

Minutes\*

**SENATE COMMITTEE ON FACULTY AFFAIRS**  
**Thursday, January 5, 1995**  
**3:30 - 4:30 p.m.**  
**238 Morrill Hall**

Present: Daniel Feeney (chair), Carole Bland, Daniel Canafax, Carol Carrier, Mary Dempsey, Ann Erickson, Richard McGehee, Michael Sadowsky, Bernard Selzler, W. Donald Spring, Yang Wang

Regrets: Carol Chomsky, Kinley Larntz, Roger Paschke, Anne Sales, Yang Wang

Absent: Rose Brewer, Judith Gaston, Willard Manning, Dianne Mulvihill, Ken Roering, George Seltzer

Guest: Acting Vice President Mark Brenner

[These minutes contain a first round discussion on the Conflict of Commitment Policy.]

**1. CHAIR'S REPORT**

New NCAA Regulations: Professor Feeney said that the FCC supported the President's decision to vote in favor of the new NCAA regulation requiring student athletes to have a C+ grade average on entrance to the University. This policy will become effective in 1996 (for more information refer to the FCC January 5, 1995 minutes).

New Governance System: The Transition Advisory Committee sent its recommendation to President Hasselmo regarding how the governance system should operate while the administrative restructuring (the three provost model) is being constructed. FCC will be addressing a definitive model of how it believes the governance system should be streamlined and conducted to adapt to the new administrative structure.

Tenure Review: The chair said that the letter to President Hasselmo regarding SCFA's concern about tenure review under the new provostal structure was sent to all SCFA members. Professor Feeney, Associate Vice President Carol Carrier and Assistant to the President, Professor Mario Bognanno decided to invite President Hasselmo and Acting Vice President for Research and Dean of the Graduate School, Professor Mark Brenner to explain the tenure review process under the provosts. This meeting will include time for SCFA to present questions regarding the issue.

Grievance Officer: Some committee members had expressed concern about the Grievance Officer's accountability to the President's Office. Committee members should forward any thoughts they have on this matter to Professor Feeney. He, in turn, will forward them to Assoc. V. P. Carrier as part of the Transition Task Force's deliberations. (Note that the Grievance Officer is accountable to a review

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\* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes reflect the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

committee chaired by an FCC appointee which reviews the Officer's performance and reports this information to the President's Office.)

**Administrative Review Process:** There is a letter that will be coming to the SCFA members stating that there is a chancellor currently under review and explains the process by which this individual will be evaluated. This will explain how the administrative review process is progressing. SCFA has put this issue on the back burner pending a report from the Data Practices Act Subcommittee. The subcommittee is interacting with the administrative review personnel proposing these new regulations be considered in the review process.

**Sexual Harassment Policy:** There is a new Sexual Harassment Policy that is on the docket for consideration. The existing one used by the University was approved by the Senate. This new policy is expected to proceed through University governance as the former did. Professor Feeney was told that some dramatic revisions are being proposed.

**Compensation Policy:** Faculty are concerned about whether units are complying with this policy, how merit review committees are constituted as advisory to the chairs, and how this policy is being interpreted and enacted. Assoc. V. P. Carrier will be conducting a follow-up survey to determine if it is being implemented.

Professor Feeney said that he needs to get a sense of how the SCFA really feels about a future meeting with the President. People are in agreement that faculty morale is at such a low level that it needs to be addressed. Nevertheless, consensus needs to be established as to which process should be used to address this problem. Professor Feeney passed out a memo concerning meeting with the President on the issue of how to address the situation, and asked committee members to respond.

## **2. DISCUSSION OF THE CONFLICT OF COMMITMENT POLICY**

Acting Vice President for Research & Acting Dean, Graduate School, Dr. Mark Brenner

Dr. Brenner expressed his appreciation to Mary Alice Schumacher for her help in preparing the draft Conflict of Commitment Policy. The document has been in the developmental stage for approximately one year and is close to completion. Dr. Brenner is consulting with the University community to further refine the policy which has been developed to create an equal "playing field" for all faculty and academic employees. The current policy on outside consulting is silent on many areas which are being addressed by the proposed policy, including extra teaching positions within the University or at other institutions. The document states that participation in some of these extra activities are very valuable to the individual, the University, and the students. Dr. Brenner qualified this by saying that there needs to be boundaries for these activities.

Dr. Brenner proceeded to walk the committee through the document (which has been constructed in a parallel manner to the Conflict of Interest Policy).

- 2 Conflict of Commitment - A definition of Conflict of Commitment.
- 3 Activities that are Considered Part of University Responsibilities - Dr. Brenner said that faculty and academic staff must be reasonable in their professional development with respect to their responsibilities at the University. This document provides greater latitude than the current policy.
- 4 Extra Professional Activities:

...An activity (beyond University duties) of a nature requiring the special training, expertise, and/or certification that qualifies the Academic Employee for the particular University appointment." Conflict of Commitment, 17.3.

External and internal consulting time is viewed as a privilege, not a right, which must be reported.

5 Extra Professional of Business Commitments that Require Prior Approval before the Activity Commences: Activities which compete with one's primary University responsibilities or University operations (competing board memberships, businesses, research activities, consulting, instruction, etc) need to be disclosed by all faculty and academic employees appointed 50% or more. The committee continued discussing this matter as it relates to the balance between autonomy and accountability. Several SCFA members expressed concern that this policy and the Conflict of Interest Policy could be severely implemented by department heads. Other points that the committee discussed during this part time included:

- This policy is not meant to prohibit extra professional activities, but to initiate a process of accountability before a public outcry occurs.
- The committee that drafted this document did significantly consider the issue of autonomy. Nevertheless, in conference, many department heads stated that some faculty were not fulfilling their responsibilities in their primary responsibilities at the University due to other commitments. This policy was an effort to achieve a reasonable balance between accountability and autonomy.
- Since the document does not prohibit differing commitments, one committee member recommended a change in the title of the policy.

Permission for consulting more than seven days to a business or governmental entity can be submitted in an overall form to one's department chair.

Teaching at another higher educational institution is not prohibited, but must be disclosed and reviewed. This type of activity should be encouraged in disciplines that the University is not involved. Disclosure, under this new policy, also would be required for:

performing other teaching or teaching-related activities for the unit in which he/she holds an appointment or another unit within the University for extra compensation during the term of appointment. Each credit hour taught per quarter will be considered equivalent to three days of Extra Professional Activities. (5.5, h.)

The rationale for this three hour equivalent is that each credit hour also requires pre-class preparation, time for grading, office hours, etc. One committee member said that he thought this figure was too low. The committee continued to discuss that some faculty overload themselves through teaching in other University departments. Several points from committee members at this point included:

- The University encourages extra-contractual activities by the faculty and academic employees. This document is an effort to set boundaries on these activities.
- It would be preferable that the document be more philosophical in nature than so specific.

Dr. Brenner described the following condition in the policy for those on A appointments,

...the overload pay from the international project may be deposited into a departmental account to be used to subsidize the faculty or academic staff member's travel, research assistant, or other professional development....

Those on B appointments have greater flexibility. One member was concerned that this area of the document not only told the faculty what they can do, but also how they can spend additional money they may bring to the institution. The incentives for those on A appointments may be severely limited by this aspect of the policy. Dr. Brenner said that appeals would be possible.

Another committee member was concerned that the document seemed to be too intrusive in this point. Assoc. V. P. Carrier said that this was developed to clarify what was allowable when faculty would be paid an additional salary by the off-campus (overseas) contractor. This definition was placed specifically under "International Projects" to address specific problems which have been occurring. The committee recommended that the comment be made more general, and note the example of international projects.

- 6 One committee member commented on the final sentence of this section which states, "preparation and travel time devoted to the consulting activity is counted toward the consulting limit." Assoc. V. P. Carrier clarified this statement by saying that if a faculty member or academic employee uses travel time to prepare or otherwise engage in consulting work, that time would be counted toward the consulting limit. If the individual engaged in University related work (grading papers, etc.) or simply used the time to relax, it would not be counted as consulting time. Dr. Brenner and SCFA recommended that this be made more explicit in the policy.
- 7 Dr. Brenner said that consulting cannot interfere with the University responsibilities of part-time (less than 50%) employees. The problem arises with those on B appointments who are contracted by the University during the summer. An informal ruling will be determined in cooperation with information obtained from governmental agencies. (?)

Sections 8, 9, 10, 11, and 12 are essentially in the existing consulting policy, said Dr. Brenner.

General points about the document included:

- The use of University property for consulting must be approved (stationary, telephone services, facilities).
- Reporting is to be kept simple; i.e., an academic employee sends her/his report on consultation/etc. to the department chair or to the dean if an appeal is necessary.
- A committee member asked if decisions regarding extra professional or business commitments are grievable? Dr. Brenner and Dr. Carrier said that they believe such cases are grievable as they pertain to a condition of employment.
- Another recommended that the need for or content of this document be reviewed periodically.
- The Board of Regents are especially interested in having this document become a University policy.

Dr Brenner hopes to have the document on the Senate docket in April or May.

The chair recommended that committee members communicate with Dr. Brenner as they further examine the document and wish to forward any suggestions. He also asked Dr. Brenner to contact the

University Senate Office when he was prepared to come before SCFA again with the policy. Dr. Brenner said that he regards the policy more relevant to SCFA than any other Senate committee, and is especially interested in the committee's opinion of the document. It was recommended that the policy go before the Faculty Senate for information at it the April meeting.

**3. APPROVAL OF THE DECMBER 1 AND DECEMBER 15, 1994**  
**MINUTES**

The chair asked the committee members to review the minutes and send any comments to the University Senate Office within five days of this meeting. As of January 10, 1995, the December 1994 minutes will stand as approved. This will enable the minutes to be distributed in a more expeditious manner. Members not present at the meeting were to be notified of this procedure.

-- Kevin Gormley

University of Minnesota