

Minutes*

Academic Freedom and Tenure Committee
Friday, January 26, 2007
9:30 – 11:00
300 Morrill Hall

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

Absent: Yusuf Abul-Hajj, Arlene Carney, Carol Carrier, William Doherty, James Farr, Tina Huang, John Mowitt

Guests: none

[In these minutes: procedures for reviewing the performance of tenure-track probationary faculty]

Procedures for Reviewing the Performance of Tenure-Track Probationary Faculty

Professor Clayton convened the meeting at 9:30 and began by reporting that Provost Sullivan has asked him what the timeline will be for reviewing the Procedures. He told the Provost a month, but he had not yet seen Vice Provost's Carney's suggestions and did not know that the revisions will not need to be ready for review by the Faculty Senate until the April 5 meeting. It is now obvious that the revising will very likely take somewhat longer than a month. [Note: only the language from the Procedures the Committee was dealing with at this meeting is included in these minutes, and is marked off with quotation marks; the entire document may be found at <http://www1.umn.edu/ohr/policies/performance/probfacreview.html> . Following quoted language, the discussions and conclusions of the Committee are noted. The Committee was working with a version that contained edits and other suggestions proposed by Vice Provost Carney, her edits noted with ~~strike-outs~~ and underlining for new language she suggested. New or changed language suggested by the Committee appears after the bullet points.]

"These procedures are adopted in accordance with sections 7.4, 7.61, and 16.3 of the June 1997 Faculty Tenure Regulations (hereby referred to as Regulations.) They cover additional elements of the tenure-granting and review process."

-- Change this to "adopted in accordance with sections . . . of the Board of Regents policy Faculty Tenure (hereafter referred to as "the tenure code")." The word "regulations" will be deleted from the document because the term is not used for the tenure code nor does it carry that title any longer.

-- The document needs to be given outline numbers and letters.

(I.) Purposes and Application

* 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.

"This document contains procedural rules for the consideration of candidates for tenure and promotion. It is also intended to provide a convenient guide for department heads, tenured faculty members, and candidates, to assist in understanding and organizing the tenure-granting process. The document restates some of the rules ~~which~~ that are found in the Regulations, and adds additional procedures. For additional detail or interpretation, see the relevant sections of the Regulations."

The Committee had no suggestions for change to this paragraph.

"The mandatory rules (those using "must") established in this document are minimum requirements. Departments and colleges are free to supplement them to provide further protection for candidates. Other procedures are simply recommendations (those using "should" or "may"). Any supplemental procedures that are created at the collegiate or departmental/unit level must be consistent with the Regulations.

-- Change to ". . . with the tenure code."

-- Add new language: When the term "research" is used in these procedures, it refers to the language of Section 7.11 of the tenure code, which reads, "'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." When the term "teaching" is used in these procedures, it too refers to the language of Section 7.11: "'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." When the term "service" is used in these procedures, it too refers to the language of Section 7.11: "'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."

"The procedural rules established by this document are intended to guide the orderly and fair administration of the tenure process. Departments, review committees, department heads, and other administrators should carefully follow them. They do not, however, give candidates or others a right to set aside a decision based merely upon minor or technical variations from the rules. The Judicial Committee will review a claim that a decision was procedurally incorrect only if it was based in significant degree upon a substantial and prejudicial deviation from the procedures prescribed. (Regulations, section 7.7(3))."

-- The Committee agreed that it wished to ask Professor Farr, Chair of the Judicial Committee, if this language has created any problems or if it should be amended.

"If it is impossible or impracticable to implement these procedures, a department may apply to the Senior Vice President for Academic Affairs and Provost and the Academic Freedom and Tenure Committee for a written variance. Variances will be given very sparingly, and will be accompanied by requirements that the department take other steps to insure that the process conforms to the maximum extent possible to the principles set forth here. Applications for variance should be made in writing; variances will be granted only in writing."

The Committee had no additional changes to suggest in this paragraph.

"These procedural rules apply to decisions ~~which~~ that are made in the 1986-87 and following academic years. These procedures must be followed, even if the original appointment was made under the Regulations in effect prior to July 1, 1985. Since the procedures do not deviate in substance from those previously in effect, there should be little difficulty in complying with them."

-- Change to: These procedural rules apply to appointments beginning after July 1, 2007. Current probationary faculty may use either this version of the procedures or the one that was in effect when they were first appointed.

(II.) Tenure Procedures

"(A.) Actions to be taken generally, without respect to individual candidates.

"1. Departmental statement of criteria.

"The Regulations require every department to have a document "that articulates with reasonable specificity the indices and standards which will be used to evaluate" candidates. (See Regulations, section 7.12). These standards will apply to all candidates for tenure in the department, unless there is a special contract to the contrary. (See Regulations, section 3.6)."

-- Change to: The tenure code requires every department to have a document "that specifies the indices and standards which will be used to determine whether candidates meet the threshold criteria of subsection 7.11 ("General Criteria" for the awarding of indefinite tenure)." [Note: the language within quotation marks is the language the Committee has currently adopted for Section 7.12 of the tenure code, which is subject to further modification and approval by the Faculty Senate.]

"2. Alternative voting rules.

"Ordinarily, a majority of those present and voting on a personnel question will take action for a department, if a quorum is present. A department or college may, however, require an exceptional majority (such as a 2/3 majority or an absolute majority of the members of the department) as a prerequisite for a recommendation for tenure. (See tenure code, section 7.4 (d)). If it wishes to do so, it must adopt that rule well in advance of the meeting in which the tenure decision will take place, normally no later than the previous school year. Any rule requiring an absolute majority should also have a provision for excusing members who are unable to participate. All rules requiring special majorities must be reported to the senior academic administrator and the Academic Freedom and Tenure Committee. The rule may be adopted as part of the college or department constitution or as part of the rules adopted under 7.12, or by separate action. (~~Current departmental or collegiate rules of this kind remain in effect and need not be re-adopted~~) If the rule is adopted, however, it must be reproduced and distributed with the departmental rules adopted under section 7.12. If both the college and the unit have rules to this effect, the more rigorous requirement prevails."

-- The Committee raised a question: if a department decides to change its rule from a majority of a quorum to some form of exceptional majority, would any probationary faculty member already hired be subject to the new rule or could he or she request the previous rule? Would the adoption of a rule calling for an exceptional majority be retroactive?

-- The Committee concluded that any rule calling for an exceptional majority vote in favor of a tenure recommendation MUST be included in the 7.12 statement (even if it is a requirement of a college constitution). The Committee also concluded that there can be no separate policy or rule adopted on this issue; if a department decides to require an exceptional majority, it must include that requirement in its 7.12 statement. (Appropriate language changes for these procedures will be suggested later.) The penultimate sentence of the existing language should be deleted ("However, if the rule is adopted. . .") If the 7.12 is silent on the majority required for personnel questions, it will be decided by majority vote (if a quorum is present).

"(B.) At the beginning of a probationary appointment

"3. Explaining the process to the candidate.

"Explaining the process to the candidate. Early in the probationary appointment, the department head must review the terms of appointment with the probationary candidate."

-- Delete the repetitive language "Explaining the process to the candidate." Change the remainder to: "In the first year of the probationary appointment, the department head must review the terms of appointment with the probationary candidate."

"This includes:

* Making certain that credit or prior service has been granted and appropriately recorded, and that there is a common understanding about the maximum length of the probationary period. See Tenure Regulations, section 5.4. [Change to "tenure code."]

* Supplying the candidate with copies of the Regulations, these "Procedures," and the Departmental Statement about tenure expectations. See Regulations, section 7.12. If the candidate is unsure about the application of the criteria, the discussion should seek to make that as clear as possible. [Change "Regulations" to "tenure code."]

* Informing the candidate about the procedures used in the department to review teaching, research, and service. The candidate must be informed about the annual review process and made familiar with the annual report on him or her on President's Form 12, Appraisals of Probationary Faculty. The candidate must also be informed about his or her access to information and right to inspect the file."

The Committee had no suggestions for changes to these existing bullet points other than the editorial changes noted.

"The department head must make a written summary of this meeting on Form [to be designed], including the time and date it took place, and put it in the candidate's personnel record. This summary should be signed by the probationary faculty member and dated. A copy of this signed form should be forwarded to the Senior Vice President for Academic Affairs and Provost." Dr. Carney noted, in her written comment about this section, that probationary faculty have told her these procedures were never explained to them and that without a record she has no way of knowing if they had actually not been told or had forgotten or did not realize they had received the information.

-- The Committee recommended that the "should" should be changed to "must" and that the form should be forwarded to the dean and the Senior Vice President.

"(C.) Annually during the probationary period

"4. Elements of the review process.

-- Insert the word "annual" between "the" and "review," just to make it absolutely clear.

"The process of reviewing a candidate's progress is a continuous one. It is intended to have an encouraging and nurturing function, although it is by necessity judgmental. Especially in the early years of the probationary period, the annual tenure review is intended to point out to the candidate strengths and weaknesses, so that the strengths can be built upon and the weaknesses remedied. Three elements are essential to this process: information gathering, deliberation, and consultation with the candidate."

-- Change "judgmental" to "evaluative," which is neutral and expresses the intended sense.

"The procedures set forth in these paragraphs (4-7) are minimum requirements. Some departments may prefer to conduct a more formal review, equivalent to that which must take place when a formal recommendation will be made regarding the candidate's appointment."

-- Change "equivalent" to "comparable" so, for example, a department does not assume it must duplicate exactly the process used later.

-- Change "candidate's appointment" to ". . . regarding the candidate in the decision year."

-- The Committee concurred with Dr. Carney's note suggesting this part of the procedures stress that the annual review must be made in the context of the 7.12 statement. The Committee did not believe that any additional reference to the code is necessary in this language.

"5. Collecting information on the candidate's performance.

"Beginning with the first year of the probationary period, the department has the responsibility for gathering data about the candidate's performance on all relevant criteria. This function must be performed by the department head or by a designated tenured faculty member or committee. Responsibility for this function must not be delegated to staff or students, although they may play appropriate supporting roles. The department head has the responsibility to see that the function is performed, and may request the candidate to assist in the preparation of the file."

-- Change "request" to "ask" in the last sentence.

"The file should include:"

-- As the Committee amended the following list, it also amended this language to: The annual review file must include, as appropriate:

"i. The candidate's current ~~resume~~, curriculum vitae and annual activity reports.

"ii. Summaries of the candidate's teaching assignments, including student and peer evaluations, using the methods of evaluation ~~which~~ that have been adopted for the department or college."

-- Delete "assignments"; add "any" before "student"; refer to language at the beginning defining what "teaching" means when used in the procedures.

"iii. Summaries or copies of (or references to) the candidate's research or other scholarly contributions."

-- Delete "or other scholarly contributions" and refer to the language at the beginning defining what "research" means when used in the procedures.

"iv. Summaries of the candidate's discipline-related service activities if those are part of the mission of the department."

-- Delete "discipline-related" and "if those are part of the mission of the department," because the revised Section 7.11 calls for recognition of all service, whether institutional or discipline-related.

"v. Summaries of the supplementary criteria which the candidate may have satisfied, such as participation in the governance of the University or department."

-- Delete this subsection altogether as redundant.

"vi. Copies of the Appraisal of Probationary Faculty forms for this and previous years."

"vii. Any other relevant material relating to the satisfaction by the candidate of the requirements for tenure."

-- Delete everything beginning with "relating to the . . ." and move this subsection, as noted below.

"viii. Where relevant, evaluations of the candidates discipline-related service activities."

-- Delete this subsection altogether; it is superseded by the proposed revision of Section 7.11.

"The file may also include:

"Evaluations of the candidate's teaching, research or scholarly contributions by persons inside and outside of the University."

-- Change this to: "The file may also include any other relevant material, including evaluations of the candidate's professional activities by persons inside or outside of the University."

Professor Clayton thanked everyone for their work and contributions and adjourned the meeting at 11:00. The Committee will resume work on the procedures at its meeting next week.

-- Gary Engstrand