of acquiring external letters in those cases; should there different standards for faculty from different universities? The Provost's office is working on guidelines. It can be added as a topic for future discussion. People that high in the field can get letters anytime they want one, Professor Siegal said; they know the rules of the game. But it delays the process, Professor Kruttschnitt observed.

From the standpoint of the faculty culture task force, Professor Wilson said, the hard work is now beginning. This Committee needs to develop specific language. As it works on it, he said, he hoped the Committee and the Provost would keep in mind as central:

- It is not just changing words, it is changing the larger system that is important. The task force also spoke about department leadership: is it prepared to run a good tenure process?
- There must be resources for assistant professors and their time must be protected. There also need to be resources for associate professors.
- The 7.12 statements need to be rewritten.
- Section 7.11 needs to be rewritten.

He encouraged the Committee to think strategically how word changes are linked to other changes. The suggested changes in Section 7.11, for example, include requiring that probationary faculty show strong promise that he or she will ultimately be promoted to Full Professor. The Committee should think of the changes as part of an organic whole.

Professor Mowitt said he was not sure what "leadership" means. Efficient organization of the activities of the chair in processing dossiers? Or is it a more comprehensive concept? Is leadership a way to think about expectations of advancing in a career? He asked if Professor Wilson could flesh out the term. They saw it as a robust term, Professor Wilson said, as exercising leadership in the discipline (in the case of going from Associate to Full)—not just participating, but leading. At the time of promotion from Associate to Full there should be a discussion of leadership in the profession and the department. He said he would like to see the Committee and the University grapple with the concept; what does it mean to exercise leadership in teaching, for example—is that sufficient go from Associate to Full? There are a number of long-term Associate Professors who are also members of the Academy of Distinguished Teachers; can they be advanced for their teaching? There is a case for leaving out the term "leadership," Professor Clayton said, which implies an administrative position; there are other criteria that can be used in determining whether to promote someone.

Vice Provost Carney said that the proposed revision of Section 7.11 she distributed is very close to the language proposed by the task force. The Committee was looking at the following proposal:

7.11 General Criteria. The basis for awarding indefinite tenure is the determination that the candidate has demonstrated and will continue to develop a distinguished record of academic accomplishment that is the foundation for a national and/or international reputation. This determination will be reached through a qualitative evaluation of the candidate's record of research,⁴ teaching,⁵ and discipline-based service⁶. The relative importance of the criteria may vary in different academic units, but the primary emphasis must be on research and teaching. The contributions of the candidate to interdisciplinary activities, to public engagement, and to internationalization of the University may be taken into consideration in evaluating the

candidate's satisfaction of criteria. The candidate's record also must evidence strong promise of achieving promotion in rank within the University.

The footnotes:

⁴ "Research" is not limited to the publication of scholarly works. It includes innovative activities that lead to the public availability of products or practices that have significance to society, such as artistic production or the development of new technology or scientific procedures.

⁵ "Teaching" is not limited to credit-producing classroom instruction. It encompasses other forms of communication of knowledge (both to students registered in the University and to other persons in the community) as well as the supervision or advising of individual graduate or undergraduate students.

⁶ "Discipline-based service" means outreach to the local, state, national, or international community based upon the faculty member's academic expertise. Where service is not an integral part of the mission of the unit, a faculty member's outreach activities may be considered but are not a prerequisite to the awarding of tenure. Service standing alone without a distinguished record of research and teaching is an insufficient basis to award tenure. "Discipline-based service" does not include the performance of administrative or quasi-administrative functions, such as committee service, service on Senate committees, or performance of administrative tasks.

The current Section 7.11 is very tentative; department 7.12 statements are typically stronger. In a borderline case, one might argue that a person meets the 7.11 standard but not quite the department 7.12 standard, and that difference is the basis of a number of split votes in departments on recommending someone for tenure and promotion.

Professor Kruttschnitt asked why there are both 7.11 and 7.12 standards; why not just have one? Dr. Carney said that Section 7.11 provides University-wide criteria; the 7.12 statements provide specific disciplinary criteria. Dilemmas arise, and cases may come to the Judicial Committee, when the 7.12 statements are not clear. The clearer the departmental 7.12 statement is, the better it is for faculty when making a decision on whether to be a candidate for tenure. The 7.12 statements should be living documents.

Do the Section 7.11 criteria supersede those in 7.12 statements, Professor Kruttschnitt asked? One could make that argument, Dr. Carney said, but usually the criteria in the 7.12 statements prevail, which is one reason they want to change the "mushy" 7.11 provisions. The new Section 7.11 moves toward the goal that faculty will have a national or international reputation. It is not reasonable to expect such a reputation when someone is promoted from Assistant to Associate, but if there is nothing in the code about probationary work serving as the foundation for a distinguished record in the future, people who are promoted to Associate could think they are done. One can read materials in a dossier and not see a trajectory toward future accomplishment; this language tells probationary faculty what to expect once promoted. Some in the University, she added, see the revised Section 7.11 as still too weak.

Professor Wilson said the language should read "has demonstrated and will continue to demonstrate" rather than requiring a national and/or international reputation. The changes are also driven by the need for clarity and consistency as well as strategic positioning, Professor Doherty commented, which is why terms like national and international reputation are there. The tenure code should line up

with institutional aspirations. Dr. Carney said she was not committed to any particular language and welcomed the advice of the Committee.

Professor Doherty said the best approach would be from the perspective of values—clarity and aspirations, for instance. The University also aspires to be a publicly-engaged institution, although not all faculty will be engaged in the same way. Dr. Carney pointed out language was added so that in addition to teaching and research, interdisciplinary work, public engagement, and internationalization of the University can be taken into account as well. Not all departments engage in all these activities so the language is not prescriptive; if the activities are important in a department, they should be in the 7.12 statement. The task force also wanted "diversity" included, but she did not include it because it should not be assumed that if someone is not doing work in diversity, he or she should not receive tenure. That is also why the language says "may"; one unit can decide, for example, that public engagement is integral to its activities while another may not.

Professor Wilson thanked the Committee for the opportunity to participate in the discussion.

Professor Simon said he did not understand "internationalization of the University" as a possible consideration in tenure and promotion. Dr. Carney said she wished to get the key concepts on the table; the Committee can work out better language. The term was used a great deal in the deliberations of the task force. Is it international standing, Professor Siegal asked? It is more than that, Dr. Carney said; it is curriculum, students studying abroad, etc. That is beyond the purview of the tenure code, Professor Siegal suggested. Professor Clayton said the Committee should spell out what the phrase means so it is clear.

Professor Doherty said he was concerned about the language referring to service, that it alone may not serve as the basis for tenure. Anything that puts an activity in a lower category of importance signals to people that they should not waste their time on it. He said he understands that the University should not grant tenure solely on the basis of service, but public engagement can be a form of teaching, research, and service all together. The text declares that they are perpetually split. He noted that he does a lot of public engagement work; most faculty, he said, do so after they have been promoted to Full Professor. And a lot of departments talk about a scholarly combination of teaching, research, and service. Professor Kruttschnitt said she agreed but said that service is a "plus," not something devalued, but one cannot be promoted on the basis of service.

Professor Doherty argued there should be a new conceptual framework and that Section 7.11 should not forbid combining activities. The current proposal says in effect that Assistant Professors should not engage in service. Dr. Carney and Professor Kruttschnitt both observed that many would agree that they should not do so. He agreed they should not where such service is not connected organizationally with scholarship. The draft does not bar a unit from defining service as integrally related to scholarship, Dr. Carney said. One can do service in the community in order to carry out academic work (teaching and research). Serving on boards of community groups, however, and not publishing or using the work in teaching would not be regarded highly. Professor Doherty agreed that service not integrated with teaching or research or both is not sufficient.

Professor Kruttschnitt said that many departments do not put in their 7.12 statements how service is to be emphasized because the University does not emphasize service. Professor Doherty agreed but said there is a national movement in public engagement and that there should be change in the language

so there will be support for such activities and there will be a signal to junior faculty that they can integrate service with their teaching and research. Is that not already in the language about discipline-based service, Professor Mowitt asked? Serving as director of graduate studies does not count; serving on the editorial board of a national publication in the field would.

Vice Provost Carney reported that Professor Morrison had told her the language about discipline-based service was included in order that individuals would not think service on Senate or department committees would be a basis for granting tenure. That would also preclude from consideration things like director of graduate studies; both she and the Provost agree that there should not be excessive or highly demanding department service expected of probationary faculty nor should it serve as a basis for tenure. However, there could be a statement that being a citizen in a department is part of being a good faculty member. Most senior faculty are judicious in what they ask junior faculty to do in a department, and she said she is astonished when she learns that a probationary faculty member is a director of graduate studies—they should not do that and usually not ready to serve in that role.

Professor Mowitt recalled the point Professor Wilson had brought up about resources: they have policy prohibitions on junior faculty taking on departmental responsibilities but he does not want to prohibit discipline-based service. The latter is part of building a national reputation. Is there a need for any mention of service at all, Professor Kruttschnitt asked? Or can that be left to departments? Dr. Carney said that when Minnesota is a national leader in public engagement, it does not want to lose that standing; to become a top three institution requires distinction and this could be one way to achieve it.

Professor Clayton observed that "may be" allows flexibility. He also has proposed in an edited draft that University service be permitted for consideration in promotion and for merit reviews; if the University does not value the service, what are they all doing at this meeting? Dr. Carney suggested it might be a consideration in promotion from Associate; once someone is tenured, there are citizenship expectations that are not appropriate for Assistant Professors. Professor Mowitt pointed out that engaging in institutional service can affect (negatively) how one advances one's career.

Professor Anderson said that on a campus with a lot more teaching (such as Morris, her campus), it is important to include language about service because it is a big part of what the faculty do.

Dr. Carney said that process for going from Associate to Full is a mystery to many. At a workshop she gave, many faculty said they did not know if they were ready and did not know whom to ask. Is the University not giving Associate Professors enough feedback about whether they are on track? There is no mandatory feedback. There is a need to fix Section 9.0 and to look more closely at the standards for promotion from Associate to Full. Most tenure codes are silent on the issue, she said, although Michigan and Berkeley say a little more than the University.

The Committee was provided a proposed revision of Section 9 of the code, as follows:

Proposed Promotion Statement: Associate to Full Professor
Section 9.2 of the Faculty Tenure Code*

The basis for promotion from the rank of Associate Professor to the rank of Professor is the determination that the individual has a very distinguished record of original scholarly or creative work and has an established national and/or international reputation. Promotion to the rank of

Professor requires that continued distinction in scholarship or creative work, effectiveness in teaching, and service contributions to the discipline or to public engagement are in addition to those activities that justified the awarding of tenure and promotion to Associate Professor, or the initial appointment at that rank.

* Currently Section 9 of the Tenure Code is entitled “Appointment of Associate Professors and Professors with Indefinite Tenure. I am proposing that we have a generic title for Section 9 like that of Section 7 Personnel Decisions Concerning Probationary Faculty. We could call Section 9 Personnel Decisions Concerning Associate and Full Professors. Then 9.1 could be the current title of 9 Appointment of Associate Professors and Professors with Indefinite Tenure and 9.2 could be this statement about promotion from Associate to Full Professor.

Professor Mowitt inquired whether the Committee wished to consider any language that would respond to concerns raised by the Academic Bill of Rights, perhaps emphasizing that the decision about promotion and tenure is to be made by qualified scholars (rather than courts, for example). That is an important point, Dr. Carney said, and it should be discussed by the Committee.

With respect to the issue of service, Professor Siegal said its value needs to be communicated separate from whether or not one gets tenure, but it is reasonable to have it as leverage because people should not be permitted to say they do not have to engage in service. Departments need to be able to say there are things one must do if at the University.

Dr. Carney said she finds it dismaying that the University of Minnesota has no faculty handbook; as far as she can tell, it is the only major research university that lacks one. It is on her list to draft one and she will bring it to the Senate Committee on Faculty Affairs (she will do a first draft for discussion). Apropos Professor Siegal's last point, a handbook is one place where the expectations about being a faculty member could be. A faculty handbook serves two purposes (where is that policy?—now one must go all over the web to find something and it would make life easier if important items were collected in a handbook). It also provides an opportunity to present statements by faculty about what it means to be a faculty member at the University. The lack of a handbook does not help the University recruit; others have them, some of them very good. She has a group advising on how to organize the faculty one-stop, which she now has responsibility for, and one click could connect to the faculty handbook.

Professor Siegal agreed a handbook could be important and said that these paragraphs in Section 7.11 are powerful. He noted that it does not say one cannot get promoted on the basis of teaching, it only says that with respect to service. Why not say instead that service is not important in some units?

One might not be promoted if teaching performance is not good, Dr. Carney pointed out, and everyone knows they will not be promoted if their research is not good. Some believe teaching is not valued, but she said she has been impressed with the number of units that treat teaching very seriously. However, departments do a better job of making clear the criteria for scholarship than they do for teaching; the majority emphasize student ratings of teaching. According to one national expert who visited the University last year, most universities have bad questions to evaluate teaching and the University wins as having the worst (in terms of psychometric quality). There is a committee looking at the questions, she noted, but if the University tends to use exclusively student evaluations, and the questions are poorly-designed, who is really evaluating teaching? She said each unit needs to think about how it is evaluating teaching. There is very little reliance on peer evaluation; with the exception of a few

units, it is usually perfunctory . This is a key area; if units are making decisions about promotion and tenure, a question is how they are evaluating teaching (there is never a problem with great cases). Teaching evaluation results are also correlated with grades, Professor Clayton commented.

Dr. Carney turned briefly to a revised Section 5.5 of the tenure code, which deals with stopping the tenure clock. Current language provides the person must make a request within three months of the event (birth of a child, caregiving); she is suggesting that the time period be changed to a year. Many times people (especially women) do not want to stop the clock with the birth of a child, but after time passes they reconsider. A change would be consistent with what other universities do, she said. It is the right thing to do and, since Michigan and Berkeley have superior provisions in this regard, it is also the expedient thing to do in terms of recruiting and retaining faculty. The change would help many women, although there are just as many men as women who stop the tenure clock. Professor Doherty commented that parents often do not recognize the burdens at first and they catch up with them later.

Professor Clayton thanked Dr. Carney for her discussion with the Committee and adjourned the meeting at 10:35.

-- Gary Engstrand

University of Minnesota