

Meeting Summary*

FACULTY FORUM ON TENURE
Wednesday, March 6, 1996
2:00 - 4:00
B-35 Classroom Office Building, St. Paul Campus

Professor John Adams officiated the forum and proceeded to detail a presentation he was scheduled to make to the Board of Regents on the following day:

The current review process of the Tenure Code was designed to improve the clarity, flexibility, accountability, and efficiency for tenure review. These directives have been expressed not only by the Regents, but also several "external publics."

Clarity: There is a proposal to include an executive summary to the beginning of the Code, provide further interpretation for the term "reasonable assigned duties," elaborate on alternatives to dismissing one who is not awarded tenure, clarify the rules governing reassignment of faculty duties due to programmatic changes, and add the Regents' 1995 statement on academic freedom and responsibility.

Flexibility: Faculty positions now are either tenure-track or tenured. There is an increasing interest in the use of fixed term contracts for full/part-time academicians, visitors and clinicians, adjuncts with primary employment elsewhere, and individuals supported through non-stable funding sources. Other proposals to make the code more flexible include permitting longer probationary periods for those on a tenure-track, using "community needs" criterion for tenure decisions.

Accountability: The most significant proposals for accountability include the use of post-tenure review at the college level. There also is a proposal to introduce administrative approval to Judicial Committee rule changes.

Efficiency: As the proceeding of Judicial Committee meetings become more legalistic, it is recommended that a professional judicial officer be added to the group. There also is consideration of streamlining removal-for-cause proceedings.

Other factors that Professor Adams plans to tell the Regents where noted:

- * Tenure is the crucial human resources policy for major research universities.
- * The process of reviewing the Tenure Code is systematically outlined.
- * The review process is occurring in coordination with efforts elsewhere on campus including those by the Human Resources Working Group, RCM, and U2000.
- * Specific language addressing all the points above are to be presented for discussion at the April 18, 1996 Faculty Senate meeting.

*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 represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

Professor Carl Adams asked when some draft material might be available for the March 14, 1996 Faculty Forum on Tenure. Professor Mary Dempsey said that a number of “housekeeping” amendments are available for review which incorporate the new provost structure into the Code. It is anticipated that these items can be acted on at the April 18 Faculty Senate meeting. Language for the substantive changes is being drafted by a set of lawyers including faculty in the Law School and individuals from General Counsel. This should be completed within approximately one week. Chair of SCFA, Professor Dan Feeney, said that the Faculty Affairs Committee and the Tenure Subcommittee (of SCFA) will be meeting so that a duplication of effort does not occur. As soon as the draft information is received, the committee will decide whether it will need to schedule additional meetings or not.

Q Will the April 18 meeting be for discussion or also for action?

A The meeting will be set aside to discuss the drafted language corresponding to the points listed earlier.

Q Will a vote occur at May 16?

A This is the intent, although some items may not be complete even by this time. Therefore, an extra meeting is being scheduled for the end of May. The Regents would like a firm faculty opinion by the end of this academic year on the items that are being addressed. No Regents’ action is anticipated before September. If the Regents wish to negotiate on the content, further discussions on these items could occur next academic year with faculty governance. Withing the Tenure Code (Regents Policy) requires changes must occur in cooperation with faculty governance.

Question addressed by Professor Carl Adams:

Q Can we assume that the administration will come back to the Faculty Senate if it disagrees with any of the changes proposed by faculty, or would they present an alternative?

A Under the rules, the Senate forwards proposed Code changes directly to the Regents. The administration can express an opinion on the proposal, but does not have the opportunity to modify the draft. If the Regents choose to listen to any differing opinion from the administration (if such contrast did occur), the draft would have to be returned to the Faculty Senate for further consideration. Therefore, the administration impacts the process secondarily through the Senate or through the Regents.

Further statements by Professor John Adams:

- * These discussions are occurring at other research and comprehensive universities around the country. The effort at the University reflects a conscious intention on entering into the debate to the advantage of this community and the nationwide faculty citizenry.
- * State legislators often associate tenure as it exists in K-12 institutions or unionized post-secondary facilities where tenure serves as a job protection mechanism. At the University, tenure serves as a tool for free inquiry. Therefore, the faculty at the University need to communicate this difference that is needed to maintain the integrity of the research efforts.
- * Many others think that the University is “the” economic engine of the State. It certainly is the professional and academic center of Minnesota connecting with scholarship and science around the world.

Q Do the state university faculty operate under a tenure system?

- A The faculty at MNSCU schools are unionized and are tenured/tenure-tracked.
- Q If they have a tenure system, are they being asked to modify their Tenure Code?
- A There is some discussion occurring in this system currently. One distinction is that MNSCU faculty contracts state the process of individual lay-offs if there is a reduction of programs. At the University, faculty cannot be dismissed, but must be reassigned or retrained if programmatic changes occur. Therefore, lay-offs is not an option, which aggravates many legislators.

Professor John Adams said that the part of tenure protection that the legislators do not understand is that faculty need to guarantee a commitment for long term research. This is the purpose of research university. Nevertheless, it is difficult to sell this to those who have no interaction with research or with those who are involved in such activities.

Questions addressed by Professor John Adams, with and Professors Carl Adams and Dan Feeney:

- Q Are the changes being proposed going to impact the continuous appointment process used for P&A employees?
- A The discussion of the Tenure Code revisions is occurring at the same time as discussions with the Human Resources Working Group. Sometimes the University is using faculty appointments when P&A would be more appropriate, and vice versa. If the University fails to follow its own rules, it could find itself in a difficult situation if litigation was to occur. The Working Group is dealing more explicitly with P&A appointments. They will be making a report to the Regents about their progress. Charlene Mason (Libraries) is the P&A representative to the Working Group. The Group includes individuals from civil service, administration, and faculty ranks as well. John Erickson sits on the group, representing unionized faculty.
- Q Is there anyone from Duluth on the Working Group?
- A I would have to say no.
- Q It is said that salaries for jobs faculty could obtain in private enterprise are significantly higher on average. Do you have data demonstrating this? If so, do you plan on including this in your upcoming presentation?
- A Professor Craig Swan, faculty representative at the State legislature, states that faculty compensation is 10-20% lower.
- Resp. It would be good to get this information in a public piece. People often do not realize what faculty could make within industry.
- Q Will the changes to the Code brought forward for action at the May meeting be presented as one whole or as separate parts?
- A The housekeeping items will probably be handled as a whole. Other items are likely to be addressed as exclusively as needed depending on the level of debate, as was done with the Tenure Code revisions in the early 1980s by Professor Fred Morrison, et.al. We will need to keep in mind that examination of individual items can significantly impact the passage of the entire revision process.
- Q There is a proposal to review a tenured faculty member every 5-7 years. If an individual is found to be incompetent, it is said that a certain "mechanism" will be utilized. Please explain.

- A There is likely to be a considerable amount of discussion on this item. We are considering installing a post-tenure review process at the collegiate level. A list of criteria will highlight individuals who may be performing in a substandard manner. (A number of examples were provided.) Solutions could include a furlough for retraining, reassignment of work, counseling/treatment, retirement, etc. There is an expectation that there would be a low number of people who would be involved in this “mechanism.” I personally believe this represents responsible faculty behavior within the framework of peer judgement. This would be a poor use of faculty effort if it was required for all. The objective criteria will help to trigger which faculty may need to be reviewed.
- Q Will there be a grandfather clause for the changes?
- A Generally, there is an effort to stay away from a two-tiered Tenure Code. Given the current external atmosphere, the changes would be best if applied across the University. The legal position is that all faculty contracts are associated with the Tenure Code which is stated to be subject to change. There is concern that the Regents will think the changes are not significant enough. The President has informed the faculty that the Administration is in favor of the level of change being discussed. Nevertheless, there is an effort to develop the ideas in cooperation with the Regents.

Professor John Adams thanked the group for attending and encouraged them to participate in future discussions.

University of Minnesota