

Minutes

Senate Consultative Committee April 30, 1992

Present: Norman Kerr (chair pro tem), James Arcand, Mario Bognanno, Amos Deinard, Denise Eloundou, Jamie Hodgson, Sonya Hoheisel, Paul Holm, Robert Jacobson, David Lee, Stanford Lehmberg, Benjamin Liu, Tom Lopez, Karen Seashore Louis, Burton Shapiro, Denise Tolbert, Charlotte Striebel, Christine VeLure, Jeff Winker, Shirley Zimmerman

Guests: Geoff Gorvin (Footnote), President Nils Hasselmo, Senior Vice President E. F. Infante, Barbara Muesing, Maureen Smith (Brief), Garrett Webber (Daily)

1. Report on Proposed Changes to the Grievance Procedures

Professor Kerr convened the meeting at 12:35 and asked Professor Bognanno, chairing the committee to review the grievance procedures, to provide the Committee with a report on the proposals for change that will be made.

Professor Bognanno explained that the report of the review committee will be mailed to the members of the Senate in advance of the May 14 meeting; he then outlined the principal changes that will be recommended. The reason for the review, he reminded the Committee, is that the original memorandum of agreement establishing the existing procedures, in late 1990, called for a review after two years. He noted that the review committee has representatives from a wide variety of constituencies in the University and that it has done an extraordinarily good job of assimilating a lot of information in a very short period of time.

The review committee was humble, Professor Bognanno said, and hoped to come up with remedies quickly so that people need not wait 12 to 15 months for their grievance to be resolved. They also tried to design a system of peer participation, to ensure fairness (a strength of the existing system), and to reduce the amount of structure and work involved in dealing with grievances. The committee also wanted to be sure that the University has a grievance system that ON ITS FACE offers justice; if a decision needs to be made, the final forum should be structured around impartial and competent outside judges who have a long-arm relationship with the University and the grievant (something the existing system does NOT have).

The recommendations will include a simpler apparatus for dealing with grievances and a redesigned University Grievance Officer position. The latter individual will be expected to perform case administration and facilitate resolution of grievances; under the present system, the individual is tied up in jurisdictional details, and with appeals, the system is side-tracked into technical issues rather than dealing with the merits of a dispute.

The recommendations will also call for elimination of the University Grievance Committee as now constituted, as well as the standing subcommittee on procedure. The new grievance committee will consist of representatives of various groups on campus (faculty, students, civil service staff, P&A staff); a complainant will select one of the individuals to serve as his or her representative in the event a hearing panel is needed. The committee will NOT be the panel.

The report will also recommend the establishment of an employee advocate (1 FTE) to whom employees will have access.

The "phases" for dealing with grievances will be changed. At present, hearings are held and appeals can be taken. The report will recommend substituting, for the layers of hearings, "meetings"; phase 1 will be a meeting at which technical and procedural issues will be pushed aside and the complainant and the administrator will discuss the issue and try to resolve it.

Phase 2 will be another meeting, this time including the administrator's superior (so that upper administrators know what lower administrators are doing that causes grievances). There are two functions to a grievance procedure, Professor Bognanno explained: dispute resolution and education.

The phase 3 hearing will be chaired by a hearing officer who knows how to conduct such meetings, someone from the University's human resources office; the administrator and the grievant appoint individuals to represent them. Procedural and technical issues will be resolved and a hearing on the merits conducted. All technical issues will be decided in a binding fashion.

If, after the phase 3 hearing, the complainant is unsatisfied, he or she may appeal to an outside, off-campus, impartial arbitrator. The University, on the other hand, is bound to accept the results of the phase 3 hearing and may not appeal. (This is the option now available to non-bargaining unit civil service employees).

The recommendations will also include limiting the procedure to EMPLOYMENT-related issues. Grading or other disputes should be dealt with through procedures that departments and colleges should already have in place. Anyone disciplined under the policy on academic misconduct could resort to this grievance procedure; anyone claiming sexual harassment or other prohibited forms of discrimination would go to the EEO office or the Sexual Harassment Board for investigation and redress--anyone found guilty could then file a grievance. These procedures would NOT tamper with existing mechanisms for responding to faculty members who are suspended or dismissed; those would continue to go to the Judicial Committee, and the same would be true for P&A employees, who would go to the Academic Staff Advisory Committee. Employed graduate students would be covered by the grievance procedures; undergraduate students would go to the student employee grievance policy--a system which seems to be working well. There are, nonetheless, articulation problems which will need to be dealt with, Professor Bognanno concluded.

The University Grievance Officer will continue to perform a referral function; that is a strength of the current position. If the jurisdictional decision of the UFO is challenged, the Senior Vice President for Academic Affairs would make the final decision on the forum.

The question "who is an employee?" has also arisen; the present system allows "others" (such as parents and others who have links with the University) to use the system. The review committee will recommend that ONLY employees be permitted to use it.

Questions were raised about the scope of the changes being recommended; the original memorandum of agreement, it was said, called for a review, not a complete replacement of the system. Further, one can wonder if this proposed system will be any more successful than the last one, and whether or not the system will thus be reviewed and restructured again in another two years. There is

too little data available, it was argued, to reach conclusions about whether or not the existing system is working. Professor Bognanno reviewed the questions posed to the review committee and noted that they were broad in scope; it may be that they hazarded too much in their review, but they answered the questions. They were, further, not closeted alone for three months; they communicated widely with groups and individuals around the campus and received many thoughtful responses.

Another Committee member--the former University Grievance Officer--applauded the efforts of the review committee and suggested it was on the right track. The existing system, she said, is a total failure, in her judgment, in terms of justice, speed, and its ability to address substantive issues. Some of the same problems may be built into the new system, she cautioned, in that anytime one must get a lot of people into one room at the same time, one has a prescription for SLOW.

Asked why the University cannot appeal a phase 3 hearing, Professor Bognanno said it may appear the hearing favors the University. Arbitration involves out-of-pocket costs, so the decision to rely on it should be made by the grievant (the University has deeper pockets, so could always appeal). For the Board of Regents to accept the binding outside decision requires them to step away from their prerogatives. Further, the phase 3 panel KNOWS that the grievant can appeal; that threat should make the phase 3 panel act in as just a fashion as possible.

It was unanimously voted to place the report on the docket of the May 14 Senate meeting for information.

2. Discussion of the Budget with Senior Vice President Infante and President Hasselmo

[As with the FCC minutes, one is referred to the Finance and Planning minutes of April 26 for a fuller discussion of the budget; what will be reported here are only those new or amplifying points.]

- The HealthRight appropriation of \$2.2 million will be used by the Hospital and both the Twin Cities and Duluth Medical Schools.
- The President, noting that the Reserves will be temporarily reduced by \$10 million for employee assistance and bridge funding, said that the bridge funding is absolutely necessary to ensure that cuts are long-term changes rather than budgetary conveniences.
- There will be a cash flow problem, the President said. It is for this reason that he has placed a hold on the search for the Vice President for External Relations--along with holding open perhaps 250 - 300 other positions. The position is needed, he said, but given the cuts in central administration, he had no choice but to stop the search.

The President, in addition to relating the discussion about Crookston and Morris that will take place with the Board of Regents, announced that steps have been taken to being another major round of planning. Planning has been going on since the 1970s, and what is being done now is in many ways based on that earlier planning, which culminated in Commitment to Focus and its progeny. Most of those earlier plans, however, culminated in 1993, and it is time to begin the effort again.

In this round of planning, the President told the Committee, they intend to use a large number of

stakeholder focus groups (and he would like SCC members to serve as focus group leaders), which will give students and all other University constituent groups the opportunity to express views. Once views about the overriding issues have been collected, the agenda for the institution will be refined. President Hasselmo said he did not necessarily expect to see major changes; some of the plans may be extensions of those already in place. Management issues will be one major concern: how to save money for academic activities. He said he wants to have a document prepared for the 1993 legislative session, although it will be a year or two before a full set of planning documents is prepared.

This time, the President added, he intends to systematize the annual review of plans.

One Committee member told the President he was concerned about repeated statements that the University is likely to face additional cuts in the next biennium--that could become a self-fulfilling prophecy, it was argued. Instead the University should be saying it assisted the State in meeting its fiscal difficulties and as the economy improves, the University expects assistance from the State. Dr. Hasselmo agreed that stabilization of the University's income would be a major planning issue; the impact of federal and private dollars on tuition policy will be another. The President emphasized that he has tried to create credibility for the University by making realistic assessments and taking a prudent approach--while at the same time trying not to minimize the pain and damage done to the University's ability to contribute to the State because of the cuts.

Asked what role financial aid was playing in the budget, the President said the University is doing three things: pressing the State's representatives in Washington for financial aid funding, supporting HECB's request for additional aid dollars, and making financial aid a top priority in the University's private fund-raising.

In terms of the direct students loans called for in the Higher Education Reauthorization act, the President said the University supports them with provisos: that the default rate of the schools are considered if management responsibility for the loans is assigned to schools, and that the institutions receive reimbursement for administrative costs in managing the loan program. The certification of schools, however, must not become another bureaucracy.

Discussion turned to the proposed consolidation of colleges on the Duluth campus (from five to three). The intent is to save administrative costs, the President said--although no decision has been made--but he wants to be certain the change would be educationally sound, not simply a budget-cutting device. A college should be a community of scholars with productive relationships among scholars and students, something any restructuring plan must respect. It is possible that the consolidation will hinder the attempts of the Duluth School of Business and Economics to become accredited; the President responded that accreditation tends to rely on traditional models, but in a time of much interdisciplinary activity, those models may not be appropriate.

Professor Kerr thanked the President for joining the meeting.

Dr. Infante then continued to review the elements of the budget with Committee members. The net result, after revenues and budgeted expenditures are considered, is that another \$17.5 million must be cut. The President wants to be certain that the cuts really occur, and as much as possible should be cut by July 1.

What happened, Dr. Infante explained, was that originally tuition was to be increased 9%, and then 3% of the salary and fringe benefit increases were to come one-half from tuition and one-half from the units. The State took back, almost exactly, the salary increase that was expected to come from tuition.

There is essentially no difference in the two budgets, 1991-92 and 1992-93--but inasmuch as there will be a 6% increase in costs, there will be a 6% reduction.

In terms of income, as State dollars decline, they are being made up with tuition dollars--but tuition income will not match inflationary increases in costs. Students are providing half the increase; the other half is being eaten out of the existing budget.

As tuition increases, the President has said the University must try to improve its services, especially in those units which enroll large numbers of students. In those units where there are targeted tuition increases, the units must hold their own; Morris will barely keep up with inflation despite its increases. Dr. Infante emphasized that the administration wants to minimize the damage done by tuition increase and that they have "looked in every cupboard" and assigned every available dollar to teaching units. His office, he said, usually has reserves of \$500,000 to \$750,000; next year he will have \$36,000.

There will also be continued discussion of the percentage of instructional costs paid by the State and by the student. The student's portion has already crept up to 38 - 39%, with no change in policy. Under these circumstances, the University needs to consider if an overt change, with the implied trade of increased tuition for increased financial aid, would not be better than simply "backing into" substantially increased tuition for students without the corresponding financial aid increase.

Professor Kerr thanked Dr. Infante for his comments.

3. Policy on Evaluation of Teaching Contributions

Professor Kerr next asked Professor Lehmborg to present the proposed policy from the Senate Committee on Educational Policy concerning teaching evaluation.

Professor Lehmborg related that SCEP has been discussing evaluation of teaching for nearly two years and finally developed a policy after long discussions. This is a minimum policy, he told the Committee, and represents what Committee members agreed on and what they believed the Senate would be willing to adopt.

Evaluation of teaching is an emotional issue, he commented, something in which all faculty are involved. The University has had a policy in place for a long time, since 1974, but the issue should be revisited on occasion. There is also evidence, Professor Lehmborg reported, that many parts of the University are not observing the requirements, or are doing so only haphazardly.

The major features of the SCEP recommendations are as follows:

- ALL faculty should be subject to evaluation. It has been required for promotion and tenure, and some departments use it for salary decisions as well. The survey instrument included with the recommendations contains 5 questions; SCEP began with about 30 possible questions and reduced them to the five which remain.
- There are two purposes for evaluation: 1) for promotion and tenure and salary decisions, and 2) for improvement of instruction. For the first purpose, a small number of questions can be used.
- Evaluation should include both peer and student evaluation, although the report does not say HOW peer evaluation should be conducted--but it does not necessarily mean a faculty member sitting in the classroom.

SCEP may revisit the issue next year; this is intended only as the beginning. A number of other excellent questions have been suggested for the survey, but it is important that a short form be used (demographic questions about the students are very important, but it is left up to departments to develop them). Departments may also add their own questions; the best way to think about the SCEP recommendation is as a survey form with these five questions listed first; departments may then add whatever else they wish.

Committee members touched briefly on questions of bias (which presumably will be reflected in the evaluations), of the extent to which students take the evaluations seriously (the survey form will indicate the uses of the information; SCEP considered this point), whether or not there will be space for open-ended responses (the SCEP policy REQUIRES that such space be available for students), and the possibility that students are afraid to write comments for fear they will be identified (there are various ways to prevent that from occurring, and several were discussed)

One important element of the report, Professor Lehmborg commented, was the use of a single instrument across the institution will permit the development of norms, which departments can use

carefully for promotion and tenure and salary decisions and for such things as teaching awards. It was NOT intended that these questions replace any forms or questions departments are now asking (although some changes may be made as a result of using these questions).

One Committee member took issue with the proposal to develop institution-wide norms; with different students and different levels of courses and campuses, what research demonstrates such norms are useful? Another Committee member responded that there are no national studies of norms, but there is also no evidence that upper division or more difficult courses are evaluated more positively. Unless a faculty member feels he or she is consistently being assigned required courses (which should lead to a conversation with the department chair), he or she can teach what they wish.

On the issue of frequency, Professor Lehmborg said the evidence suggests that evaluating every course every time it is taught is not necessary; each course should be evaluated once per year, when taught, and over time all courses taught by a faculty member should be evaluated.

The Committee voted 11-1 to approve the policy and place it on the docket of the May 14 Senate meeting.

The dissenter explained that he thought action on a first reading, without wider dissemination of the document before presentation to the Senate, was premature.

4. Student Membership on the Senate Consultative Committee

Professor Kerr next drew the attention of Committee members to the two proposed amendments to the student membership of SCC, one proposed by the Student Senate and one by the Graduate and Professional Student Assembly. At issue is the disposition of the seat accorded to the students from Waseca. The Student Senate motion was introduced; Ms. VeLure explained that they has discussed the issue for a long time and felt it important to retain balance between Twin Cities and Coordinate Campus representation; this balance, she said, so proposed that the Waseca seat be moved to whichever coordinate campus has the largest number of undergraduates (Duluth, at present). The outstate/Twin Cities balance is more important than more balanced representation among graduate and undergraduate students, she said.

Faculty members on the Committee questioned the importance of the Twin Cities/coordinate campus balance, especially since the coordinate campuses are significantly over-represented already in terms of the number of committee seats compared to the number of students represented. The GAPSA proposal, it was noted, called for roughly proportionate representation among students on the Twin Cities and Duluth, with continued over-representation of Morris and Crookston students (but in accord with the principle of one seat per campus); the Student Senate proposal would create a greater disparity in numbers.

Student members of the Committee took issue with GAPSA for having raised this issue so late, when the Student Senate Consultative Committee had voted on it long ago and the GAPSA representative had raised no objection. It was also argued that one can look at representation from a numbers perspective or from an ideological perspective, and this is the latter; the coordinate campuses have a much different view of what happens in the governance system than does the Twin Cities; the

allocation of Twin Cities seats on the Committee should not be changed and should be dealt with by GAPSA and MSA.

Ideology is not the only difference among students, noted one faculty member. Undergraduates and graduate/professional students have VERY different concerns, whether on the Twin Cities campus or not, and those differences must also be recognized.

The Committee voted 7 - 4 to approve the Student Senate proposal and place it on the docket of the May 14 Senate meeting.

[The Committee adopted without dissent two unrelated bylaw amendments, one of which, on consent of Professor Kerr and Ms. VeLure, was later withdrawn.]

The Committee adjourned at 3:30.

-- Gary Engstrand