

Minutes*

**Academic Freedom and Tenure Committee
Friday, December 8, 2006
9:30 – 11:00
238A Morrill Hall**

Present: Tom Clayton (chair), Yusuf Abul-Hajj, Tracey Anderson, William Doherty, James Farr, Candace Kruttschnitt, Karen Miksch, Terry Simon

Absent: Arlene Carney, Carol Carrier, Tina Huang, John Mowitt, Jianyi Zhang

Guests: none

[In these minutes: (1) tenure code section 7.11; (2) section 7.12; (3) section 9.2; (4) section 5.5; (5) section 7a (post-tenure review); (6) other matters]

1. Tenure Code Section 7.11

Professor Clayton convened the meeting at 9:30; the Committee turned to the version of Section 7.11 edited in response to comments at the Faculty Senate meeting and as a result of other comments forwarded from various quarters. **(The final version, clean copy, of each section discussed and approved appears at the end of each section of these minutes.)** The Committee agreed:

-- to amend the language to include a new sentence, retrieved from the current code but which was inadvertently deleted during the editing process in the last few weeks: "The relative importance of these criteria may vary in different academic units, but each of the criteria must be considered in every decision."

-- to substitute "develop" for "add to."

-- to add a new footnote to this draft (but one that is part of the current code, with words in CAPS deleted as unnecessary from the current code language: "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 within that period toward meeting the criteria."

-- to delete the clause "when determined to be relevant by the department or equivalent academic unit" following "interdisciplinary work, public engagement, international activities and initiatives, and technology transfer will be taken into consideration."

-- to re-label "discipline-related" service as service "based on one's academic expertise" and to recast the "service" portion of the footnote to make it clearer.

-- to make grammatical changes and a few deletions.

* 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.

SECTION 7.11 APPROVED BY THE ACADEMIC FREEDOM AND TENURE COMMITTEE 12/8/06 FOR INCLUSION AS PART OF THE PACKAGE OF TENURE CODE CHANGES TO BE BROUGHT TO THE FACULTY SENATE (The Committee recognizes that further changes may be made as a result of discussions at the Faculty Senate or Faculty Consultative Committee or as a result of other suggestions, but for now this Committee is setting it aside as at least temporarily finished.)

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) Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, and technology transfer will be taken into consideration in evaluating the candidate's satisfaction of criteria. Such contributions can involve scholarly research or other creative work, teaching, and service based on one's academic expertise. But the primary emphasis must be on demonstrated scholarly or other creative achievement and on teaching effectiveness, and service alone cannot qualify the candidate for tenure. 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.

2 Tenure Code Section 7.12

The Committee made only one change to the version of Section 7.12 that it had earlier approved: the version now requires that each departmental 7.12 statement include Sections 7.11 and 9.2 as an appendix.

SECTION 7.12 APPROVED BY THE ACADEMIC FREEDOM AND TENURE COMMITTEE 12/8/06 FOR INCLUSION AS PART OF THE PACKAGE OF TENURE CODE CHANGES TO BE BROUGHT TO THE FACULTY SENATE (The Committee recognizes that further changes may be made as a result of discussions at the Faculty Senate or Faculty Consultative Committee or as a result of other suggestions, but for now this Committee is setting it aside as at least temporarily finished.)

7.12 Departmental Statement (fn 1). Each department or equivalent academic unit must have a document that specifies the indices and standards that will be used to determine whether candidates meet the threshold criteria of subsection 7.11 ("General Criteria" for the awarding of indefinite tenure). The document must contain as an appendix the text and footnotes of subsections 7.11 and 9.2 ("Criteria for Promotion to Professor") and must be consistent with the criteria given there but may exceed them. Each departmental statement must be approved by a faculty vote (including both tenured and probationary members), the dean, and other appropriate academic administrators, including the Provost and Senior Vice President for Academic Affairs. The chair or head of each academic unit must provide each of its probationary faculty members with a copy of the Departmental Statement at the beginning of the probationary service.

(fn 1) "Departmental" refers to an academic department or its equivalent, such as division, institute, or unit.

3. Tenure Code Section 9.2

Professor Anderson reported from the Morris campus that her colleagues presented a variety of views on whether there should be a footnote for the Morris campus with respect to the language referring to a national or international reputation. She had written to Professor Clayton as follows:

a.) There is not universal agreement that a footnote is warranted. Many of my colleagues expect that faculty will achieve some level of national and/or international reputation. (Indeed, many have been very complimentary of the language that we are proposing and seem to like it as it is!!)

b) Many are also very concerned that such an expectation is unrealistic, given our teaching load and the level of institutional support for research that we receive. The concern does not arise out of an expectation that UMM faculty do research of a lesser QUALITY, but rather I think comes from a recognition of realistic constraints on the QUANTITY of research that can be produced by many faculty on our campus, particularly in the laboratory and field-oriented sciences. There is universal agreement, as near as I can tell, about UMM's commitment produce the same high quality research that would be expected of any faculty associated with the University of Minnesota. I hope that I have not misrepresented the strong commitment to first rate scholarship on our campus.

c) Regardless of what people think about the language dealing with one's reputation, there is a consensus that having a footnote that qualifies expectations for UMM (only) will reflect negatively on our campus, or possibly give the impression that we are somehow second tier

within the University System. Unless there were footnotes for all campuses, I would prefer to go with language that deals with the mission of different units for any type of qualifying language.

d) What most people have concern with is the language dealing with actually achieving a national and international reputation. If this were removed, we might assume that the first two points in the 9.2 statement about "intellectual or creative distinction" (is this dramatically different than reputation?) and "adding to an already distinguished career of academic achievement" could apply whatever level of outstanding academic achievement that each academic unit requires as defined in the 7.12. Then we could have footnotes for all campuses, thus putting them on more equal footing in the code, or just let each unit describe what it expects in terms of reputation in their 7.12.

The Committee concluded, after discussion, that it would not suggest a specific footnote for the Morris campus but also that it would not change the proposed language about national and international reputation, that the proposed code language allows campus discretion on this issue, and that if problems develop they can be addressed in the future.

The Committee also discussed the report from the Modern Language Association; Professor Clayton noted a point in the report about the reduction in the number of humanities faculty and, parallel to business and industry, the expectation that the smaller number remaining would be expected to do the same amount of work at the same pay and do it better. Professors Abul-Hajj and Simon made a similar point about the sciences and engineering, noting that research funding has been reduced and competition increased to the point that it can be problem even for outstanding faculty to obtain grant support. In some cases senior faculty serving on promotion-and-tenure committees may not recognize the reality of these funding constraints when evaluating tenure files. The point of the first sentence of Section 7.11, Professor Clayton said, is important in this connection: "What the University of Minnesota seeks above all in its faculty members is intellectual distinction and academic integrity," and faculty members who have these qualifications are of substantial value to the University even if they may not have a long bibliography or raise millions of dollars.

With respect to other elements of Section 9.2, the Committee agreed:

-- to changes to make language parallel to that in the revised Section 7.11.

-- to add a new footnote to incorporate the substance of the Provost's statement at the November 30, 2006, Faculty Senate meeting, to the effect that "Not being promoted to the rank of professor does not in itself result in special-post-tenure review of a tenured associate professor."

SECTION 9.2 APPROVED BY THE ACADEMIC FREEDOM AND TENURE COMMITTEE 12/8/06 FOR INCLUSION AS PART OF THE PACKAGE OF TENURE CODE CHANGES TO BE BROUGHT TO THE FACULTY SENATE (The Committee recognizes that further changes may be made as a result of discussions at the Faculty Senate or Faculty Consultative Committee or as a result of other suggestions, but for now this Committee is setting it aside as at least temporarily finished.)

9.2 Criteria for Promotion to Professor. The basis for promotion to the rank of professor is the determination that each candidate has (1) demonstrated the intellectual distinction and academic integrity expected of all faculty members, (2) added substantially to an already distinguished record of academic achievement, and (3) established the national or international reputation ordinarily resulting from such distinction and achievement.(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. Interdisciplinary work, public engagement, international activities and initiatives, and technology transfer will be taken into consideration in evaluating the candidate's satisfaction of criteria; such contributions can involve scholarly research or other creative work, teaching, and discipline-related service.(fn Y) But the primary emphasis must be on demonstrated scholarly or other creative achievement and on teaching effectiveness, and service alone cannot qualify the candidate for promotion.

(fn X) "Academic achievement" includes teaching as well as 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 [to be supplied as equivalent to 7.3 through 7.6 for 7.11].

See the definitions of "scholarly research," "teaching," and "service" in footnote _ , subsection 7.11. A greater contribution in the area of institutional service is expected of candidates for the rank of professor than was expected for the award of tenure.

(fn Y) Not being promoted to the rank of professor will not in itself result in special-post-tenure review of a tenured associate professor.

4. Tenure Code Section 5.5

The Committee returned to Section 5.5, "Exception for New Parent or Caregiver, or for Medical Reasons" and agreed:

-- that probationary faculty can request the leaves one year at a time.

-- (it had agreed at an earlier meeting that the title should be changed to the one given here, and a new reason for extending the probationary period should be allowed: "when the faculty member has an extended serious illness, injury, or debilitating condition."

-- to leave the term "extended" in both items 2 and 3 of Section 5.5; while a probationary faculty member may have care-giving responsibilities for a month or two, or may be ill for a month or two, that should not warrant receiving an extension of an entire year; each case will need to be dealt with individually.

-- to delete the word "blood" in the footnote description of family members who can be in receipt of care-giving that would warrant an extension of the probationary period; the intent is that in-laws, adoptive parents, and domestic partners should be covered as well.

-- to delete the words "registered with the University" as a modifier for domestic partner, on the grounds that there are now domestic partners who should qualify even though they have no occasion to be registered with the University.

-- to add new language at the end of the section: "A probationary faculty member taking a leave under these provisions must not be subjected on that account to retaliation of any kind by any person having authority over the faculty member."

SECTION 5.5 APPROVED BY THE ACADEMIC FREEDOM AND TENURE COMMITTEE 12/8/06 FOR INCLUSION AS PART OF THE PACKAGE OF TENURE CODE CHANGES TO BE BROUGHT TO THE FACULTY SENATE (The Committee recognizes that further changes may be made as a result of discussions at the Faculty Senate or Faculty Consultative Committee or as a result of other suggestions, but for now this Committee is setting it aside as at least temporarily finished.)

5.5 Exception for New Parent or Caregiver, or for Personal Medical Reasons. The maximum period of probationary service will be extended by one year at a time at the request of a probationary faculty member:

1. on the occasion of the birth of that faculty member's child or adoptive/foster placement of a child with that faculty member; or
2. when the faculty member is a major caregiver for a family member[2] who has an extended serious illness, injury, or debilitating condition. A faculty member may use this provision no more than two times; or
3. when the faculty member has an extended serious illness, injury, or debilitating condition.

The request for extension must be made in writing within one year of the events giving rise to the claim and no later than June 30 preceding the year a final decision would otherwise be made on an appointment with indefinite tenure for that faculty member.

~~A probationary faculty member taking a leave under these provisions must not be subjected on that account to retaliation of any kind by any person having authority over the faculty member.~~

[2] The term "family member" is meant to include a relative, a marital partner, a domestic partner, or an adoptive/foster child.

5. Tenure Code Section 7a. Review of Faculty Performance

The Committee focused its discussion on the name of the section and subsections, agreeing:

- that this section of the tenure code covers tenured faculty only, not probationary faculty, and that the headings and language of the section should be clearer about that; the title of the section should be changed to "Review of Tenured-Faculty Performance"
- that there should be a new sentence at the end of the first section of 7a.1 explaining that "There are two kinds of post-tenure review, annual and special"
- that in keeping with the additional sentence the following subsection titles should read as follows:
 - 7a.1: Goals and Expectations (current-tenure-code language)
 - 7a.2: Annual Post-Tenure Review (instead of "Annual Review")
 - 7a.3: Special Post-Tenure Review (instead of "Special Peer Review in Cases of Alleged Substandard Performance by Tenured Faculty," with the language about "peer review in cases of alleged substandard performance by tenured faculty" to be incorporated in the text of 7a.3)

(There is no draft language for inclusion in the minutes because the Committee had time only to begin working on this document.)

6. Other Matters

The Committee agreed it would begin continue meeting weekly, beginning with the first Friday of spring semester.

The Committee also agreed that once it concluded that it was done dealing with a section of the tenure code or related documents, it would bring them to the Faculty Senate for discussion, as it has already done with 7.11 [and whatever]; and, at an appropriate point, ask for a sense of the Senate that a section was "finished" pending review of the entire set of tenure-code revisions and related documents when they are brought for a final vote. This will allow the Committee to proceed most expeditiously.

Professor Farr suggested the Committee deal with the status of emeritus faculty in relation to academic freedom, and Professor Clayton agreed that that issue should be taken up in the near future

Professor Farr also asked why, in Section 16.4, the interpretations of the code are not binding on the Senate Judicial Committee. It was agreed that Professors Chomsky and Morrison, the two faculty members who were most involved in crafting the current language of the code, would be asked about this point.

Professor Clayton thanked everyone for their contributions, wished them a happy holiday season, and adjourned the meeting at 11:00.

-- Gary Engstrand

University of Minnesota