

Minutes\*

**Academic Freedom and Tenure Committee  
Friday, February 9, 2007  
9:30 – 11:00  
300 Morrill Hall**

Present: Tom Clayton (chair), Tracey Anderson, Arlene Carney, Candace Kruttschnitt, Karen Miksch, John Mowitt, Paul Porter, Terry Simon, Jianyi Zhang

Absent: Yusuf Abul-Hajj, Carol Carrier, William Doherty, James Farr

Guests: Dean Deborah Powell (Medical School)

[In these minutes: (1) "7.12 drift"; (2) further revisions to tenure code section 7.11]

**1. "7.12 Drift"**

Professor Clayton convened the meeting at 9:35 and welcomed Dean Powell to discuss "7.12 drift," which occurs when (1) someone is hired as a faculty member with an understanding of the kind of work he or she will do (in line with the department's 7.12 statement at the time the individual is hired), (2) the discipline/department evolves over time (and the 7.12 statement is changed over time to reflect that change), (3) the faculty member's work no longer seems pertinent or important to the discipline, given the new 7.12 statement, but (4) the faculty member cannot or will not change the focus of his or her work.

Dean Powell reported that the Medical School is only now beginning work on the 7.12 statements; the Academic Health Center is slightly behind the rest of the campus. The statements are to be completed by March 31.

The Medical School is not unique in facing 7.12 drift, but many of its departments are different from traditional departments elsewhere in the University and even elsewhere in the AHC. They have 26 departments, most of them clinical. They have faculty in two tracks, clinical scholar or tenure/tenure-track. They have also just voted to adopt a teaching track, also non-tenured, and are working on criteria for the positions for promotion. They have criteria for promotion for clinical scholars in the 7.12 statements and have ample experience with this category of faculty; they expect to be able to develop parallel criteria for the teaching-track faculty. The clinical departments are making a great deal of use of the clinical scholar track because the faculty in those departments must earn clinical income.

The teaching track is intended to create a pathway for advancement and promotion for teaching faculty at the hospitals. The Medical School has made use of hospital teaching faculty but had no criteria for advancement; some individuals have been assistant professors for a very long time. These are individuals who do not want tenure.

---

\* 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.

In the case of tenured faculty, someone can be stuck at the associate professor level for a long time. The probationary period for faculty in clinical departments is 6-9 years; in the Medical School these probationary faculty can receive extra time because they do clinical work as well as research. Someone promoted to associate professor may end up directing more attention to clinical work and is unable to meet the standard of scholarship required for promotion to professor. There are a couple of things that can be done: provide a sabbatical so the individual can get caught up on research (this happens only rarely), or move the individual to the clinical scholar track (which is non-tenured) where clinical activity is recognized (scholarship is required, but not as much as for a tenured appointment). Most individuals in this position (long-term associate professor) do not want to give up their tenure, even though they cannot meet the standards for promotion. In these cases, Dean Powell said, it is less a matter of 7.12 drift than the lure of clinical practice.

Clinical departments in the Medical School cannot survive on tuition and state funds, Dean Powell said. Tuition amounts to 6% of Medical School revenues. The Medical School already has the highest resident tuition rates of any public medical school in the country; they have frozen tuition for students when they matriculate, which is not helpful under the new budget model. Since they cannot raise tuition, and receive relatively few state funds, they must rely on clinical and research income to pay salaries. In the basic sciences, faculty generate about 50% of their salaries from grant funds (about one-third of the University's external research funding comes to the Medical School, primarily from NIH).

They also have P&A faculty, a status with which Dean Powell said she was not comfortable. Faculty should be faculty, she said, and there need to be tracks in which they can be promoted.

About 5% of the associate professors appear to be stuck in rank, Dean Powell said. She went to comment that the Medical School needs a different kind of infrastructure for clinical research; they also need to provide more mentoring. They are taking the faculty culture task force report very seriously. Professor Simon asked if some associate professors languish because they do not have access to research funds. If they cannot devote 50-60% of their time to research, they will not be competitive, Dean Powell said, and clinical faculty cannot usually do that. Clinical faculty can put less time on research, Professor Zhang said, and still be promoted to professor. The bigger problem, he said, is that NIH funding is flat.

Some faculty still feel they are second-class citizens if they are not tenured or tenure-track, Dean Powell said, even though they all have the same title.

They are also making hard choices about faculty, Dean Powell said. 60% of the full-time faculty in the Medical School are paid below the 50<sup>th</sup> percentile of their peers. Only 16% are paid above the 80<sup>th</sup> percentile. They are being forced to let some faculty go (to higher offers elsewhere) because they do not have the funds to retain them. In this instance, the Medical School mirrors the rest of the University. The problem is that society can't afford academic medicine; they will do fine with their 7.12 statements—the worry is that they will have no faculty. Other medical schools face the same problem.

Dean Powell said she did not know the percentage of faculty on the various tracks. More have been hired on the clinical scholar track in recent years. New faculty, more and more, have the choice of which track they will be on. For tenure-track faculty they must advertise nationally; there is more flexibility in seeking clinical scholar faculty. Most of the basic science faculty are tenured or tenure-track. She also observed that it costs huge amounts of money to be competitive in hiring a leading

physician-scientist (millions of dollars). The University will not get to the top three unless it can make top-quality hires.

Professor Clayton thanked Dean Powell for joining the meeting.

## **2. Tenure Code Section 7.11**

Professor Clayton drew the attention of Committee members to a revised version of section 7.11, following from discussion at the last meeting of the Committee. This version, he explained, was a draft he prepared and which was subsequently edited by Professor Chomsky, Chair of the Faculty Consultative Committee. (The language in italics is new or changed from the most recent version approved by the Committee.)

**7.11 General Criteria.** What the University of Minnesota seeks above all in its faculty members is intellectual distinction and academic integrity. The basis for awarding indefinite tenure to the candidates possessing these qualities is the determination that each candidate has established and is likely to continue to develop a distinguished record of academic achievement that is the foundation for a national or international reputation or both.(fn X) This determination is reached through a qualitative evaluation of the candidate's record of scholarly research or other creative work, teaching, and service.(fn 5) The relative importance of these criteria may vary in different academic units, but each of the criteria must be considered in every decision.(fn Y). *Demonstrated scholarly or other creative achievement and teaching effectiveness must be given primary emphasis; service alone cannot qualify the candidate for tenure. Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, technology transfer, other special kinds of professional activity, and extraordinary abilities and contributions by the candidate should be considered if they are closely related to the candidate's scholarly expertise or artistic productivity and to the work of the unit or units involved. These forms of professional activity may involve scholarly research or other creative work, teaching, and service based on academic expertise. Candidates may develop unique and extraordinary abilities and contributions beyond anticipation and conventional description, and these should be weighed along with traditional evidence of scholarly research or creative work, teaching effectiveness, and service.* The awarding of indefinite tenure presupposes that the candidate's record shows strong promise of his or her achieving promotion to professor.

(Footnotes omitted; they are included in the final version, below, and were not changed from the previous version.)

Vice Provost Carney said that the "unique and extraordinary" provision poses the potential of opening up serious problems in evaluation and departments would have a difficult time incorporating the provision in their 7.12 statements. Departments will ask what the language means and how these attributes should be measured. The idea, Professor Clayton said, is that they cannot be measured; the language is intended to accommodate the unforeseeable; most departments may never have such a person. The language opens the door for any candidate to say "you don't recognize that I am an extraordinary person," Dr. Carney said. Anyone can make that claim, Professor Clayton replied, but it would not take long to determine that the claim is not true. Dr. Carney maintained that the language seemed to her something that should not be in the tenure code; the code is intended to deal with daily business and departments must accommodate the 7.11 provisions in their 7.12 statements; the current draft of 7.11 would not preclude a department's hiring someone described by Professor Clayton's language. Professor

Clayton agreed but pointed out that no such accommodation is suggested; the proposed language goes beyond the existing rules to allow hiring and retaining someone extraordinarily bright who makes contributions far beyond the reach of their training.

Committee members generally concurred with Vice Provost Carney's view. The Committee decided, however, to incorporate one clause of Professor Clayton's language, as follows (in italics): "Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, technology transfer, other special kinds of professional activity, *and extraordinary abilities and contributions by the candidate. . . .*"

The Committee returned to the list of items beginning "interdisciplinary work . . ." in light of discussion at the Faculty Consultative Committee. Concern had been expressed that someone who did not engage in any of the activities on the list might be denied tenure, even though he or she might be an outstanding scholar in the discipline.

If "international activities and initiatives" are in a department 7.12 statement as required for that unit, the individual must perform them, Professor Miksch said; if the 7.12 statement says "may" do them, a candidate is not required to do so. Dr. Carney agreed; she said that this 7.11 list is not intended to establish any requirements. Nor must a department do so, Professor Miksch observed.

The Committee debated whether the word should be "should" or "will": "Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, technology transfer, other special kinds of professional activity, and extraordinary abilities and contributions by the candidate should be considered . . ." Professor Mowitt said he thought the Committee's intent was to protect candidates who did these things from senior faculty colleagues who do not like them; that is why the Committee used the word "will" in the earlier version. The point was to insist that departments consider these activities in evaluating candidates. He wondered if there should be language that made it clear departments may not outlaw these activities. Dr. Carney agreed with the point about protecting candidates; she recalled that the faculty culture task force suggested including a list because these represent new areas of inquiry that a number of faculty believe are overlooked in the traditional 7.12 statements, which tended to focus on disciplinary work. Not every 7.12 statement needs to address all of these areas, if they are not applicable to the department.

After further deliberation (the focus of which was on allowing departments flexibility), the Committee voted 5-2 that the word "should" would be used, although most Committee members acknowledged they did not feel strongly about the matter.

The final version approved by the Committee, including footnotes, is as follows:

**7.11 General Criteria.** What the University of Minnesota seeks above all in its faculty members is intellectual distinction and academic integrity. The basis for awarding indefinite tenure to the candidates possessing these qualities is the determination that each candidate has established and is likely to continue to develop a distinguished record of academic achievement that is the foundation for a national or international reputation or both.(fn X) This determination is reached through a qualitative evaluation of the candidate's record of scholarly research or other creative work, teaching, and service.(fn 5) The relative importance of these criteria may vary in different academic units, but each of the criteria must be considered in every decision.(fn Y). Demonstrated scholarly or other creative achievement and teaching

effectiveness must be given primary emphasis; service alone cannot qualify the candidate for tenure. Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, technology transfer, other special kinds of professional activity, and extraordinary abilities and contributions by the candidate should be considered when applicable. The awarding of indefinite tenure presupposes that the candidate's record shows strong promise of his or her achieving promotion to professor.

(fn X) "Academic achievement" includes teaching as well as scholarly research and other creative work. The definition and relative weight of the factors may vary with the mission of the individual campus.

(fn 5) The persons responsible and the process for making this determination are described in subsections 7.3 through 7.6.

"Scholarly research" must include significant publications and, as appropriate, the development and dissemination by other means of new technology or scientific procedures resulting in innovative products, practices, and ideas of significance and value to society.

"Teaching" is not limited to classroom instruction. It includes extension and outreach education, and other forms of communicating knowledge to both registered University students and persons in the extended community, as well as supervising, mentoring, and advising students.

"Service" may be professional or institutional. Professional service, based on one's academic expertise, is that provided to the profession or to the local, state, national, or international community. Institutional service may be administrative, committee, and related contributions to one's department or college, or the University. All faculty members are expected to engage in service activities, but only modest institutional service should be expected of probationary faculty.

(fn Y) Indefinite tenure may be granted at any time 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 the appointee is not making satisfactory progress within that period toward meeting the criteria.

Professor Clayton adjourned the meeting at 11:00.

-- Gary Engstrand

University of Minnesota