

Minutes*

SENATE COMMITTEE ON FACULTY AFFAIRS
Thursday, January 18, 1996
3:15 - 5:00
Dale Shephard Room

Present: Dan Feeney (chair), Carol Carrier, Carol Chomsky, Robert Fahnhorst, Judith Gaston, Richard McGehee, Carol Miller, Kevin O'Laughlin

Regrets: Carole Bland, Mary Dempsey, Roland Guyotte, Kinley Larntz, Sam Myers, Bernard Selzler

Absent: Cheryl Coryea, Richard Goldstein, James Stone, Yang Wang

Guests: Fred Morrison (SCFP Chair), Julie Sweitzer (General Counsel), Nan Wilhelmson (Human Resources)

Other: Dan Farber (Member, Tenure Working Group), Martha Kvanbeck, Naomi Scheman (EEOWC Chair)

[In these minutes are discussions about the "Recommended Procedures for Comprehensive Reviews for Campus and System Officers" document, and about tenure in light of the recently released "Adams Document"]

1. APPROVAL OF THE AGENDA

The committee unanimously approved the agenda.

2. CHAIR'S REPORT

Tenure: There will be a note going to all faculty senators regarding meetings concerning the issue of tenure including the faculty forums, and the 4:15-5:00 time period that has been set aside during the SCFA meetings. Faculty are asked to RSVP to Nicole Boldt (senate@mailbox.mail.umn.edu).

Summer School Compensation: Professor Feeney had discussed at a previous meeting of a perceived change of the reimbursement process for summer school teaching whereby faculty may not receive any compensation if a class is canceled on or before the first meeting date. SCFA and SCEP may be addressing this issue in a joint manner. Judith Gaston said that she was planning to meet with Jack Johnson (Summer Session Director).

3. REPORT OF THE SUBCOMMITTEE ON ADMINISTRATIVE REVIEW

Associate Vice President Carol Carrier explained to the committee that the "Recommended Procedures for Comprehensive Reviews for Campus and System Officers" was assembled as a draft

* These minutes reflect discussion and debate at 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.

discussion document. The intent of the document is to develop a level of consistency for the review of senior administrators. The existing policy states that these individuals are to be reviewed annually, and comprehensively every three years. The implementation of comprehensive reviews have not been entirely successful, occurring on intervals ranging from three months to seven and a half years. One of the issues of importance to faculty is the privacy of submitted reviews. Professor Chomsky said that the document before the committee was constructed in an effort to address this privacy issue. There was an attempt in the draft to create a balance between the faculty concern and administrators' desire for information regarding the faculty feedback. Nan Wilhelmson said that some of the comprehensive evaluations to date have been meticulously thorough. She added that the draft also attempts to describe which items should be addressed in the annual review and which should be covered in the comprehensive stage ("Core Performance Criteria"). Response rate on the draft document has been very favorable. The list of whom this would apply to is included in the document.

SCFA Comments:

- * The section on confidentiality and assessment is well written and easy to understand, as is the remainder of the document.
- * A sentence should be added to the end of the last paragraph on p. 15: "Responsible administrators should also have the responsibility to explain to the review committee that confidentiality must be maintained."
- * One category that could be used to evaluate is if the responsible administrator effectively reviewing department heads.
- * There is a perception among faculty, who must undergo yearly reviews, that the accountability of those above them are not as rigorous.
- * The document should apply to department heads as well.

Questions for Assoc. V. P. Carrier:

- Q Why are reviews conducted in a 3-5 year window?
- A In previous years, administrators have been appointed on three year contracts with the option of annual renewals. Nevertheless, if an administrator has been in a position for a long period of time (e.g., 12 years), review each 5 years may be more appropriate.
- Resp. Could this be added as a footnote to this point?
- A Yes.
- Q The language is stated as "shoulds." What if (hypothetically speaking) an administrator had not been reviewed in 15 years. What kinds of mechanisms of accountability are present to prevent abuses?
- A The Office of Human Resources will be forwarding lists to the provosts on an annual basis outlining the deans, etc. in their area who would need to be reviewed.
- Resp. Please include this as a footnote as well.
- Q Should the reviews extend to department heads (rather than being at the discretion of the dean)? In the absence of applying this document to the review of department heads, what kind of review would be conducted?
- A Many colleges have review structures developed for department chairs, sometimes alluded to in their constitutions. Most often, there are procedures are present that have developed over time, unique to each college.

- Q Is consistency something that should be sought given the varied nature of department heads' responsibilities?
- A There may possibly be core competence areas including some that are listed in the document before the committee.

Assoc. V. P. Carrier explained to the committee that there is currently no document of this sort on record. Therefore, this document was created "from scratch." Professor Feeney recommended that the document be forwarded to FCC after some final adjustments. The committee continued discussing various matters regarding the possible litigious ramifications of this document and propositions to use this as a pilot project. Professor Feeney said that he would like to revisit the use of the procedures at the early May SCFA meeting before forwarding it to FCC.

4. TENURE DISCUSSION

Professor Feeney asked for the group to describe how it would like to proceed. At the previous SCFA meeting, the discussion had been distilled to contain the issues of:

- * Where should the locus of tenure be situated?
- * Should 100% of salary be coupled with tenure?
- * Should 100% of an appointment tied to tenure?

The group responded with the following comments:

- * It is easy to get lost in all the details. Therefore, the discussion should focus on the key issues identified in the previous SCFA meeting.
- * The "Discussion Document" drafted by Professor John Adams (Adams Document) seemed somewhat prescriptive where the one presented by Professor Feeney (Feeney List) simply described the issues involved in the tenure discussions to date.
- * Academic Professionals would like the discussion of "continuous appointments" melded into the tenure discussions.

Professor Feeney recommended that the group examine the points shared in the Feeney List (12 points), and in a letter by Professor Fred Morrison which outlined the key issues and compare them to the Adams Document:

A. Locus of Tenure:

The Adams Document suggested that the locus of tenure should be at the departmental level. The Feeney List suggested discussing the location of tenure at the provostal or chancellor level. Professor Morrison's response was that tenure should be granted at the University level.

SCFA Comments:

- * This seems obvious. Tenure should remain at the University level. The Tenure Code is explicit on this issue. The advice of the Adams Document on this point seeks to greatly diminish tenure. This should be resisted.
- * The position of Professor Morrison is the obvious choice for faculty. Other choices undermine the security of faculty positions.

Professor Dan Farber said that granting system-wide tenure is not common practice throughout the U.S. He added that the point of tenure is academic freedom, not union type job protection. There is

not a great deal of public sympathy of this type of job protection outside of the argument of academic freedom.

A committee member asked: “What type of academic freedom is offered for P&A staff?” She added that the AAUP “Red Book” states that one does not need to hold a faculty position to have access to the rights of academic freedom. Professor Farber said that tenure provides an extra layer of protection. Administrators are not able to dismiss faculty for unpopular views. Also, faculty are able to consider long-term plans for their research. The University needs to develop a convincing case supporting tenure beyond the perception that it is simply a “cushy” fringe benefit. A SCFA member responded to this point adding that the faculty are in a position of negotiating to determine how big a loss is acceptable. At this point, the Administration has not presented any possible concession on its part in return. Until this occurs, the faculty should stand firm on this point. Professor Farber asked the group to imagine that the Administration did not exist, and that the group present in the room was responsible to develop a tenure structure: “What would create the best opportunity for individual and institutional development?”

Professor Morrison noted that the group had proceeded from the locus of tenure to the issue of laying-off faculty: “The location of tenure has no importance outside of the lay-off context.” The University needs to deal with the multiple departments (three bio-chemistry departments, two English departments, etc.). If faculty are laid-off from any of these departments, shouldn't they have “prior right” to national searches for replacement positions in departments that are secure. A smaller locus of tenure decreases flexibility for shifts of faculty to departments that are different from the one might be left.

Professor Morrison said that another significant question is determining if faculty could be laid-off if the University decides that a department is not needed any more. The University must maintain its integrity. It made certain promises. If it no longer wants to keep these promises, the level of integrity is exposed.

A committee member said that the University has made a commitment to the faculty and vice versa. This brings up the issue of “termination for cause” situations.

Professor Scheman said that locating tenure within a department does clash with the concept of academic freedom. The administration could decide that a certain field would be too controversial to deal with, and therefore, choose to downsize. Professor Faber said that locating tenure at the college level is not necessarily the best choice because of the differences in size. He added that it would seem unrealistic for the University to retain faculty in a field that it would choose to not engage in any longer. Professor Scheman added that the discussions on justification for tenure and termination for cause should be viewed as a positive opportunity. Nevertheless, the rationale in the Adams document for the discussion is based on developing greater institutional “flexibility” and economics. She added that it is difficult to see how faculty will be served by the proposed changes. The group continued discussing how the Administration could provide certain degrees of protection/concessions that would encourage faculty to work with them on the revision of the Tenure Code.

Professor Morrison said that the faculty define the intellectual direction of the University. By saying that the faculty are permanent, the University is assured this type of “community.” The potential for laying-off faculty would significantly affect this atmosphere. The shift in this perspective would turn to defining the University in terms of the administrators such that “the faculty simply work here.”

Professor Feeney said that communication should be forwarded to Professor Adams stating that the group was not in favor of locating tenure at the departmental level, and that this item should remain as is. The committee agreed to Professor Feeney e-mailing this sentiment to Professor Adams, carbon-copied to SCFA.

B. Should 100% of faculty base salary be linked to tenure:

A SCFA member said that this item should be left alone as well. Professor Farber said that if the goal of faculty is to hang on to base salaries as they currently exist, then the faculty should do that. If the faculty are more concerned about hiring “bright” new people, then they should favor some of the items presented in the Adams Document. A committee member added that this argument is not convincing to SCFA because the goal in the revisions of the Tenure Code is to lay off faculty. Another committee member said that if the problem is poor administrative decisions regarding dealing with salary commitments, then the University needs to do better in the future directly.

In response to a committee member’s comment, Professor Farber said that the University must be facing bankruptcy before it could claim a financial emergency (as stipulated in the Tenure Code), and begin laying off faculty. In addition, this may not be any more acceptable to the faculty.

A SCFA member asked the group if it is appropriate to restructure the Tenure Code because of inappropriate use of tenure, fiscal mismanagement, and lack of recognition of future trends in given units?

Assoc. V. P. Carrier said that there are instances where there are poorly performing people. This is difficult for the University because the process to deal with this is more costly and time consuming than administrators can afford. Withholding salary increases can only have so much of an impact. She added that this has a significant effect on the faculty who witness this and wonder if they should continue to work as hard as they do. The group agreed that the “removal for cause”/“reduction of salary for cause” procedures need to be streamlined. Professor Farber said that the current procedures require as much attention to decrease a faculty member’s pay by 10% as it does to fire one. Professor Scheman said these are the issues that need to be addressed. Dealing with these items, she added, do not require changing the Tenure Code.

In summary, Professor Feeney said that he would discuss SCFA’s sentiment on the location of tenure with Professor Adams. He added that the committee will readdress the idea of base salary at the next meeting. A possible means of dealing with this situation could be similar to the concept of adjustable mortgages -- limitations exist for the amount of reductions that can occur annually, and for the total amount of reduction that can be applied (as described by Professor Farber). Martha Kvanbeck announced that the SCFA may experience increased attendance due to discussion on tenure. She also told the committee of the Faculty Forums on Tenure being organized through the University Senate Office as well as non-Senate faculty generated meetings on tenure on the St. Paul campus and in CLA.

-- Kevin Gormley

University of Minnesota