

Minutes*

**Academic Freedom and Tenure Committee
Friday, November 10, 2006
9:30 – 11:00
300 Morrill Hall**

Present: Tom Clayton (chair), Yusuf Abul-Hajj, Tracey Anderson, Arlene Carney, Karen Miksch, John Mowitt, Terry Simon, Jianyi Zhang

Absent: Carol Carrier, William Doherty, James Farr, Tina Huang, Candace Kruttschnitt

Guests: none

[In these minutes: (1) section 7.11 of the tenure code; (2) section 9.2 of the tenure code; (3) section 5.5 of the tenure code; NOTE THAT ALL OF THESE TENURE CODE PROVISIONS CONTINUE TO BE EDITED MODESTLY AND THEY WILL BE BEFORE THE FACULTY SENATE ON 11/30/06]

1. Section 7.11 of the Tenure Code

Professor Clayton convened the meeting at 9:30 and first drew the attention of Committee members to a message from Professor Anderson about the mission of the Morris campus. Professor Anderson explained that she provided it simply to provide a context for her comments at these meetings. One concern that she and her Morris colleagues have expressed is with the phrase "national or international reputation" and what it might mean for Morris. The current language of the draft 7.11, however, seems flexible enough that Morris faculty are comfortable with it. The definition of "national or international reputation" leaves open questions, but if the academic units can define what it means for them, Morris finds the language acceptable.

The Committee then moved to a review of Section 7.11. They began with this draft, which had been revised by Professor Clayton following the last meeting in response to comments he had received from a number of faculty who had reviewed the last Committee-approved draft. He itemized the changes and the reasons for them in a memo to the Committee; the version from which the Committee began its discussion follows the itemized changes (changes/suggestions are noted in CAPS):

1. "creative" replaces "artistic" throughout at the request of the dean of the College of Design ["'artistic achievement' . . . leaves out the whole range of design disciplines at the University, which are distinctly different from the fine arts. I ask, on behalf of the faculty in this college, that the FCC consider changing the word 'artistic' to the broader and more inclusive word, 'creative'" (Dean Fisher)]. This is where we came in. A question about "creative" is whether it does enough for Design to deprive "scholarly research" of creativity, for example, or whether Design needs more explicit accommodation (e.g., in a footnote to "artistic work"). The path of least resistance is to revert to "creative" and move on.

* 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.

2. "**and technology transfer**" as highlighted has been added in the body of the text (should it be placed elsewhere in the series, e.g., before "international"?).

3. **FnX** was rewritten to include "creative work."

4. **Fn 5:** the text below has replaced "'Scholarly Research' must include significant publications. These may be supplemented by the development of new technology or scientific procedures, and other activities that lead to the public availability of innovative products, practices, and ideas that have significance and value to society."

5. **Fn 6:** "extended" replaces "extramural," and "advising graduate or undergraduate students whether individually or in groups" was pruned.

6. **Fn 7:** "these" was deleted from "engage in these service activities," and "there should be only modest institutional-service expectations for probationary faculty" was tightened.

7. "**Service standing alone** without a distinguished record of research [or artistic work] and teaching" restored from earlier drafts at the request of the provost and vice provost. . . . It [is] shown below in . . . [the] text [and] . . . at the end of fn 7.

7.11 General Criteria (at the start of the meeting on 11/10/06)

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 will continue to add to a distinguished record of academic achievement that is the foundation for a national or international reputation (fn X). This determination is reached through a qualitative evaluation of the candidate's record (fn 4) of scholarly research (fn 5) or CREATIVE work, teaching (fn 6), and service (fn 7). The relative weight of individual criteria may vary in different academic units, but the primary emphasis must be on demonstrated scholarly or CREATIVE achievement and on teaching effectiveness. SERVICE STANDING ALONE WITHOUT A DISTINGUISHED RECORD OF RESEARCH AND TEACHING IS AN INSUFFICIENT BASIS TO AWARD TENURE. Contributions (fn Y) to interdisciplinary work, public engagement, international activities and initiatives, AND TECHNOLOGY TRANSFER are valued by the University and may be taken into consideration in evaluating the candidate's satisfaction of criteria (fn Z). The awarding of indefinite tenure presupposes that the candidate's record shows strong promise of achieving promotion in rank within the University.

(fn X) "Academic achievement" includes TEACHING AS WELL AS RESEARCH AND CREATIVE WORK. The definition and relative weight of the factors may vary with the mission of the individual campus.

(fn 4) The persons responsible and the process for making this determination are described in Sections 7.3 through 7.6.

(FN 5) "SCHOLARLY RESEARCH" MUST INCLUDE SIGNIFICANT PUBLICATIONS, BUT 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 ARE ALSO TO BE VALUED.

(fn 6) "Teaching" is not limited to classroom instruction. It includes other forms of communicating knowledge (to both registered University students and persons in the extended community) as well as supervising, mentoring, or advising students.

(fn 7) "Service" takes the form of (1) service to the discipline; (2) discipline-based service, which includes both professional service and outreach to or engagement with the local, state, national, or international community based on one's academic expertise; and (3) institutional service, which includes administrative, committee, or related service 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. SERVICE STANDING ALONE WITHOUT A DISTINGUISHED RECORD OF RESEARCH OR CREATIVE WORK AND TEACHING IS AN INSUFFICIENT BASIS TO AWARD TENURE.

(fn Y) Such contributions involve scholarly research or CREATIVE work, teaching, or discipline-based service.

(fn Z) Specific details on the nature and weight of these contributions in the individual academic unit are given in the statements required by Section 7.12.

Committee members took up a number of points in its discussion and, where they reached agreement, made changes in the draft (the final version approved by the Committee appears at the end of the first section of these minutes, labeled "**7.11 General Criteria (as of 11/12/06, after the 11/10/06 meeting and subsequent edits)**")

-- Should the phrase "and academic integrity" remain in the text? The OED contains three definitions of the word "integrity," none of which seem appropriate to the sentence. It is not clear what the phrase means. Other Committee members offered arguments for retaining the phrase: (1) the institution and the faculty talk a lot with students about *student* academic integrity, so it is appropriate that faculty academic integrity be included in the language establishing the criteria for promotion and tenure; (2) most faculty know what the phrase means and including it reflects the high standards the University expects; and (3) including the phrase allows faculty in the units to take academic integrity (or lack thereof) into account when evaluating a candidate for promotion and tenure—which it is not clear they may do now inasmuch as the tenure code is silent on academic integrity. The proposed text now provides that a department may expect academic integrity of faculty members. (It can be argued, for example, that plagiarism is not an obstacle to tenure without language like this in the tenure code.) One concern is that such a phrase is vague and could be used to attack faculty doing work deemed by some as "unpatriotic" (e.g., 9/11 conspiracy theories). It was noted that the faculty member would be protected from attack in that instance by the strong academic freedom statement that begins the tenure code. The Committee voted 5-1 to retain "academic integrity" in the text.

-- It is unnecessary to include the language, in the penultimate sentence of the text of 7.11, that "Contributions (fn Y) . . . are valued by the University": if they were not valued, they wouldn't be included in the tenure code. The Committee agreed with little debate that the sentence should read

"Contributions . . . will, when relevant, be taken into consideration. . . ." The point was made that while the current draft provides that they are valued, it also provides that such activities MAY be taken into account. The new language essentially stipulates that they WILL be taken into account when relevant.

-- The Committee agreed that "service standing alone without a distinguished record of research or creative work and teaching is an insufficient basis to award tenure" should be in the text of 7.11, not the footnote.

-- The Committee concurred with Professor Clayton that substituting "creative" for "artistic" was desirable but also that the phrase "scholarly research or creative work" (at several places in the text and footnotes) implies that scholarly research is not creative. The Committee agreed that the phrase should be replaced, throughout, with the phrase "scholarly research or OTHER creative work."

-- There were email exchanges since the last meeting about "national or international reputation" and whether the phrase should be followed by "or both." In some departments it should be "and" rather than "or," but the language as it stands does not bar a department from requiring both in their 7.12 statements. The Committee agreed to leave the language as is.

-- There was agreement that the second sentence of footnote X should remain.

-- The distinction in footnote 7 between "service to the discipline" and "discipline-based service" is one that confuses some, so the Committee agreed to change the language to read "'Service' takes the form of (1) discipline-related service, which includes both service to the profession and outreach to or engagement with the local, state, national, or international community based on one's academic expertise; and (2) institutional service, which includes administrative, committee, or related service to one's department or college, or the University."

-- It was agreed without debate that the third-to-last word in footnote 6 should be "and," not "or."

-- It was agreed that terms should be uniform throughout the text (e.g., "scholarly research," "and other creative work," etc.).

There was discussion about the extent to which departments take a serious look at Section 7.11 in evaluating candidates. Dr. Carney said they are doing so more and more; she said she reminds departments that they must look at both Section 7.11 and their department 7.12 statement. She said she would be troubled if departments do not rely on 7.11. As departments are revising their 7.12 statements, they cite Section 7.11. Most faculty members, in personnel decisions, look at the 7.12 statement but not 7.11, it was said. It could be that the 7.12 statement has been more rigorous, Dr. Carney said, but that opens up the possibility that someone could claim that they met the 7.11 standard even if not the 7.12 standard. This effort at revising the tenure code is an attempt to bring 7.11 and the 7.12 statements into alignment. Participants in Judicial Committee cases, she observed, rely on all sections of the tenure code, as they should.

Dr. Carney reviewed the timeline for acting on the proposed revisions. They will be presented to the Faculty Senate for discussion on November 30. There may be a special Faculty Senate meeting in February to bring them for a vote, in order that the Provost can bring them to the Regents for discussion in March and action in May (there is no April Regents' meeting). To delay action until the regularly-

scheduled March 1 Senate meeting would mean the proposals would not go to the Regents until May and thus not be adopted until next year.

The Committee voted unanimously to approve the revised Section 7.11, which read as follows:

7.11 General Criteria (as of 11/12/06, after the 11/10/06 meeting and subsequent edits)

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 will continue to add to a distinguished record of academic achievement that is the foundation for a national or international reputation (fn X). This determination is reached through a qualitative evaluation of the candidate's record (fn 4) of scholarly research (fn 5) or other creative work, teaching (fn 6), and service (fn 7). The relative weight of individual criteria may vary in different academic units, but the primary emphasis must be on demonstrated scholarly or other creative achievement and on teaching effectiveness. Service standing alone without a distinguished record of scholarly research or other creative work and teaching is an insufficient basis to award tenure. Contributions to interdisciplinary work, public engagement, international activities and initiatives, and technology transfer will, when relevant, be taken into consideration in evaluating the candidate's satisfaction of criteria (fn Y). The awarding of indefinite tenure presupposes that the candidate's record shows strong promise of achieving promotion in rank within the University.

(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 4) The persons responsible and the process for making this determination are described in Sections 7.3 through 7.6.

(fn 5) "Scholarly research" must include significant publications, but may also include 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.

(fn 6) "Teaching" is not limited to classroom instruction. It includes other forms of communicating knowledge (to both registered University students and persons in the extended community) as well as supervising, mentoring, and advising students.

(fn 7) "Service" takes the form of (1) discipline-related service, which includes both service to the profession and outreach to or engagement with the local, state, national, or international community based on one's academic expertise; and (2) institutional service, which includes administrative, committee, or related service 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) Such contributions involve scholarly research or other creative work, teaching, and discipline-based service. Specific details on the nature and weight of these contributions in the individual academic unit are given in the statements required by Section 7.12.

2. Section 9.2 of the Tenure Code

Professor Clayton next asked Committee members to review the draft of Section 9.2, which at the time of the meeting read as follows:

Tenure Code Section 9.2 (draft of 11/5/2006)

The basis for promotion to the rank of professor is the determination that each candidate has fully demonstrated the intellectual distinction and academic integrity sought of all faculty members, has added substantially to an already distinguished record of academic achievement,[fn X] and has earned the national or international reputation ordinarily resulting from such distinction and achievement. This determination is reached through a qualitative evaluation of the candidate's record [fn 4] of scholarly research [fn 5] or creative work, teaching [fn 6], and service [fn 7]. The relative weight of individual criteria may vary in different academic units, but the primary emphasis must be on demonstrated scholarly or creative achievement and on teaching effectiveness. Contributions to interdisciplinary work, public engagement, international activities and initiatives, and technology transfer are valued by the University and may be taken into consideration in evaluating the candidate's satisfaction of criteria [fn Y].

(fn X) "Academic achievement" includes teaching as well as research and creative work. The definition and relative weight of the factors may vary with the mission of the individual campus.

(fn 4) The persons responsible and the process for making this determination are described in Sections 7.3 through 7.6.

(fn 5) "Scholarly Research" must include significant publications, but 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 are also to be valued.

(fn 6) "Teaching" is not limited to classroom instruction. It includes other forms of communicating knowledge (to both registered University students and persons in the extended community) as well as supervising, mentoring, or advising students.

(fn 7) "Service" takes the form of (1) service to the discipline; (2) discipline-based service, which includes both professional service and outreach to or engagement with the local, state, national, or international community based on one's academic expertise; and (3) institutional service, which includes administrative, committee, or related service to one's department or college, or the University. A greater contribution in the area of service is expected of candidates for the rank of professor than was expected for the award of tenure, but service standing alone without a distinguished record of research or creative work and teaching as an associate professor is an insufficient basis for promotion.

(fn Y) Such contributions involve scholarly research or creative work, teaching, or discipline-based service. Specific details on the nature and weight of these contributions in the individual academic unit are given in the statements required by Section 7.12.

Committee discussion touched on a number of points.

-- All the terms, where appropriate, should parallel those in Section 7.11.

-- In the first sentence, should the word be "earned" or "established"? Committee members agreed on "established" because it parallels the term used in Section 7.11.

-- There was mild debate about whether to retain or delete the word "fully": with subsequent revision of that sentence, the word was dropped.

-- The Committee agreed that "expected" was a better choice of word than "sought."

-- In the interest of clarity, the Committee agreed to revise the first sentence of Section 9.2 as follows: 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,[fn X] and (3) established the national or international reputation ordinarily resulting from such distinction and achievement.

-- The Committee agreed, in footnote 7, that there should be increased expectations for institutional service (and the word "institutional" service should be inserted, because while Section 7.11 calls for only modest institutional service from probationary faculty, discipline-related service is expected of all faculty).

-- As it had with Section 7.11, the Committee agreed that the phrase "academic integrity" should remain and that candidates for promotion to professor may be judged on academic integrity in addition to scholarship and teaching. Professor Clayton suggested that one could argue that academic integrity is as important for promotion to professor as it is in promotion from assistant to associate professor, if not in fact more important.

Vice Provost Carney clarified, in a discussion of how much research would be expected, that the department 7.12 statements will set the expectation for a department.

The Committee voted unanimously to approve Section 9.2, which now read as follows:

Tenure Code Section 9.2 (as of 11-10-06 after the Committee meeting)

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,[fn X] and (3) established the national or international reputation ordinarily resulting from such distinction and achievement. This determination is reached through a qualitative evaluation of the candidate's record [fn 4] of scholarly research [fn 5] or other creative work, teaching [fn 6], and service [fn 7]. The relative weight of individual criteria may vary in different academic units, but the primary emphasis must be on demonstrated scholarly or other creative achievement and on teaching effectiveness. Contributions to interdisciplinary work, public engagement, international activities and initiatives, and technology transfer will, when relevant, be taken into consideration in evaluating the candidate's satisfaction of criteria.[fn Y]

(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 4) The persons responsible and the process for making this determination are described in Sections 7.3 through 7.6.

(fn 5) "Scholarly Research" must include significant publications, but also to be valued are 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.

(fn 6) "Teaching" is not limited to classroom instruction. It includes other forms of communicating knowledge (to both registered University students and persons in the extended community) as well as supervising, mentoring, and advising students.

(fn 7) "Service" takes the form of (1) discipline-related service, which includes both service to the profession and outreach to or engagement with the local, state, national, or international community based on one's academic expertise; and (2) institutional service, which includes administrative, committee, or related service to one's department or college, or the University. 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, but service standing alone without a distinguished record of scholarly research or other creative work and teaching as an associate professor is an insufficient basis for promotion.

(fn Y) Such contributions involve scholarly research or other creative work, teaching, and discipline-related service. Specific details on the nature and weight of these contributions in the individual academic unit are given in the statements required by Section 7.12.

3. Section 5.5 of the Tenure Code

Although the Committee did not have at hand the language of Section 5.5 of the code (the language that allows parents and caregivers to stop the tenure clock), Dr. Carney expressed hope that changes to that section could also be taken up at the November 30 and spring semester Faculty Senate meetings. She related that she was reminded recently by a member of the Faculty Culture Task Force that it was interested in an automatic stop of the tenure clock for new parents (male or female). Several institutions have adopted such a clause, she said, so the probationary faculty member does not need to request that the tenure clock be stopped. (The provision allowing the tenure clock to be stopped for caregiving would continue to require that a request be made. In both cases, however, the individual would have up to a year to make the request.)

In some units, probationary faculty members are discouraged from stopping the tenure clock, Dr. Carney said; such a provision would help overcome that situation. Why not simply extend the probationary period to eight years, Professor Abul-Hajj asked, because most young faculty members will have children. Dr. Carney pointed out that in some reports in the literature, the majority of academic women do not have children, or do not have children until they have achieved tenure. To make the provision automatic would be a more family-friendly policy. It would make clear that the University of today accommodates the families of today, and in a competitive market sellers' market, the best young faculty look closely at these benefits.

Professor Mowitt asked Dr. Carney if it would be possible to allow the probationary faculty member simply to send the form requesting that the tenure clock be stopped directly to her or the Provost, rather than requiring a department head's signature. It would, Dr. Carney said, but the perception is

strong among women faculty that stopping the clock is discouraged. Professor Anderson agreed. Professor Mowitt said action should be taken against department heads who discourage stopping the clock. Professor Miksch said that when she participated in the Bush early-career program, a number of women said they had been told not to stop the tenure clock. If there is a policy in place, she urged, it should be used.

Dr. Carney recalled that she directs an orientation for new chairs; she makes it clear to them, she said, that it is not a matter of opinion on the part of the chair: the probationary faculty member has the right to stop the clock. She also told new faculty, in the orientation last fall, that they have the right to stop the tenure clock for parenting or caregiving. The fact that they receive the year from stopping the clock does not mean that there will be no penalty, Professor Clayton said. Dr. Carney agreed but said that culture needs to be overcome. Professor Clayton said, and some others agreed, that there should be explicit notice given in 5.5 that faculty members exercising their right should not be reprimanded, much less punished, for doing so.

At the closing minute of the meeting, Dr. Carney said the "Regulations For Reviewing the Performance of Tenure-Track Probationary Faculty" needed very much to be revised. She said she would provide an edited version to the Committee. (These regulations do not need to be approved by the Regents, only by the Committee and the administration. One question is whether they should also be approved by the Faculty Senate.)

Professor Clayton adjourned the meeting at 11:00.

-- Gary Engstrand

University of Minnesota