

[Meeting topics: Report of the Academic Staff Advisory Committee, Tenure Code amendments, Health Plan Task Force Report, course loads under semesters, Joint Committee on Academic Appointments report.]

MINUTES

SENATE FACULTY AFFAIRS COMMITTEE (SCFA)

Thursday, February 25, 1999

3:00-5:00 p.m.

229 Nolte Center

Present: Kent Bales (Chair), Josef Altholz, Gerry Baldrige, Avner Ben-Ner, Carol Carrier, Carol Chomsky Robert Fahnhorst, Andrea Hinding, Janet Holdsworth, Cleon Melsa, James Perry, Anne Pick, Geoffrey Sirc

Regrets: Gary Balas, Carole Bland, John Fossum, Roland Guyotte, Marcia Pankake, Richard Purple, Caroline Turner

Absent: Thomas Walsh

Guests: Richard McGehee (Chair, Health Plan Task Force)

Others: Ann Cieslak (Regents Office), C. Robert Morris

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.

1. Report of the Academic Staff Advisory Committee

Professor Bales introduced Professor Andrea Hinding a newly-appointed member of the committee and SCFA's representative to the Academic Staff Advisory Committee (ASAC). Professor Hinding reported on a number of issues under discussion by ASAC. The principal matter was salary adjustments. The average P&A increases last year were substantially above the 2% allocated from central administration. The variance in increases among colleges was significant which may have been due in part to the fact that funding for the raises came from within the units. The salary plan for this year has not as yet been formulated. The ASAC noted that central administration is highly sensitive to public discussions and data collection. When looking at salary equity issues, it is central's preference that its data be used rather than data collected from an independent source. Second, the committee will be revising the P&A professional development policy to conform to semesters. ASAC understands that the deans do not view professional development leaves for P&A as an entitlement. Finally, the governance subcommittee of ASAC presented five options for committee consideration: 1) do nothing, 2) use the existing structures, 3) seek proportional representation in existing bodies, 4) rewrite the constitution and bylaws, and 5) adapt some civil service like rules for governance. As the ASAC grapples with governance issues, Professor Hinding thought it might be helpful to have someone knowledgeable in the evolution of academic governance make a presentation to the committee.

2. Tenure Subcommittee Report

Professor Carol Chomsky, chair of the Tenure Subcommittee, presented three items:

a. Judicial Committee Rules amendment—for information

First, was an item of information that involved a proposal to amend the Judicial Committee Rules of Procedure to provide for a vice chair for the committee, as follows:

Add to Rule 2, Definitions:

2(b) "Vice Chair" -- A member of the University Senate Judicial committee elected by the full committee to act in place of the Chair when the Chair is temporarily unable to act as Chair.

Renumber Rules 2(b) through 2(m) to become 2(c) through 2(n).

Professor Chomsky explained that the Judicial Committee would like to establish a procedure for naming a vice chair to substitute for the chair on such occasions when the chair is temporarily unable to serve, for example if the chair recuses him/herself from a case. She reviewed the duties of the chair that might be executed by a vice chair.

Serving as vice chair would not preclude the individual from serving on hearing panels except, of course, in such instances in which s/he would be acting as the chair pro tem.

The Tenure Subcommittee unanimously approved the amendment which has been forwarded to Executive Vice President Robert Bruininks.

b. Tenure Code Amendments re Semester Conversion—for action

The second item involved several proposed amendments to the Tenure Code to provide conformity with the change to semesters. Before acting on the amendments, said Professor Chomsky, the Tenure Subcommittee discussed whether there should be conformity among policies with respect to the definition of 'academic year.' However, it concluded that it was not appropriate as the implications are different in some policies.

Because tenure amendments require SCFA and Judicial Committee approval before they can be forwarded to the Faculty Senate, Professor Chomsky presented them for action.

The amendments involve Sections 5.3 and 11. The change in the first paragraph of Section 5.3 below involves how to count a candidate's service during the probationary period. The current language provides that if a faculty member serves for two-thirds of a nine-month academic year, however accomplished, the academic year counts for tenure eligibility. The proposed change accomplishes the same objective under semesters, but specifying that an academic year (as defined by the faculty member's appointment type) counts toward tenure eligibility if the faculty member has worked the equivalent of two-thirds time for that academic year, no matter how accomplished. The Tenure Subcommittee also modified the title of the section because it does not actually define "academic year," it specifies rules for the crediting of academic years towards tenure.

The change in the second paragraph removes reference to single quarter leaves and conforms the terminology to the recently adopted policy on professional development leaves. The reference to a sabbatical furlough is removed, because this section concerns counting of years for tenure eligibility but sabbatical furloughs are not available to untenured faculty.

The change in the third paragraph conforms the language to other portions of Faculty Tenure, removing references to "non-regular" faculty.

(new language is in CAPS; language to be deleted is in [brackets])

Amendment to Section 5.3:

5.3. [Definition] CREDITING of Academic Year. A faculty member is considered to have served an academic year if the appointee serves at least [two-thirds time for three quarters or full-time for two quarters of the nine month academic year or any equivalent combination] TWO- THIRDS TIME DURING THE FACULTY MEMBER'S ACADEMIC APPOINTMENT YEAR

Unless otherwise agreed in writing, periods during which a faculty member is on [paid leave for professional development (single quarter leave, sabbatical, furlough, etc)] A SINGLE SEMESTER OR OTHER PAID PROFESSIONAL DEVELOPMENT LEAVE or IS on leave to teach or conduct research at another academic institution count as service, but periods in which the faculty member is on sick or disability leave or on leave in some non-faculty capacity do not count as service.

If a faculty member transfers to a position [in the non-] OUTSIDE OF THE regular faculty, the time spent in the [non-regular] OTHER position does not count for the purpose of this section.

Turning to Section 11, Professor Chomsky explained that Section 11.61(b) provides the rules governing the suspensions of faculty members that may occur if the University declares a fiscal emergency and has exhausted other specified avenues for resolving the fiscal crisis. The proposed change allows for the identical suspension of pay--one-third of an annual appointment--but defines it directly as one-third of a year rather than as a single quarter.

Amendment to Section 11:

Section 11. Fiscal Emergency

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11.6(b) A good faith effort should be made to use temporary suspensions or voluntary furloughs rather than terminations. In this third stage, the Board of Regents may impose the temporary or permanent reduction of faculty compensation or the reduction of fringe benefits, in excess of those approved in the second stage. Suspensions without pay for [one quarter]

NO MORE THAN ONE-THIRD OF THE ANNUAL APPOINTMENT in any year may be ordered in accordance with objective criteria, provided that faculty members are given at least six months notice.

In response to a question concerning crediting of an academic year, Professor Chomsky clarified that when a person is on a single semester or other paid professional development leave that time does count as service. This means that in the rare instance when a probationary faculty member receives a paid leave, that time counts as service.

Hearing no further questions, the amendments were unanimously approved.

c. Tenure Code Interpretation on Promotions—for discussion

Next, Professor Chomsky discussed a proposed Interpretation on Promotions. The Judicial Committee had asked the Tenure Subcommittee to consider whether changes should be made to the Tenure Code to ensure that it adequately specifies how faculty promotions are to be considered and reviewed. Although promotions are clearly covered by the Code, the Tenure Subcommittee agreed that clarity would be assisted by adopting an Interpretation of the Code that explicitly refers review of promotion decisions to the Judicial Committee. The Tenure Subcommittee decided to submit proposed language to the Judicial Committee and Faculty Affairs Committee and to Executive Vice President and Provost Bruininks for their comments before formally adopting an interpretation. Following is the proposed language from the Tenure Subcommittee.

Add:

11. Interpretation of Section 15: Judicial Committee Review of Decisions on Promotions

As stated in the Preamble, the tenure regulations "provide a comprehensive set of policies dealing with the relationship between the University and its faculty," including decisions regarding promotions in rank that may or may not involve questions of tenure. When a faculty member's request for promotion is not approved, the Judicial Committee shall conduct a review in a manner analogous to the review of tenure decisions (see Section 7.7). Such

requirement that the faculty member exhaust all other available University remedies before bringing the case to the Judicial Committee.

In general SCFA agreed with the Interpretation but had some concern about using the phrase "request for promotion." Members discussed the varying practices in colleges by which faculty are considered for promotion. Some units have a process for a faculty member to request consideration of promotion; in other units the faculty acts on its own when promotion is considered appropriate so no request would normally be made. Some thought the interpretation should avoid referring to a request for promotion. Others thought it reasonable to require the faculty member to make a formal request before invoking a review procedure in the Judicial Committee. The Tenure Subcommittee will consider this issue before finalizing the Interpretation.

3. Health Plan Task Force Update

Professor Bales welcomed Professor McGehee to provide a health plan update. Professor McGehee began his remarks by saying that a couple of major milestones have occurred since the Task Force was formed. First, in early 1998 the State Labor Management Committee (SLMC) expanded its membership to include two additional University members. Linda Aakar and Professor McGehee serve as the representatives. Second, late in 1998 the University of Minnesota Physicians were included in the low-cost plan.

Currently, the State appears to be moving toward purchasing health care in a different way. That is, from "health plans" to "care systems." A care system is a group of clinics and hospitals that come together to form a care system. Employers contract directly with the system. In this model, a physician and clinic are only associated with one care system. Employees select a system rather than a plan. Many physicians prefer this approach because they have a greater voice in the health care decisions. In a care system model, each employee and each of his/her dependents can choose his/her own care system and the premium will depend on which system the employee/dependent selects. The care system concept is growing rapidly in Minnesota and they vary greatly in size. Examples of health plans are Medica Premier, HealthPartners Classic, and BCBS State Health Plan. Examples of care systems are Allina Medical Group, Fairview Physicians, and U of M Physicians.

At this time the SLMC expects to have some modification of the current system for the year 2000 and to switch to the care system approach in 2001. In order to proceed with its plan, however, the SLMC needs funding reserves to be self-insured and transition costs. The Governor has included these items in his budget but they still need legislative approval. The State also needs to secure a care systems administrator and is moving along with that process. They have received a good response to the Requests for Proposals. A third issue is the need to have a sufficient number of care systems so there won't be major disruptions to employees.

At the same time that the Task Force has been watching activities at the State, it has also been exploring whether the University should separate from the State and venture out on its own. Two major considerations are plan design and cost. Currently, plan design decisions are made, by and large, between the unions and the State managers and, therefore, the issues most important to the unions are those that get addressed (e.g. first dollar coverage vs. access to doctors). The second consideration, cost, is one that the Task Force is exploring with the Watson Wyatt

consulting firm that has been hired by the University to assist the committee in its work. It appears from the data, that the University is spending more than it needs to on its health plans. Based on the consultants studies and U of M demographics, Watson Wyatt believes the University is paying approximately 20 percent more than it should be paying for per member per month costs (i.e. \$163 v. \$132). The problem, however, is that the consultants had to base their studies on manual rates because actual U of M experience data is not available. One interesting piece of information the consultants found is that U of M employees have on average fewer dependents than the average state-wide. That may be one of the factors driving the numbers. Just recently, the Task Force learned it may be able to get access to the 1998 University experience data which would firm up the numbers significantly. Thus, it has asked for additional funding from central administration to continue working with the consultants.

It is Professor McGehee's recommendation at this time that the University stay with the State through its current process and continue to study its options.

4. Faculty Affairs Committee Minutes

In order to expedite the distribution of committee minutes, SCFA agreed that they will be circulated to the entire committee for review. Any modifications are to be reported to Ms. Kvanbeck within three days, after which time they will be considered approved by the committee.

5. Course Loads under Semesters

Professor Bales raised the issue of course loads under semesters which had been brought to his attention by Professor Sirc. It appears that there is great variance among colleges on how semester course loads are being determined. He recalled that the semester policy states that the conversion should be workload neutral, which in some colleges it appears not to be.

Due to time constraints, the committee agreed to discuss this item at the next meeting.

6. Future Agenda Items

Professor Bales reviewed the following agenda items to be considered by SCFA and asked that the committee rank them by email.

- faculty handbook
- Intellectual Property Policy
- faculty workload
- South Mall Project/Campus Cub
- request for professional expense funds for faculty as part of the capital campaign
- right of departments to retain a position when the department rejects a tenure candidate

7. Joint Committee on Academic Appointments

Professor Bales called the committee's attention to a handout outlining proposals under consideration by the Joint Committee on Academic Appointments and the minutes of its February 19 meeting with the Tenure Subcommittee. To date, the Joint Committee has discussed this issue with the Faculty Consultative Committee, AHC Faculty Consultative Committee, and Tenure Subcommittee and will be meeting with deans to hear their thoughts. The Joint Committee intends to submit a proposal to the Senate that outlines its recommendations,

including appointment types, and to ask it to direct the Tenure Subcommittee to create the categories under the Tenure Code.

The Joint Committee has pretty much settled what is easiest to agree upon but has not yet settled on the appointment types to recommend. There is not consensus on this issue. Some want to stay as close to the current system as possible and others want to create a better system with clear criteria for hiring within each category and advancing within them.

The first proposal (referred to as proposal I), said Professor Bales, provides for two kinds of non-tenure track faculty (NTTF) categories and proposes retaining the categories of teaching specialist and lecturer and providing for orderly promotion within the categories to those found to be worthy. Promotion carries with it a modest expectation of research. There is considerable interest in counting some kinds of researchers within the faculty, and accordingly senior research associates and distinguished research associates would be employed as faculty, who would advise graduate students (as at present) and have some teaching duties (which is not always the case now). All other appointments would be made as term hires under the Tenure Code. Since term hires are by contract, the conditions of these hires would vary. The Medical School's clinical D professors would be moved to this category as well as other clinical faculty in other units, such as Law.

The second proposal (referred to as proposal II) more clearly distinguishes appointment types. One category, described by Professor Bales as the "stickiest wicket," is the non-tenure track professor category, which carries the same expectations as a tenured or tenure-track professor. This category would only be used when a unit needs a faculty member to perform the same responsibilities and have the same qualifications as a tenured or tenure-track professor, but does not have the revenue streams to justify a tenure-track appointment. Presumably, a person could be moved into a tenure line if or when money became available. In addition, there would be research professors who are primarily researchers with evidence of independent research (i.e. PI or grant) and some teaching duties; and clinical or teaching professor, which is where most of the AHC's full-time clinical track D professors would go. Some on the committee oppose having such a category on the grounds that, like the non-tenure track professors, it threatens the future of tenure-track hires. Why commit to tenure-track hires if the college doesn't have to?

Professor Bales characterized the first proposal as reforming the bottom of the scale and leaving the top pretty much as is, and the second as reforming the top and leaving the bottom largely as is.

Professor Bales also mentioned the Wisconsin model as one that the committee may want to look at further. It makes a clear distinction between faculty and academic staff, and then within academic staff defines 'collateral' faculty. These individuals hold NTTF status. One advantage of this system is that they are included on the faculty roster and, thus, are counted as faculty by the National Research Council.

In both proposals I and II, lecturers and teaching specialists would be moved into a faculty type appointment. The reason for this, said Professor Bales, is to improve the terms of employment for these individuals. One of the charges to the Joint Committee is to ensure that the University

does not continue to exploit part-time faculty, which has now become a national trend. The Joint Committee also felt these individuals should be hired, supervised, and reviewed by faculty rather than administrators.

Professor Bales said several people have expressed grave concern about establishing a NTTF category that is no different from a tenure-track position except for funding, as suggested in proposal II. The argument is that if faculty propose the addition of such a category, how can they then argue that tenure exists for academic freedom. SCFA agreed with that assessment.

Where would clinical law faculty fall under proposal I, asked an individual. Most likely, they would fall under the second column that has yet to be titled but is where term faculty would also be. This category would include not only term faculty but also those, like the clinical faculty, who have continuous appointments. The Tenure Subcommittee would need to think about appropriate language for the Tenure Code.

Finally, Professor Bales raised the issue of research associates, some of whom would be moved into a faculty category and others would remain in the P&A category depending on credentials and responsibilities.

Professor Bales asked members to continue to review the proposals and send any additional comments to him.

The meeting was adjourned at 5:00 p.m.

-- Martha Kvanbeck