

Minutes\*

**Academic Freedom and Tenure Committee**  
**Friday, January 19, 2007**  
**9:30 – 11:00**  
**300 Morrill Hall**

Present: Tom Clayton (chair), Yusuf Abul-Hajj, Tracey Anderson, Arlene Carney, Tina Huang, Candace Kruttschnitt, John Mowitt, Terry Simon

Absent: Carol Carrier, William Doherty, James Farr, Karen Miksch, Jianyi Zhang

Guests: none

[In these minutes: (1) tenure code section 5.5, exception for caregiver, etc.; (2) section 7.11 and diversity work; (3) section 7a, post-tenure review

Professor Clayton called the meeting to order at 9:30 and turned to Vice Provost Carney, who said she would like to share recent observations on Tenure Code Section 5.5.

**1. Tenure Code Section 5.5 Exception for New Parent or Caregiver, or for Medical Reasons**

Dr. Carney said she believed the language of Section 5.5 approved by the Committee should be modified. Stopping the tenure clock is not a "leave," she said, and language barring "retaliation" for invoking this clause of the code should be in the procedures, not in the code itself. The procedures need to be changed anyway, she pointed out, because there is nothing in them about stopping the tenure clock; it would be appropriate to have language banning retaliation there.

Vice Provost Carney otherwise endorsed the revised Section 5.5.

The Committee agreed without dissent to the change she suggested.

**2. Tenure Code Section 7.11 General Criteria**

Professor Clayton reported that a question was raised about adding "diversity" to the list of activities, along with public engagement, technology transfer, etc., that are to be considered in evaluating tenure files. The original suggestion was "intercultural work," but Committee members concluded that that was a term not in wide use or well understood. Dr. Carney recalled that the original language recommended by the Faculty Culture Task Force did include diversity. "Multicultural" is understood to refer primarily to race and ethnicity issues, and does not commonly include GLBT or disability issues, she said. Vice President Barcelo sees the term diversity as more inclusive.

The Committee agreed to add, at least for now, "attention to questions of diversity" to Section 7.11 as follows: "Interdisciplinary work, public engagement, international activities and initiatives,

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\* 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.

attention to questions of diversity, and technology transfer will be taken into consideration in evaluating the candidate's satisfaction of criteria."

### **3. Tenure Code Section 7a Review of Faculty Performance**

Committee members discussed at length Section 7a2 of the code, which reads as follows:

7a.2. Annual Review. Each academic unit, through its merit review process (established in accordance with the standards adopted by the senate), annually reviews with each faculty member the performance of that faculty member in light of the goals and expectations of the academic unit established under section 7a.1. This review is used for salary adjustment and faculty development. The faculty member will be advised of the evaluation and, if appropriate, of any steps that should be taken to improve performance and will be provided assistance in that effort. If the head of the unit and a peer merit review committee elected for annual merit review within that unit both find a faculty member's performance to be substantially below the goals and expectations adopted by that unit, they shall advise the faculty member in writing, including suggestions for improving performance, and establish a time period (of at least one year) within which improvement should be demonstrated.

The question debated was whether this section conflates or otherwise confuses the distinction between a decision about merit, in an annual review, and a decision about whether an individual should be subject to post-tenure review. Most departments, according to Dr. Carney, do one annual review that covers both merit and post-tenure review. They may do something other than an annual post-tenure review if they have a plan do to so that has been approved by the Provost's office (e.g., a triennial review or reviews every other year). There was agreement on some points:

- Departments should not be required to have two separate processes. (One point made was that there are discontinuities between merit and post-tenure review decisions that should not be ignored and decisions about them cannot flow from the same process; on the latter point, a number of Committee members disagreed.) Dr. Carney said that one way to approach the process would be for a department to first ask if a person has met the minimum standards to retain tenure; if so, the discussion can proceed to an evaluation of merit.
- Some departments do not have the peer merit review committee required by the code (one department has a triennial review).
- Each department is supposed to have standards for the minimal performance required to retain tenure, but some departments may have misplaced them and others may be unaware of such standards.
- If the Provost is asking that post-tenure-review standards be included in the 7.12 statements, the tenure code should require that they be included, with the result that the 7.12 becomes a document that covers the full faculty career.
- Although not everyone on the Committee realized it, there is no presumption that any faculty member will receive a merit salary-increase, and no justification is required by the Provost for awarding a zero-percent increase (colleges may vary in whether justification is required in the college; CLA requires none, for example).
- The word "Tenured" should be included in the title of the section, to make it absolutely clear which part of the faculty is concerned in this section.

Dr. Carney maintained that the current process works well; the problems arise because departments do not have clear minimum standards against which faculty can be measured. Departmental post-tenure-review standards are, in a number of cases, too ephemeral to be used effectively.

At the end of the discussion, Dr. Carney suggested that the Committee postpone dealing with Section 7a until next year. Her office will be collecting the post-tenure-review standards with the revised 7.12 statements, and it would perhaps be more useful to have those standards available before the Committee reaches any final conclusions about section 7a. The Committee concurred.

Professor Clayton adjourned the meeting at 11:00.

-- Gary Engstrand

University of Minnesota