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MINUTES

SENATE COMMITTEE ON FACULTY AFFAIRS

Thursday, February 6, 1997

238 Morrill Hall, Regents Room

3:00 - 5:00 p.m.

[These minutes reflect discussion and debate at a committee of the University of Minnesota Senate or Twin Cities 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.]

Present: Daniel Feeney (chair), Josef Altholz, Carol Carrier, Carol Chomsky, Robert Fahnhorst, Rolland Guyotte, Richard McGehee, Jack Merwin, Carol Miller, Anne Pick, Richard Purple, Naomi Scheman, Bernard Selzler

Regrets: Gary Balas, Mary Dempsey, Judith Gaston, Richard Goldstein, Samuel Myers, Kevin O'Laughlin

Absent: n/a

Guests: Pat Frazier (Chair - Sexual Harassment Board), Kris Lockhart (EEO)

Others: Kim Isenberg (Board of Regents Office)

1. APPROVAL OF THE AGENDA

The agenda was approved by all members in attendance.

2. CHAIRUS REPORT

Professor Feeney said that incoming University President Yudof is interested in using a collegial process. The next meeting between faculty and the incoming President is on Sunday, February 23. Issues of faculty interest can be forwarded to Professor Feeney to present at this meeting.

Modem issue: The Regents will meet on Thursday, February 13. Professor Feeney recommended that a letter from SCFA should be forwarded to V.P. Marshak before this meeting occurs, so that this opinion would be available. A committee member recommended that the Senate Committee on Educational Policy should also be updated on this issue.

Faculty Indemnification: An allegation of faculty misconduct at the University of Pittsburgh was the subject of a recent article by Nathan Hershey, LL.B., University of Pittsburgh. Copies of this article will be distributed to committee members.

3. FINAL ACTION ON THE SEXUAL HARASSMENT POLICY

Professor Pat Frazier reviewed material that was distributed to the committee by mail. A memo noted the committees that have endorsed the policy. She proceeded to note some minor changes that were made to the policy since her last visit with SCFA.

Stephanie Leibermann, Director of EEO, forwarded this policy to Incoming-President Mark Yudof. He expressed concern regarding how the

University could deal with prohibiting consensual relationships. SCFA decided that the prohibition of consensual relationships is acceptable.

The committee proceeded that there was a small reference to the fact that violations of the policy could lead to disciplinary action up to and including termination.

The group proceeded to comment on how the language of the policy was developed and related words, including relationships and rumor. It was noted that if someone maliciously uses any University policy, appropriate disciplinary action is applied.

A motion was approved in favor of the Sexual Harassment Policy by all present members of SCFA.

4. SUBCOMMITTEE REPORTS

A. Tenure Subcommittee

Professor Carol Chomsky described the process followed to present the amendments for the Tenure Code (Sullivan II) to the Faculty Senate. For the most part, the Faculty Senate supported the proposals forwarded from SCFA. Professor Chomsky noted that some significant changes occurred in the area of minor disciplinary actions - impartial hearings are now available before discipline is implemented. There is discussion concerning definitions of program.

The Faculty Senate recommended that the Subcommittee not consider including rewards as well as penalties in the Code's section on peer review. Regarding the discussion on base salary, Professor Chomsky said that the Code was not customized to accommodate NIH. Nevertheless, those on the Subcommittee that deal with these issues more regularly appear comfortable with the language being proposed.

SCFA Comments:

- * Defining program appears to be a matter of interpretation that can be written by the Subcommittee.
- * The Faculty Senate may be interested in peer review for the purpose of providing merit increases outside of the language in the Code.
- * There are plans to present these amendments to the Regents by a group of faculty (group of eight). It is anticipated that once the amendments are completed, the Regents will seek have a single Code for most of the University system.
- * There is agreement that the relationship between UFA/AAUP and faculty governance will continue regardless of the union election results.

Professor Feeney said that the One-in-Four rule is not a rumor. President Hasselmo told the Faculty Consultative Committee (FCC) that the University is currently operating under this policy. If an academic unit has four faculty openings, one of the positions will revert centrally. The remaining three positions revert to the provost. President Hasselmo defended the lack of consultation on this issue in a recent FCC meeting by saying that this policy gives the Regents the flexibility they are looking for, without having to include a lay-off clause in the Tenure Code. Departments are able to petition in favor of retaining these positions. It was clarified that the position and corresponding funds revert centrally or to the appropriate provost. One committee member recommended that the One-in-Four rule should also apply to administrators.

The committee proceeded to discuss differences in how the faculty and administration define consultation. Professor Feeney said that FCC was satisfied with the President's reasoning on the One-in-Four rule, but expressed concern about bypassing consultation on the issue noted above. SCFA has addressed this same issue with the moderm fees policy and Summer School salaries. A faculty member recommended that all these letters should be carbon-copied to Incoming President Mark Yudof. One member advised that SCFA

should ascertain how Dr. Yudof defines consultation. Consultation in its truest sense is prior noted another committee member.

Assoc. V.P. Carol Carrier noted that the provosts have been asked to inform the administration which programs they would like to develop. There was concern among the faculty members that this policy may be used to shrink the size of the tenured faculty pool, especially while administrative positions appear to be increasing. Dr. Carrier added that there is an explicit expectation for units to follow this direction although there is no particular written document expressing this mode. The committee continued to advocate for consultation and corresponding reduction of administrative positions.

In response to this discussion, the committee encouraged Professor Feeney to write a letter about general consultation, and to invite President Hasselmo to speak with the committee.

B. Ad Hoc Subcommittee on Administrative Review (Data Practices)

Dr. Carrier said that the review procedures are being piloted. Early returns indicate that the review system is now more efficient. Human Resources has learned that this process needs to be initiated in the Winter Quarter at the latest. This insures a greater potential for evaluating the quality of this program. Some issues of confidentiality still need to be resolved. Dr. Carrier said that she would like to come before SCFA in the Spring Quarter. Once finalized, Professor Feeney said that SCFA could bring this item to FCC.

C. Health Care Subcommittee

Professor Richard McGehee explained that the University is involved in the state health care coverage, but does not have a seat in the negotiation process. Mr. Robert Fahnhorst explained that some big changes are upcoming. Therefore, there is need to provide this information for the faculty. There are plans of bypassing the health plan systems, and negotiate directly with healthcare providers. This is popular for a number of reasons. First, bypassing the health plans reduces cost by as much as 30%. Second, individuals would be able to stay with their healthcare provided without needing to switch health plans. The state and its corresponding unions agreed to explore this issue. The University's Human Resource Office has requested a presentation on this potential change from the state. The state has agreed allowing faculty, staff and non-unionized civil service representatives an opportunity to view this proposed new approach to healthcare coverage. The committee proceeded to discuss issues about healthcare that are particularly of interest to faculty including out-of-state coverage. Mr. Fahnhorst said that although non-unionized University personnel do not participate in negotiating the state program, representatives of the state universities do. This provides advocacy for issues of interest to University faculty. Mr. Fahnhorst also said that this new option would not be available to retirees over 65 due to Medicare policies.

Dr. Carrier said that the State Department of Employee Relations, the managers of the healthcare plan, sent a letter to the University recently that they are assessing a \$280,000 fee for the services provided regarding the healthcare plan for them. The plan is to follow the age old principle, No taxation without representation, and gain a seat in the negotiations. The group continued to discuss the need for University faculty representation at the negotiation table. Mr. Fahnhorst said that it may not be to the faculty's advantage to develop their own health plan. They probably would not be able to create options that provide comparable service for comparable prices. Professor McGehee said that he needs additional members to serve on the Subcommittee. SCFA decided to at least have one representative from the Healthcare Subcommittee, Retirement Benefits Subcommittee, and Faculty Benefits Subcommittee.

5. DISCUSSION ON FACULTY INDEMNIFICATION

Postponed.