

Minutes*

SENATE COMMITTEE ON FACULTY AFFAIRS

Thursday, March 2, 1995

3:15 - 5:00 p.m.

238 Morrill Hall

- Present: W. Donald Spring (acting chair), Carole Bland, Carol Carrier, Carol Chomsky, Mary Dempsey, Ann Erickson, Kinley Larntz, Richard McGehee, Michael Sadowsky, Anne Sales, George Seltzer, Bernard Selzler, Yang Wang
- Regrets: Daniel Canafax, James Stone, Roger Paschke
- Absent: Rose Brewer, Willard Manning, Diane Mulvihill
- Guest: John Adams (FCC Chair), Mark Brenner (Acting V. P. for Research & Dean of the Graduate School), Dennis Cabral (Academic Affairs), Marcia Fluor and Nina Shephard (University Relations), Fred Morrison (Law), Martha Kvanbeck (University Senate)

[These minutes include subcommittee reports, and discussion of the proposed Sexual Harassment Policy and proposed Academic Freedom and Responsibility Statement.]

1. COMMENTS/APPROVAL OF THE AGENDA

Professor Spring (acting chair) explained to the committee that all items were on the agenda for information and discussion with action scheduled for the March 16 meeting. He also reminded members of the special meeting between the SCFA and the President on Tuesday, March 7 at 3:00 p.m. (not 3:15).

The chair presented a motion to change the agenda to allow for the subcommittee reports before the discussion of the proposed Sexual Harassment Policy. There were no objections from the committee.

2. APPROVAL OF THE MINUTES

The February 2 minutes were approved.

3. SUBCOMMITTEE REPORTS

a. RETIREMENT SUBCOMMITTEE: Professor Spring reported that Professor Feeney sent his report via email since he was unable to attend the meeting.

b. TENURE SUBCOMMITTEE: This subcommittee has developed a list of items to facilitate the special SCFA meeting on March 7. Professor Dempsey said the list presents several options for the process of "final review." One committee member asked if one could express a concern at the upcoming meeting; that provosts should not be allowed to independently alter the Tenure Code. Professor Dempsey

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said that any options regarding tenure may be addressed. Another member said that he was concerned about tenure policy being segmented and customized per provost area rather than applying university-wide standards.

This concern is especially held by the outstate campuses. SCFA members were strongly encouraged to attend this special meeting.

c. HEALTH CARE SUBCOMMITTEE: Professor McGehee said the subcommittee has developed a rough draft of a short telephone questionnaire. The final survey will be brought to the SCFA for review and then forwarded to the administration for implementation.

d. FACULTY/STAFF PERIODICAL SUBCOMMITTEE: Professor Bland presented a mock-up of the periodical which has been named KIOSK. Dr. Bland introduced Marcia Fluer and Nina Shephard from University Relations who produced the tangible draft from several purpose statements the subcommittee drafted. Ms. Fluer said that the University has been continuously seeking to improve the sense of community on the campus by presenting information that celebrates accomplishments of the University and of the faculty and staff, as well as explain difficult issues. She said that she is more apt to tell a group not to proceed with a publication unless the objectives are achievable. Ms. Fluer believes this project is worth attempting, especially since it was initiated by the faculty. Aspects of the publication are:

- It will not be a newsletter or newspaper. It is a periodical to be distributed biweekly.
- A kiosk is a point where information can be posted (a bulletin board) electronically and physically.
- The paper product will also be used as a guide to comprehensive information on the electronic "kiosk." The physical periodical will be an edited compilation of what will be listed electronically.
- Every department and unit within the University will be able to interact with this centralized system of information distribution.
- University Relations will be used as a conduit to distribute the information; not in the selection of material.

Ms. Fluer proceeded to describe the features of the publication. Examples of proposed sections include:

- News analysis
- Point/Counterpoint
- Letters to the Editor/Opinion
- Teaching
- Faculty/Staff Update
- Faculty governance
- College round-up
- Calendar of events
- List of interesting publications

Ms. Fluer said the committee hopes that several test issues can begin in April. After the test period, an evaluation of the effectiveness and interest will be conducted. Professor Bland added that the

publication will always contain a section on teaching innovations, on research, a comment from the President, and point/counterpoint. Detailed information would be posted electronically.

The following questions were addressed by SCFA members to Ms. Fluer and Professor Bland:

- Q Will the new communication network leave some University groups "in the dust?"
A It probably will for a little while, especially as people become more acquainted with accessing information through electronic sources like World Wide Web (commonly referred to as the "Web"). Nevertheless, this tool will enable the entire electronic information world to learn about the University.
- Q What kind of staff support will be required for this project?
A For the most part, University Relations will be reassigning workload responsibilities to publish KIOSK. A managing editor will need to be hired and perhaps a part-time graduate assistant. This person's role will be to post the information on the Web. Overall, this publication will not require much additional staff, but will require some additional technical expertise.
- Q Will there be a classified section?
A That issue needs to be addressed after the test phase. There could be a bulletin board put on the Web for that.

Other comments from SCFA and Ms. Fluer:

- One faculty member said he had been skeptical about the newspaper, but saw this idea as "brilliant."
- The content of the written articles should not be so brief that the content is trivialized.
- The KIOSK should not simply be a headline service.
- For this project to work, it must not favor any specific University constituency.

e. DATA PRACTICES ACT SUBCOMMITTEE: Professor Chomsky said the subcommittee met with Associate Vice President Carrier's Administrative Review Subcommittee and two members of the General Counsel's Office to discuss some of the committee's concerns, including disclosure and data access issues.

The General Counsel is preparing a document on data practices issues for the subcommittee. That document will be shared with the SCFA. The subcommittee is also working with Associate Vice President Carrier regarding addressing, submitting, and accessing data related to administrative reviews.

4. DISCUSSION OF THE PROPOSED SEXUAL HARASSMENT POLICY

Professor Spring informed the committee that the proposed Sexual Harassment Policy will be presented for action at the March 16 SCFA meeting. He encouraged members to present comments or questions at this meeting because there will not be much opportunity for discussion on the 16th. It is the committee's responsibility, he said, to make a recommendation to the Faculty Consultative Committee (FCC). The following comments were forthcoming:

- A suggestion was made that the third sentence in Section 1 be amended to read, "and hence creates the opportunity for sexual harassment" to relate to "however" in the following sentence. The editors of the document can rephrase this as they see fit.
- Questions raised at the February 2 meeting were reviewed:
 - If forbidden relationships are engaged in, a third party may report such suspicious cases. Would this create even greater problems and possibly lawsuits?
 - How far does it apply? What is the scope of the policy's application?
 - Is this an invasion of privacy?
- Regarding scope, some expressed that the policy is too broad by forbidding ALL relationships where a superior/subordinate classification exists. Others believe the scope is appropriate.
- Third party reporting is a recommendable idea especially because situations may develop where an involved party may be unable to report a problem for himself/herself.
- Section 2 (3) describes sexual harassment in terms of an "offensive working or academic environment." This phrase is undefined and subject to differing interpretations.
- If an action is offensive to someone and that has been communicated to the offending party, the behavior should be ceased.
- Section 4 in the proposed policy differs from the existing policy in that relationships between superiors and subordinate University staff or students is forbidden.
- The existing policy allows superiors to defend against any complaint from a subordinate by saying that the latter consented.

This has been problematic for the Equal Opportunity and Affirmative Action Office (EO/AA) to determine if and when consent existed, and to determine if a legitimate complaint exists.

- The proposed policy is peculiar because it permits committed relationships, but people do not immediately move into these types of relationships.
- The intent of the policy is good, but what does it mean to "forbid," and what are the related policing actions? If a third party reports a forbidden relationship, is an investigation initiated? Who investigates the case? What are the sanctions? The issue which this policy is attempting to solve may be presenting even more problems.
- "Committed relationship" is defined by the Nepotism Policy and does not include non-married heterosexual relationships.
- Could people use this policy for getting vengeance on a couple?

Professor Spring noted that representatives from the faculty, students, P&A, and civil service staff are reviewing the policy simultaneously. The policy will also undergo review by the University Senate. All recommendations will ultimately be forwarded to the President.

5. DISCUSSION OF THE ACADEMIC FREEDOM AND RESPONSIBILITY STATEMENT

Dr. Dennis Cabral introduced himself and proceeded to provide some background information for the committee. A working group was assembled by Sr. Vice President Infante which included Dr. Cabral, Interim Vice President for Research Mark Brenner, Associate Vice President Carol Carrier, Mr. Bill Donohue (General Counsel's Office), Interim Vice President Jack Imholte, and Professor Fred Morrison. They were asked to work with Professor John Adams and the FCC to identify elements of a revised Academic Freedom and Responsibility statement. They looked at examples from other universities, the

AAUP statement, and material provided by the FCC. The proposed draft is to serve as a starting point for updating the current statement. Dr. Cabral said the working group is no longer in existence and that formal review is now occurring with the various Senate committees and other University groups. Professor Adams said he, Dr. Cabral, Professor Morrison and Dr. Brenner were present to answer any questions about the document's intent and its operational meaning. Dr. Brenner explained that the proposed statement addresses academic responsibility more than the current one in a manner that is not restraining. Dr. Cabral added that Sr. Vice President Infante wants the statement to clearly express that it applies to the entire University community, including faculty and students.

SCFA provided the following comments, suggestions, and critiques:

- The phrase in the first sentence under the subheading Responsibilities which states "...the responsibilities of positions...", should be restated to say "...the responsibilities of one's position...", or some variation therein.
- The first sentence under the subheading Freedom contains the phrase "...of the choice of methods in classroom teaching..." There are so many subphrases that it is unclear whether the phrase describes "purpose" or "freedom."
- Some thought the word "civil" or "civility" should be added to the Responsibility section. Others, however, felt that some ideas which people hold are so reprehensible that "respect" is not responsible.
- Under Responsibilities, the phrase "special obligations" should be replaced with something more explicit.

The following questions posed by SCFA members were answered by one of the guests:

- Q Under the Responsibilities section, had the working group thought about the need for people to respect not only the truth but also others who express the truth?
- A The objective of this statement is to express some basic principles rather than outline specific actions or circumstances. Such rules should possibly be expressed in a separate document.
- Q The Freedom section is very clear, but the Responsibility section is vague because "duties of membership in the University" and "special obligations" are undefined.
- A The responsibilities within the University differ per individual. More specific details of these phrases can be found in the institutional mission statement as well as collegiate, department, and program statements.

People are responsible to follow the outlines of their position described in these statements.

Dr Cabral added that the phrase "perform faithfully the duties of membership in the University" could also be expressed as "comply to the employee manual." The phrase "responsibilities of the position" refers to the job description. "Special obligations" refers to not only the institutional community, but also the learned community in which we are operating. Regarding the "truth," it is not the search for the truth which should be respected, but the truth itself.

One person said she liked what Dr. Cabral was saying, but it is not what the document expresses. On the other hand, she said she appreciates short policies. She recommended adding a paragraph or two

on the responsibilities of faculty members. This would be extremely beneficial, especially for the professional schools.

Q What will happen to those faculty who do not uphold their special obligations to seek and respect the truth?

A If this Statement becomes the University's foundation, then something should be done to address that issue.

Q The operational definitions described above cannot be applied to all University groups (i.e., students do not have employee manuals).

A As this policy is becoming applied to the entire University community, problems do present themselves. The students do have their responsibilities outlined in the Student Conduct Code. Also, if qualifiers are added to any term in the statement, the broad term is no longer totally inclusive.

Q What is the motivation for changing the policy?

A There currently exist three Academic Freedom and Responsibility Statements for the University, one from 1938 which is clear and succinct, one from 1963, and a third from 1971. It is the Regents' hope that these can be incorporated into one policy statement.

Q Why is there a distinction made between an "officer" and a "member" of the institution?

A That language came from one of the previous policies which expressed faculty as officers. To include students the term "member" was added. It is possible to delete most of the related clause so that it reads "...to observe the obligations of a learned community to respect the search for truth...."

Q Could an interpretation be added to the statement?

A One thing that the FCC is talking with the administration about is the need to improve orienting faculty to the mission of the University and to the mission of their department. It would be a good idea to keep track of the items within this discussion for the purpose of possibly creating a document to use at such orientation sessions.

Dr. Brenner said it is the responsibility of the administration to clearly communicate to an employee his/her responsibilities of employment. Dr. Adams added that as an institution that trains many who go on to teach at other institutions, the University needs to cultivate a sense of responsibility in graduate students. Dr. Cabral said that in the process of refining the statement, all involved should remember that this is to be a Regents policy which is difficult to amend once approved. Therefore, it is easier to have a broader document which can be specified (and easily re-specified) at the administrative level. At this level, employee manuals and academic unit responsibility statements could be improved upon for greater clarification.

Final comments included:

- The proposed policy as it exists at this time, in brief form, is exactly what the University should use. Each profession has an expressed code of ethics which does not need to be referred to in this statement.
- There is a glaring omission of how discourse is to be conducted.

- The entire Responsibility section should be omitted because the phrase "...to observe the special obligations of a member of a learned community..." could be interpreted by the external community that the faculty should take a loyalty oath. The issue of brevity has been complicated by the section of responsibility.
- The idea of coupling freedom and responsibility should not be taken out of the statement. The responsibility section promotes creating an atmosphere where free search for truth and understanding can occur.
- The Workload Policy, Conflict of Interest Policy, and the proposed Conflict of Commitment Policy have clearly described responsibility. An additional explanation of this does not need to be in this statement.

Others still contended there is need for more clarity regarding employee responsibility, especially on the level of graduate assistants.

6. CONFLICT OF COMMITMENT

Dr. Brenner distributed copies of the latest draft of the Conflict of Commitment Policy, recently renamed the Professional Commitment Policy, for the March 16 meeting.

The meeting was adjourned at 5:00 p.m.

-- Kevin Gormley

University of Minnesota