

Minutes*

SENATE COMMITTEE ON FACULTY AFFAIRS
Thursday, June 1, 1995
238 Regents Room
3:15 - 5:00 p.m.

Present: Daniel Feeney (chair), Daniel Canafax, Judith Gaston, Dianne Mulvihill, Anne Sales, Bernard Selzler, W. Donald Spring, James Stone, Yang Wang

Regrets: Carole Bland, Carol Carrier, Mary Dempsey, Ann Erickson, Kinley Larntz, Richard McGehee, Roger Paschke, Michael Sadowsky

Absent: Rose Brewer, Carol Chomsky, Matthew Curry, Willard Manning, Ken Roering, George Seltzer

Guest: Mark Brenner (Interim Dean of the Graduate School)

1. CHAIR'S REPORT

- a. Professional Commitment: Professor Feeney explained to SCFA that a more recent draft of the document dated May 31 was available. The SCFA members were to be mailed a copy of the latest draft on June 2. Dr. Feeney asked committee members to e-mail him expressing if they support or reject this draft. FCC has agreed to disagree on the content of this document. The policy is on the docket for the June 8 Faculty Senate meeting as an action item with the option to be continued for discussion (and therefore tabled for more redrafting). Several in FCC recommended that the policy be implemented for a one year trial period. The committee discussed the limitations this policy places on the faculty of the University.
- b. Responsibility of a Primary Investigator (PI): A task force is developing a document stating that there will be greater PI responsibility (i.e., fiscal accountability). There is a high level of concern about this. A letter on behalf of SCFA was sent several weeks ago by Professor Feeney. He encouraged the SCFA members to write Mark Brenner if they had any concerns. The specific concern is that the administrative offices established to assist P.I.s may abdicate responsibility to the P.I.s if difficulties occur.
- c. Commission on Women: Professor Feeney expressed appreciation to the individuals who helped draft a letter on behalf of the Commission. He said that he heard nothing but positive comments about the programs and services regarding this office. Janet Spector sent a letter to Professor Feeney thanking SCFA for their attention and support to the matter.
- d. SCFA Subcommittees: SCFA members interested in any specific subcommittee should contact Dr. Feeney. He will be assembling these groups in the next few weeks, some of which will be operating

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through the summer (i.e., Tenure Subcommittee). In addition, SCFA members were encouraged to recommend non-SCFA members for the subcommittees.

e. Retirement Subcommittee Recommendation: A letter from President Hasselmo was received accepting the latest Retirement Subcommittee recommendation. This change will take effect on July 1, 1995.

f. Thanks: Professor Feeney said that it had been a pleasure to work with SCFA during the past year. He also expressed thanks to those completing their terms with SCFA including Rose Brewer, Dan Canafax, Ann Erickson, W. Donald Spring, Michael Sadowsky, and Anne Sales.

2. FACULTY ADVOCACY PROGRAM

Professor Feeney told the committee that Dr. Clarence Carter had planned to join the meeting but had a conflict with his schedule. Therefore, he provided a letter for the committee expressing his opinion of developing a Faculty Advocacy Office. He may be able to come before SCFA in the Fall 1995. One committee member said that he had served on the SCFA subcommittee that had supervised Dr. Maureen Venters. He added that if this office is implemented enough money should be provided to do the job well.

Additional comments from the committee:

- We should consider the recommendations from Clarence Carter very seriously.
- A senior faculty member may be the best candidate for this position.
- The chair of the Senate Judicial Committee is closest to this type of role. Could the retiring chairs of this committee be used in this advocacy program?
- Professor Ward (outgoing chair of the Judicial Committee) expressed that an advocate may be helpful to a faculty member.
- There may be pressure to expanding an advocacy office if it was initiated.
- Dr. Venters consistently stated that she was **not** an advocate, but offered an unbiased perspective.
- The word advocate is misleading considering the role that we are interested in seeing develop.

Professor Feeney said that the committee did not need to take formal action on the matter this day. SCFA could meet with Dr. Carter in the fall giving the group time to deliberate over the matter. The group considered re-establishing the advocacy program subcommittee.

3. SUBCOMMITTEE REPORTS

a. Tenure Subcommittee

Professor Spring said that the subcommittee met and discussed the meeting between SCFA and Sr. V. P. Infante. The subcommittee did not feel any less inclined to amend the Tenure Code, and

therefore maintained its position. The group is interested in acquiring a “white paper” from the Administration detailing how much the Tenure Code is to be changed (provosts will review tenure cases rather than the Sr. V. P. for Academic Affairs). The number of tenured faculty members is speculated to change from the current rate of 80% to about 60%. Professor Spring said that the subcommittee thought that this is such a significant issue that the faculty should be given more details about this decrease in tenure (How? When? What units?) A letter has been drafted requesting the Administration to provide the University community with a paper on each of these issues. One committee member recommended that the faculty become engaged in the national discussion regarding the reduction of tenured positions in higher education. The SCFA members expressed two specific questions which these papers could address:

- Fewer tenured faculty will help the University to be more flexible to do what?
- There is a national trend toward fewer tenured faculty. Why?

b. Retirement Subcommittee

Three new options in Fidelity have been made available over the past year for both old and new money. Professor Feeney thanked Roger Paschke and Dianne Mulvihill for their help in making these changes possible. Minnesota Mutual has a new interest rate “bucket” available as well.

There is a class action law suit against the IRS in Texas challenging the taxability of “terminal leave buy-outs.” University employees may get involved in this case on their own if they wish. Ms. Mulvihill added that the case is based on a claim by the IRS that these “buy outs” are not part of one’s salary (and potentially considered a settlement depending on one’s perspective), and therefore are subject to additional taxation.

c. Data Practices Act Subcommittee

Professor Feeney said that subcommittee had met with General Counsel which is developing a document on how faculty should respond to the Data Practices Act.

d. Administrative Review Subcommittee

Human Resources developed a similar committee that was going to function along side the subcommittee of SCFA. This is to be pursued in the Fall 1995.

e. Health Care Subcommittee

Professor Spring said that Ms. Sales and Professor McGehee were going to be working on a questionnaire. Ms. Mulvihill explained that the subcommittee had set the questionnaire aside temporarily. The subcommittee will meet during the summer to discuss the option available through the state health care plan.

f. Benefits Subcommittee:

Professor Canafax said that he would present a final report to the SCFA Chair in the following week.

4. PROFESSIONAL COMMITMENT POLICY

Dr. Mark Brenner made available a May 31 draft of the policy. He said that FCC supports having the policy go before the Faculty Senate on June 8. Some members of FCC recommended that the policy be passed as an administrative policy allowing a one year trial before going to the Board of Regents for action. The Academic Integrity Committee is attempting to make the document follow a less legalistic tone while maintaining its character. He noted an example from the FCC meeting. He also pointed out a difference between the Carl Adams' proposal with the Professional Commitment Policy on "extra work," and provided examples to illustrate the differences.

Q Why are we developing this policy?

A There are a subset of faculty who are exploiting their positions at the University while engaging in substantive activities elsewhere for gainful employment. Current policies do not enable the University to do anything about these situations.

Q What should be expected of the University's academic professionals?

A This can be rather subjective because it related to the abilities and capacities of an individual. The University hires high quality faculty members so that it can progress.

Q How are we placing boundaries for academic professionals?

A Section 11 (line 366) states that the University has the right to question whether one is doing sufficient work (in relation to outside activity) given his or her capacity.

Q How does this policy address the issue of providing competitive services to those offered at the University?

A This policy does not say that such activities are prohibited, but that one must seek prior approval to engage in these activities.

Q It seems to be difficult to dis-entangle the relationship between consulting work and research that may lead to publications, and possibly tenure. How does this policy provided for this?

A The Stanford University policy on commitment explicitly states that a faculty members' presence is expected on campus unless otherwise noted. The University has not done this because of the varying working environments that exist on campus.

Q Will this policy cover a person who has performance as a part of their "consulting" time?

A The policy covers any activity that engages too much time of an academic employee. If the matter enters into the area of "competition," the formula becomes more complicated, but still is covered by the policy. Private practice plans may need to be developed in academic disciplines that have not had them in the past to cover this matter (i.e., performing arts).

Dr. Brenner expressed the following points:

- The Adams document is strong on philosophy, but does not provide the detail needed to implement it as policy.

- Section 4.2 (lines 109-121) adds clarity regarding part-time employees says that this policy only applies to the time which a person is under contract. All other time can be used at the discretion of that employee.
- He agreed to have Section 4.2 apply to those who are **over** 50%, rather than those 50% or over.
- If the University moves in the direction of Responsibility Centered Management, all units will be considering how they can generate revenue providing further incentive for private practice plans. Language to deal with this could state that "units are encouraged to consider the implementation of practice plans to minimize problems of competition."

Q If an individual is on a 12 month contract at 80% time, how may this policy apply to the 20% time not contracted?

A This person may do what they wish with their 20% time. The maximum number of days they could consult [related to their University contract] would be pro-rated accordingly.

Q Should this policy try to micro manage every issue, or provide a broad principle?

A The document developed by the Academic Integrity Committee helps the University to learn how it can manage professional commitment especially since no precedent is available. CEE, with an annual budget of approximately \$50 million, is unique to the University, and provides the need for a more detailed plan than other institutions throughout the country may need.

A SCFA member added the department heads and faculty members need to discuss activities that are appropriate under this policy. Nevertheless, there is concern that this type of interaction will not occur. Some faculty anticipate department heads that will simply say "no" to prevent problems. Negotiating and "practice plans" are needed for this policy to be effective. Dr. Brenner said that this type of language could be inserted in Section 7 (Extra Professional or Business Commitments) noting that **negotiations** should occur to determine whether or not such activities could take place. Another SCFA member expressed concern about department heads who may try to implement this policy without enough understanding. He encouraged Dr. Brenner to provide some type of training workshops for department heads, etc. enacting this policy.

Q This policy does not seem to address the problem of motivating faculty to be on campus when they need to be. Can this be done with this policy?

A An issue of this kind belongs in the Workload Policy. The Professional Commitment Policy could mention that a faculty member's presence on campus is essential (e.g., keeping office hours, being available for committee meetings for Ph.D. students), and in keeping with the Workload Policy. Each faculty member should have a workload plan negotiated with their department that defines a person's commitment.

Q There are a certain number of faculty who are not behaving responsibly. What makes you think this policy will cause them to change their behavior?

A There are several faculty at this time who are not behaving as they should and cannot be addressed due to a lack of policy.

The SCFA members discussed that this policy is needed so that the University is not exposed in an unfortunate manner. Dr. Brenner added that "we do not want to kill the institution in the process of addressing it."

Dr. Brenner asked the committee if there was a need to limit the amount of time an academic employee can be engaged in outside "business?" One member said that he agreed with Section 1.2 of the policy:

This policy distinguishes EXTRA PROFESSIONAL ACTIVITIES from BUSINESS activities. ACADEMIC EMPLOYEES may engage in BUSINESS activities unrelated to their professional expertise insofar as they do not interfere with the primacy of their University obligations.

Dr. Brenner said that he would capture the information from the meeting and reflect it in the proposed policy. There are several points within the present Consulting Policy that are not appropriate for the proposed policy (e.g., faculty appearing in advertising with the University's name attached). Therefore, they should be included in other University policies.

5. MINUTES

Because of the low attendance, the chair decided to have the committee members vote on approving the May 4 minutes by e-mail.

-- Kevin Gormley

University of Minnesota