

2004-05 UNIVERSITY OF MINNESOTA

SEPTEMBER 30, 2004

**UNIVERSITY SENATE MINUTES: No. 1
TWIN CITIES CAMPUS ASSEMBLY MINUTES: No. 1
FACULTY SENATE MINUTES: No. 1
STUDENT SENATE MINUTES: No. 1**

The meeting of the University Senate, Twin Cities Campus Assembly, and Faculty Senate was convened in 25 Mondale Hall, Minneapolis campus, on Thursday, September 30, 2004, at 2:37 p.m., as a joint meeting of the three bodies. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 131 voting faculty/academic professional members, 27 voting student members, and 4 ex officio members. President Bruininks presided.

1. ANNOUNCEMENTS

There were no announcements.

2. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY

FACULTY/ACADEMIC PROFESSIONALS/STAFF

Evan R. Allred
Professor
Agricultural Engineering
1916 – 2004

William T. Anderson
Professor
Boynton Health Services
1915 – 2004

Silvia Azar
Professor
Internal Medicine
1935 – 2004

Earl S. Bergerud
Federal Extension
1919 – 2004

Kathleen Y. Davis
University Foundation
1949 – 2004

Ernst Eckert
Professor
Mechanical Engineering
1904 – 2004

Jeffrey J. Esch
Academic Professional
Plant Biology
1968 – 2004

Harry Foreman
Professor
Obstetrics/Gynecology
1915 – 2004

Emma C. Freeman
Academic Professional
CLA Special Learning Opportunities
1934 – 2004

Annette Gormican
Professor
Food Science & Nutrition
1924 – 2004

Deanna Hamilton
Academic Professional
Public Health
1973 – 2004

Howard G. Hanson
Science and Engineering – Duluth
1920 – 2004

Delbert C. Hastings
Professor
Strategic Management & Organization
1920 – 2004

Gayle Hendrickson
CCE Marketing & Promotion
1940 – 2004

George Hoshino
Professor
Social Work

1919 – 2004

John C. Kingston
Research Associate
UMD Natural Resources Research Institute
1949 – 2004

Gilbert J. Mannering
Professor
Pharmacology
1917 – 2004

Merle P. Meyer
Professor
Natural Resources
1920 – 2004

Frank Quattlebaum
Surgery
1914 – 2004

Mary P. Rockne
Graduate Admissions
1931 – 2004

Jay Y. Roshal
Professor
Science & Math – Morris
1922 – 2004

Rudolph Schauer
Professor
Fine Arts – Duluth
1926 – 2004

Warren E. Soderberg
Physical Plant
1919 – 2004

Genevieve Soulas-Link
Assistant Education Specialist
French & Italian
1943 – 2004

George Starr
Assistant Professor

Institute of Science – Duluth
1921 – 2004

Richard Varco
Professor
Surgery
1912 – 2004

Peter M. Whelan
Professor
Science & Math – Morris
1941 – 2004

Jonathan Wirtschafter
Professor
Ophthalmology
1935 – 2004

STUDENTS

Paolo Aguilar
Graduate School

Scott D. Heinrich
College of Liberal Arts

Randy Hodson
College of Liberal Arts

Elizabeth C. Johns
College of Liberal Arts

Bryan Kormann
School of Business and Economics – Duluth

Paul Mlot
College of Science and Engineering - Duluth

3. ADMINISTRATIVE RESPONSES TO SENATE AND ASSEMBLY ACTIONS Information

University Senate

Grading Policy Interpretation

Presented to the: University Senate October 2, 2003
Approved by the: Administration May 20, 2003
Approved by the: Board of Regents - no action required

Recycled Paper Resolution

Approved by the: University Senate October 30, 2003
Approved by the: Administration – *See comment
Approved by the: Board of Regents – no action required

*I fully support the principles of conservation and efficiency, which is why I charged a Sustainability and Energy Conservation Policy Work Group in October, 2003. I asked the working group to develop an institutional policy framework that will translate into long-term, systematic strategies for integrating sustainable practices and energy conservation across research, teaching, operations, and outreach at the University of Minnesota. Since the recycling and printer resolutions naturally complement and support this effort, I am referring the resolutions to its co-chairs, Vice President Kathleen O'Brien and Executive Associate Vice President Al Sullivan, to consider as they shape University policy in this area.

Printer Resolution

Approved by the: University Senate October 30, 2003
Approved by the: Administration – *See comment following Recycled Paper Resolution
Approved by the: Board of Regents – no action required

Residency Policy Interpretation

Approved by the: University Senate April 29, 2004
Approved by the: Administration – August 16, 2004
Approved by the: Board of Regents – no action required

2007-08 Crookston, Morris, and Twin Cities Calendars

Approved by the: University Senate April 29, 2004
Approved by the: Administration – August 16, 2004
Approved by the: Board of Regents – no action required

Faculty Senate

Academic Unit Governance Policy

Approved by the: Faculty Senate February 20, 2003
Approved by the: Administration - See comment*
Approved by the: Board of Regents – no action required

* Administration did not approve the policy, but returned it to FCC asking

that a few revisions be made

Twin Cities Campus Assembly

Amendment to the Twin Cities Class Schedule

Approved by the: Twin Cities Campus Assembly February 26, 2004

Approved by the: Administration – May 20, 2004

Approved by the: Board of Regents – no action required

4. CLERK OF THE SENATE/ASSEMBLY REPORT Committee on Committees Election Results Information for the Faculty Senate

FOR INFORMATION:

In the recent election to fill Twin Cities vacancies on the Committee on Committees, Professors Subir Banerjee, Megan Gunnar, Cheryl Zimmerman were elected to three-year terms (July 1, 2004 through June 30, 2007).

**STUART GOLDSTEIN, CLERK
UNIVERSITY SENATE/
TWIN CITIES CAMPUS ASSEMBLY**

5. CLERK OF THE SENATE/ASSEMBLY REPORT Electronic Vote Results Information for the University Senate

FOR INFORMATION:

Following the April 29, 2004, University Senate/Twin Cities Campus Assembly meeting, an electronic vote was taken to pass a revised Senate constitution, a revised Senate bylaws, and a revised representational structure for the Senate. At the end of the three working day voting period, 149 votes in favor of and 30 votes opposed to the revised constitution and bylaws were received. In the same period, 134 votes in favor or and 44 votes opposed to the representational structure were received. The revised constitution and the representational structure needed 166 votes in favor, therefore these amendments were not approved. However, the bylaws amendment only needed 125 votes in favor, therefore this amendment was approved.

**STUART GOLDSTEIN, CLERK
UNIVERSITY SENATE/
TWIN CITIES CAMPUS ASSEMBLY**

6. SOCIAL CONCERNS COMMITTEE
Renewable Energy Resolution
Information for the University Senate

FOR INFORMATION:

Renewable Energy Resolution

Whereas, the University of Minnesota is committed to excellence and leadership in protecting the environment, and

Whereas, the University of Minnesota has a tradition of concern for the environmental impacts of its actions, and

Whereas, burning fossil fuels is also a major source of greenhouse gases which cause global climate change, and

Whereas, burning fossil fuels is a major source of pollutants including: sulfur dioxide, nitrogen oxides, mercury, and particulate matter, and

Whereas, the State of Minnesota is working to create incentives for renewable energy production, and

Whereas, the Board of Regents' Policy on Pollution Prevention and Waste Abatement affirms their commitment to, "encourage pollution prevention...through changes in purchasing policies and specifications."

Whereas, purchasing electricity and fuels produced from renewable resources supports the local development of Minnesota's wind and other clean renewable energy resources.

Therefore, the Social Concerns Committee recommends that:

- The University of Minnesota encourage local, renewable energy projects on its campuses. Renewable energy includes: wind, solar, biomass, geothermal, hydrogen or future technology with a low impact on the environment. Local, renewable energy projects should provide students and faculty with the opportunity to research the technologies and benefits of local, renewable energy, and
- A percentage of electricity on all campuses be purchased through a wind energy program to support the development of Minnesota's wind resources and to reduce our purchase of non-renewable derived electricity, and
- By January 1, 2014, at least twenty-five percent of the energy used at the University of Minnesota be derived from a local, renewable source or purchased from a wind energy program or other renewable energy sources.

Approved by the Social Concerns Committee, May 2004

**KENNETH HELLER, CHAIR
SOCIAL CONCERNS COMMITTEE**

**7. FINANCE AND PLANNING COMMITTEE
Renewable Energy Resolution
Information for the University Senate**

FOR INFORMATION:

Statement on Renewable Energy Resolution
submitted by the Senate Committee on Social Concerns

The Senate Committee on Finance and Planning (SCFP) respectfully disagrees with the resolution concerning renewable energy adopted by the Senate Committee on Social Concerns.

SCFP believes that the resolution has serious errors that undermine its purpose. We are concerned that current renewable energy projects may not be truly renewable at present, in that their consumption of fossil fuel used in production and transportation may actually exceed the energy delivered. SCFP also believes the resolution is ill-advised because it sets a date for University use of renewable energy at a stipulated level when the technology does not yet exist or is not economical to use.

It is the judgment of SCFP that the intent of the resolution has been superseded by the Regents' policy on "Sustainability and Energy Efficiency" (see below), adopted in July, 2004. The Regents' policy is more thoughtful and practical, and SCFP would not want to see that policy undermined by the resolution from the Committee on Social Concerns.

Adopted unanimously September 14, 2004

* * *

REGENTS' POLICY ON SUSTAINABILITY AND ENERGY EFFICIENCY

SECTION I. COMMITMENT.

Sustainability is a continuous effort integrating environmental, social, and economic goals through design, planning, and operational organization to meet current needs without compromising the ability of future generations to meet their own needs. Sustainability requires the collective actions of the University of Minnesota (University) community and shall be guided by the balanced use of all resources, within budgetary constraints. The University is committed to incorporating sustainability into its teaching, research, and outreach and the operations that support them.

SECTION II. GUIDING PRINCIPLES.

Subd. 1. Leadership. Through excellence in environmental education, research, outreach, and stewardship, the University shall strive to be a world leader by promoting and demonstrating sustainability and energy efficiency and by producing leaders and informed citizens.

Subd. 2. Modeling. The University shall strive to be a model in the application of sustainability principles to guide campus operations by:

- (a) meeting and aspiring to exceed all applicable regulatory requirements;
- (b) preventing pollution at its source;
- (c) reducing emissions to the environment; and
- (d) encouraging the use of a life-cycle cost framework.

Subd. 3. Operational Improvements. The University shall undertake a continuous improvement process that seeks to meet the operational performance targets, goals, and objectives designed to achieve sustainability.

Subd. 4. Energy Efficiency. The University shall undertake a process to increase energy efficiency, reduce dependence on non-renewable energy, and encourage the development of energy alternatives through research and innovation.

**CHARLES CAMPBELL, CHAIR
FINANCE AND PLANNING COMMITTEE**

**8. SOCIAL CONCERNS COMMITTEE
Lehman Brothers Resolution
Information for the University Senate**

FOR INFORMATION:

Lehman Brothers Resolution

Whereas: The United States incarcerates over 2.1 million men and women in prisons, detention centers, and jails, and

Whereas: The United States has roughly 5% of the world's population but nearly 25% of the world's incarcerated population, and

Whereas: The number of people in U.S. prisons has increased by more than 700% since 1970 and has doubled in the last 10 years, and

Whereas: High incarceration rates disproportionately affect people of color, the poor, urban communities, and youth, and

Whereas: Incarceration rates for women and immigrants are increasing more rapidly than ever before, and

Whereas: The private prison industry exists for the purpose of profiting from putting people in prison, and

Whereas: The private prison industry has attempted to capitalize on the tragedy of the September 11, 2001, attacks by marking immigrant detention facilities as a new growth area in corrections, and

Whereas: The private prison industry has been plagued by cases of prisoner abuse and prison violence, and

Whereas: The private prison industry has exerted considerable political influence through direct lobbying and through its participation in creating model legislation distributed to state legislators through the American Legislative Exchange Council (ALEC), and

Whereas: Lehman Brothers, Inc. profits from the growing incarcerated population by cultivating financial relationships with the private prison industry, including completing transactions worth \$215 million for Cornell Corrections and refinancing \$1 billion dollars worth of debt for Corrections Corporation of America, the largest private prison company in the United States, and

Whereas: Lehman Brothers has served the University of Minnesota as underwriter for issuance of its capital bonds since 2000,

Therefore, Be It Resolved, that the University of Minnesota Senate Social Concerns Committee calls on the Board of Regents to enter into no further bond underwriting agreements with Lehman Brothers, Inc. until Lehman Brothers ends its financial backing of the private prison industry.

Approved by the Social Concerns Committee, May 14, 2004

COMMENT:

The United States today incarcerates well over 2 million men and women in prisons, jails, and detention centers throughout the country. The United States incarcerates more people than any country in history. Since 1970, the number of people behind bars in the United States has grown by more than 700% with no end to rapid prison expansion in sight. The vast majority of these newly incarcerated people are low-level, non-violent drug offenders. While politicians play on Americans' fear of crime, the "war on crime" and "war on drugs" have not left America safer. Rather, "tough on crime" policies have devastated urban communities and left Americans more racially divided, more fearful, and more alienated. Wrapped up in the web of prison expansion are explicitly for-profit, private prison corporations that own and operate hundreds of prisons throughout the country. Companies such as Corrections Corporation of America and Wackenhut Corporation have had long histories that include some of the most egregious cases of prisoner abuse and prison violence seen in the past 20 years. In addition, such companies have inserted themselves into the political process by lobbying and joining such "tough on crime" organizations as the American Legislative Exchange Council. By doing so, the private prison industry exerts its political influence for the purpose of increasing incarceration and, in turn, profits. Lehman Brothers, Inc., a major higher education bond underwriter, has helped to support this private prison industry by negotiating bailouts of three of the largest private prison companies, Corrections Corporation of America, Wackenhut Corrections, and Cornell Corrections.

**KENNETH HELLER, CHAIR
SOCIAL CONCERNS COMMITTEE**

9. FINANCE AND PLANNING COMMITTEE
Lehman Brothers Resolution
Information for the University Senate

FOR INFORMATION:

Statement on Lehman Brothers Resolution
submitted by the Senate Committee on Social Concerns

The Senate Committee on Finance and Planning (SCFP) respectfully disagrees with the resolution concerning Lehman Brothers adopted by the Senate Committee on Social Concerns.

SCFP decided to take a position on this issue because it is directly tied to University finances. In particular, disrupting the University's relationship with its bond underwriter and starting a new relationship could cost the University a significant amount of money. Taking such action, in the Committee's opinion, was not justified by the case presented.

To be specific, the resolution makes a compelling case that there are problems related to the level of incarceration in the U.S. It also makes a compelling case that there have been some questionable practices in the private prison industry. While we accept that Lehman Brothers has profited from its work for the private prison industry, we do not see evidence of any particular egregious act committed by the firm. Had the resolution presented evidence that Lehman Brothers was directly involved in prisoner abuse, inappropriate lobbying, or some other alleged wrongdoing, we might well feel differently. As the resolution is presented, however, it presents allegations against an industry as a whole, and we do not feel that we can support action against Lehman Brothers for the actions of others. Furthermore, SCFP was concerned that endorsing this resolution would be endorsing a set of "whereas" clauses for which we lack evidence to judge. In particular, the Committee was not comfortable with many of the implications of wrong-doing, and would want to see supporting documentation to determine whether these were isolated acts of a few firms or coordinated practices of the industry as a whole.

SCFP respects and appreciates the Senate Committee on Social Concerns' role and agrees that the University must have the option to object to unethical, illegal, or socially irresponsible corporate behavior, and to sever connections with such companies. At the same time, SCFP feels that severing such a connection is an extreme step that should only be taken when: (1) the behavior itself is egregious, (2) the company's involvement in that behavior is substantial and clear, and (3) other avenues for influencing the company's behavior have been pursued and have failed. We do not foresee the use of ultimatums as the primary communication vehicle for causing change. And we do not feel that the information provided to us with the Social Concerns Committee resolution justifies such severe action.

Adopted 10-0 with one abstention September 14, 2004

CHARLES CAMPBELL, CHAIR
FINANCE AND PLANNING COMMITTEE

10. FACULTY CONSULTATIVE COMMITTEE
A Faculty View of the Role of the University of Minnesota
in the State's Higher Education System
Information for the University Senate

FOR INFORMATION:

[The Citizens League, a non-profit, non-partisan organization, was asked by Governor Pawlenty in the spring of 2004 to prepare a report on higher education in Minnesota. The Faculty Consultative Committee submitted the following statement to the Citizens League panel that was asked to take on the task. The report from the Citizens League is expected shortly. Information about the League can be found at <http://www.citizensleague.net/>]

The people of Minnesota expect the University of Minnesota to provide research, graduate, professional and undergraduate education, and public service. Minnesota's national and international stature and its connections to the world's research network, depend upon the University. It has a special Land Grant obligation, serving hundreds of Minnesota communities. Though a statewide institution, it plays a special role in the Twin Cities metropolitan area.

Our multiple missions are vitally interconnected. We expect to fulfill all of them. We teach graduate students, undergraduates, and professional students. We compete and cooperate nationally and internationally, with university and private sector researchers, around the country and the world, and annually draw hundreds of millions of research dollars to the state. We participate in service and outreach functions in our individual units and through extension and other outreach activities.

Our obligations and our contributions are unique in the state. Minnesota is too small to support multiple public institutions with these complex responsibilities; it lacks comparable private research institutions. We need the focused support of the state and its people to continue these important missions.

Our responsibilities

Professional education. The University educates most of the doctors and other medical professionals who practice in the state. We educate most of the engineers and architects and many of the lawyers. We provide education for the leaders in the education and social work fields. Many of these programs, especially in the health sciences and engineering, are expensive for the University to offer. We need recognition of those added costs, borne by few other institutions in the state, in our funding structure.

Research. Our research mission is directed both to basic research, fundamental discoveries that are the basis for future practical developments, and to applied or translational research, the application of those discoveries to current problems. This research is funded from the federal government, private granting agencies, the state and the University. It produces discoveries that benefit the public, the economy of the state, and University itself. The public benefits from the application of these new discoveries—in agriculture, medicine, technology, and other fields. The

state benefits from the spin-off developments of private companies and from the carefully monitored relationships of university researchers with them. Our research productivity is critical to our national and international stature as one of the world's leading universities.

Graduate education. Our graduate education program produces researchers and scholars for the businesses and colleges of the state, as well as educated citizens. It produces the advanced economists, chemists, engineers, biologists, and agricultural specialists who provide the scientific leadership in industry in the state. It produces the historians, sociologists, and linguists who teach in the schools, colleges and universities of the state. Graduate and advanced professional students comprise 40% of the University's enrollment and are an integral part of the research mission of the university.

Undergraduate education. More than 7,400 students complete undergraduate degrees at the University each year. The University provides many degree programs unique to the state and offers a rich array of research experiences for undergraduate students. University degrees differ in quality and reputation from those of other local institutions. Our undergraduate students participate actively in research and learn from the faculty who develop new knowledge and practices. Because our colleagues are researchers, their courses are constantly adjusted to the newest developments in their fields. If the University were not as comprehensive, many students would choose to study at other research institutions and thus leave the state, rather than selecting an in-state alternative. The success of the undergraduate program is critical to the success of our graduate and research programs.

Outreach. As a Land Grant institution, the University holds special obligations to provide service to Minnesota communities. It does so through its Extension Service and other outreach programs that provide health education and health and legal services to underserved populations, by the outreach efforts of many centers, of numerous service learning courses, and myriad other programs that reach out to local communities.

A statewide and metropolitan resource. The University educates students from every part of Minnesota. With campuses at Crookston, Duluth, Morris, and the Twin Cities, and its Rochester center, the University is a statewide resource. This statewide presence and impact is magnified through a network of research and outreach centers and 18 regional offices of the University of Minnesota Extension Service. With its center of gravity in the heart of the Twin Cities, it has special opportunities and responsibilities in the metropolitan area.

Our needs

We have multiple responsibilities; we also have multiple needs. We need the support of the state and its people to fully meet our responsibilities and the challenges that face us. We ask the state to:

Recognize our complex mission. All elements of our mission are interconnected, fostering interdisciplinary programs that build on the advances of disparate disciplines. Each element—professional, graduate, and undergraduate teaching, research and service—supports the others, both intellectually and financially. The whole is greater than the sum of the parts, owing to these

fundamental interrelationships, which are inseparable. Elimination or reduction of any of these missions will inevitably have an adverse impact on the others. The University needs to maintain a strong undergraduate program in order to support its research and graduate missions.

Maintain mission differentiation. The graduate and professional responsibilities and the primary research mission of the University are unique in the state. Duplication of these programs at other state institutions would only lead to added costs and a reduction of quality in all of the state's higher ed institutions.

Identify funding for the University as an investment in the future of Minnesota. A university of international stature is expensive, but highly desirable. It is an investment for the people of the state. The founders of this state invested in its future by endowing the University. The leaders of the state must continue that strong tradition of support today.

Keep the University competitive nationally and internationally. Minnesota needs a competitive international university to maintain and ensure its economic development potential and its highly ranked quality of life. To keep the University of Minnesota competitive, we need to have:

- Educational programs (including fellowships and student support) that attract the best students.
- Compensation that attracts and keeps the best teachers and scholars.
- Facilities and infrastructure to support research and teaching.
- Targeted academic investments to preserve and strengthen the excellence of the University.

This requires substantial and ongoing investment. These are investments in the state's future. The University will inevitably decline if sufficient investments are not made to maintain and nurture its quality. If that occurs, it will be prohibitively expensive and/or impossible to replicate and rebuild what we have lost.

We urge you to invest in the future of the state by supporting the integrated and multiple missions of the University.

Approved by the Faculty Consultative Committee, June 23, 2004

**MARVIN MARSHAK, CHAIR
FACULTY CONSULTATIVE COMMITTEE**

**MOTION A
Consent Agenda
Action by All Bodies**

Agenda Items 11. through 13. are considered to be non-controversial or "housekeeping" in nature and are offered as a "Consent Agenda" to be taken up as a single item with one vote. Any

item will be taken up separately at the request of a senator. (A simple majority is required for approval.)

11. MINUTES FOR APRIL 29, 2004

MOTION:

To approve the University Senate, Faculty Senate, and Twin Cities Campus Assembly minutes, which are available on the Web at the following URL. A simple majority is required for approval.

<http://www1.umn.edu/usenate/usen/040429sen.html>

**STUART GOLDSTEIN, CLERK
UNIVERSITY SENATE/
TWIN CITIES CAMPUS ASSEMBLY**

12. SENATE AND ASSEMBLY OFFICERS

The chairs of the University Senate, Faculty Senate, Student Senate, and Twin Cities Campus Assembly recommend the following officers for 2004-05:

Clerk – Professor Stuart Goldstein
Parliamentarian – Professor Guy Charles

13. COMMITTEE ON COMMITTEES 2004-05 Committees of the University Senate, Faculty Senate, and Twin Cities Campus Assembly

University Senate committee memberships for 2004-05:

DISABILITIES ISSUES - Faculty: Virgil Mathiowetz (chair), Tammy Berberi, Marilyn Bruin, Robert Dexter, Felicia Hodge, Alex Lubet, Patrick McNamara, Frank Symons. **Academic Professionals:** Norma Gutierrez Shanesy, Carol Rachac. **Civil Service:** Maureen McManus, Karen Nelson. **Students:** 2 to be named. **Ex Officio:** Bobbi Cordano, Julie Sweitzer.

EDUCATIONAL POLICY - Faculty/PA: Emily Hoover (chair), Dale Branton, Vernon Cardwell, Shawn Curley, LeAnn Dean, James Leger, Marsha Odom, Karen Seashore, Mary Ellen Shaw, Douglas Wangensteen, Joel Weinsheimer, 1 to be named. **Students:** Gretchen Haas, Christopher Pappas, Alexander Valen, 3 to be named. **Ex Officio:** Victor Bloomfield, Craig Swan, 1 to be named.

EQUITY, ACCESS, AND DIVERSITY - Faculty: Mary Schuster (chair), Eric Burgess, Benjamin Clarke, Jennifer Gunn, Margaret Moss, Joanna O'Connell, Jeffrey Roberts, Naomi Scheman, 1 to be named. **Academic Professionals:** Lisa Jordan, Hawona Sullivan Janzen.

Students: Roxanne Beauclair, Jillian Hoover, 4 to be named. **Civil Service:** Audrey Boyle, Don Cavalier. **Ex Officio:** B. David Galt, Avelino Mills-Novoa, Julie Sweitzer, Claire Walter-Marchetti.

FINANCE AND PLANNING - Faculty: Charles Campbell (chair), David Chapman, Joseph Konstan, Michael Korth, Ian Macmillan, Cleon Melsa, Timothy Nantell, Terry Roe, Kathryn van den Bosch, Warren Warwick. **Academic Professionals:** Thomas Klein, Sue Van Voorhis. **Civil Service:** Rose Blixt, Diane Parker. **Students:** Joshua Jacobsen, 3 to be named. **Ex Officio:** Calvin Alexander, Arthur Erdman, Daniel Feeney, Lincoln Kallsen, Kathleen O'Brien, Richard Pfitzenreuter, Charles Speaks, Thomas Stinton, Alfred Sullivan, Michael Volna.

INFORMATION TECHNOLOGIES – Faculty: Andy Lopez (Chair), David Demuth, Alan Ek, Lynda Ellis, Douglas Ernie, Greg Laden, Stuart Speedie, Jim Waddell. **Academic Professionals:** Nancy Herther, Mark Sanders, Dale Swanson, 1 to be named. **Civil Service:** Jeff Johnson. **Students:** Tun Jie, Mahmoud Sadrai, 1 to be named. **Ex Officio:** Steve Cawley, Eric Celeste, Linda Jorn.

LIBRARY - Faculty/PA: Lael Gatewood (chair), John H. Anderson, David R. Brown, Elaine Challacombe, Isaac Fox, Jay Hatch, William Phillips, Leon Satkowski, Thomas Scanlan, Otto Strack, Susan Wick. **Students:** Jim Thill, 3 to be named. **Ex Officio:** LeAnn Dean, Linda Ellinger, Joan Howland, Andy Lopez, Wendy Lougee, Bill Sozansky, Owen Williams.

RESEARCH - Faculty: Gary Balas (chair), Diane Bartels, James Cotter, Christopher Cramer, Dan Dahlberg, Sharon Danes, J. Stephen Gantt, Paul Johnson, James Luby, James Orf, Maria Sera, Virginia Seybold, George Trachte, 2 to be named. **Academic Professionals:** Barbara Van Drasek, Jean Witson. **Civil Service:** Kathy Ensrud. **Students:** Michael Hughey, Ryan Lukas, 1 to be named. **Ex Officio:** Victor Bloomfield, Robin Dittmann, David Hamilton, Charles Muscoplat, Mark Paller, Thomas Schumacher, Charles Spetland, Michael Volna.

SOCIAL CONCERNS - Faculty: Kenneth Heller (chair), Susan Craddock, Katherine Fennelly, David Fox, Julie Pelletier, Mani Subramani, Elaine Tarone. **Academic Professionals:** Barbara Boysen, Jennifer Oliphant, Ruth Taylor. **Civil Service:** Susan Von Bank, 2 to be named. **Alumni:** Peter Hiniker, Ravi Norman, Sandy Ulsaker Wiese. **Students:** Shaun Laden, Leonard Roy, 5 to be named. **Ex Officio:** Gerald Rinehart, Greg Schooler, Julie Sweitzer.

STUDENT ACADEMIC INTEGRITY - Faculty/PA: Micky Trent (chair), Dorothy Anderson, Lizette Barthodhi, Shawn Curley, Marilyn Grave, Robert Pepin, Kirsten Rewey, 1 to be named. **Students:** Laura Krause, 4 to be named. **Ex Officio:** Sharon Dzik, Laura Coffin Koch.

STUDENT AFFAIRS - Students: Kristen Denzer (chair), Christine Ascheman, Shannon Carry, Matt Painschab, Divya Raman, 4 to be named. **Faculty/PA:** Iraj Bashiri, Jean-Marie Del-Santo, Yasemin Kaygisiz, Carolyn Nayematsu, Kathleen Roufs, Janet Schottel. **Civil Service:** Christina Trok. **Alumni:** Jennifer Wagner. **Ex Officio:** Gerald Rinehart, Kendre Turonie.

FOR INFORMATION:

ALL-UNIVERSITY HONORS - Faculty: Laura Gurak (chair), Lester Drewes, Sara Evans, Laura Gurak, Jooinn Lee, David Pui, Ronald Sawchuk, Bernard Selzler, Katherine Solomonson. **Academic Professionals:** Stacie Haugen, Jean Kucera. **Alumni:** Joel Bergstrom, Jacqueline Byrd, David Hagford, Judy Lebedoff, Brian Osberg. **Students:** Rachel Long, 2 to be named. **Ex Officio:** Gerald Fischer, Cheryl Jones, Billie Wahlstrom, Kathy Yaeger.

COMMITTEE ON COMMITTEES - Faculty: Kathryn Hanna (chair), Carl Adams, Subir Banerjee, David Born, Anna Clark, Catherine French, Megan Gunnar, Gordon Hirsch, Jeffrey Kahn, Mary Jo Kreitzer, Dian Lopez, Sharon Neet, Deon Stuthman, Cheryl Zimmerman. **Academic Professionals:** Randy Croce, Nan Kalke, Kyla Wahlstrom. **Students:** To be named (chair), Emily Cox, Seyon Nyanwleh, Grant Peterson, 4 to be named.

CONSULTATIVE - Faculty: Marvin Marshak (chair), Jean Bauer, Susan Brorson, Carol Chomsky, Tom Clayton, Daniel Feeney, Mary Jo Kane, Scott Lanyon, Jeff Ratliff-Crain, John L. Sullivan. **Academic Professional:** Teresa Wallace. **Students:** Nathan Wanderman (chair), James Kanten, Taquee Khaled, Jamie Larson, Seyon Nyanwleh, Tom Pielow, Colin Schwensohn, Stace Vonderhaar, 2 to be named. **Ex Officio:** Charles Campbell, Gary L. Davis, Emily Hoover, Judith Martin, Nathan Wanderman, Carol Wells.

Faculty Senate committee memberships for 2004-05:

FACULTY AFFAIRS - Faculty: Morris Kleiner (chair), Matthew Bribitzer-Stull, Bruce Brorson, A. Saari Csallany, Janet Erickson, John Fossum, Patricia Frazier, Richard Goldstein, Darwin Hendel, Steven McLoon, Wade Savage, Oriol Valls, Larry Wallace, Timothy Wiedmann, Aks Zaheer. **Academic Professionals:** Jessie Daniels, Kathleen Sellw. **Ex Officio:** F. Ron Akehurst, Carol Carrier, Dann Chapman, Theodor Litman, 1 to be named. **Students:** 2 to be named.

JUDICIAL - Faculty: James Farr (chair), David Biesboer, Philip Bromiley, Edward Cushing, Bruce Downing, Jeanette Gundel, Patrick Hanna, Gordon Hirsch, Cynthia Jara, Carol Klee, Alice Larson, Sanford Lipsky, Karin Musier-Forsyth, Sharon Neet, Michael Sadowsky, Tom Scott, Geoffrey Sirc, Clifford Steer, James Van Alstine, Ann Waltner.

TENURE - Faculty: F. Ronald Akehurst (chair), Dale Carpenter, Tom Clayton, William Durfee, Nancy Ehlke, Bernard Selzler, Carston Wagner, Jennifer Westendorf. **Ex Officio:** Carol Carrier, 1 to be named.

FOR INFORMATION:

FACULTY CONSULTATIVE - Faculty: Marvin Marshak (chair), Jean Bauer, Susan Brorson, Carol Chomsky, Tom Clayton, Daniel Feeney, Mary Jo Kane, Scott Lanyon, Jeff Ratliff-Crain, John L. Sullivan. **Ex Officio:** Gary Balas, Charles Campbell, Gary L. Davis, Emily Hoover, Morris Kleiner, Kathleen Krichbaum, Judith Martin, Fred Morrison, Martin Sampson, Carol Wells.

Twin Cities Campus Assembly committee memberships for 2004-05:

ADVISORY COMMITTEE ON ATHLETICS - Faculty/PA: Arthur Erdman (chair), Melissa Avery, Linda Brady, Alex Johnson, Perry Leo, Laurie McLaughlin, Richard Weinberg, 2 to be named. **Civil Service:** Duane Nelson. **Alumni:** 2 to be named. **Students:** Jimmer Dorweiler, Amanda Hokenson, 2 to be named. **Ex Officio:** Carol Gruber, Frank Kara, Joel Maturi.

EDUCATIONAL POLICY - Faculty/PA: Emily Hoover (chair), Dale Branton, Vernon Cardwell, Shawn Curley, James Leger, Karen Seashore, Mary Ellen Shaw, Douglas Wangensteen, Joel Weinsheimer, 1 to be named. **Students:** Gretchen Haas, Christopher Pappas, Alexander Valen, 2 to be named. **Ex Officio:** Victor Bloomfield, Craig Swan, 1 to be named.

FACULTY ACADEMIC OVERSIGHT ON INTERCOLLEGIATE ATHLETICS - Faculty: Perry Leo (chair), Linda Brady, Arthur Erdman, Jo-Ida Hansen, Cathrine Wambach, Richard Weinberg, 3 to be named. **Ex Officio:** Carol Gruber, Frank Kara.

STUDENT BEHAVIOR - Faculty/PA: Nancy Ehlke (chair), Jane Carlstrom, Patricia Fillipi, Francis Harvey, Patricia Jones-Whyte, Michelle Koker, Nicole Letawsky-Shultz, Michael LuBrant, Nikolaos Papanikolopoulos, Michael Rodriguez, Carol Shield, Gretchen Zunkel. **Students:** David Jacobsen, Vernon Myers, Julian Plamann, at least 7 to be named. **Ex Officio:** Sharon Dzik.

FOR INFORMATION:

ACADEMIC HEALTH CENTER FACULTY CONSULTATIVE - Faculty: Kathleen Krichbaum (chair), Edward Combe, Michael Georgieff, Lois Heller, John Himes, Brian Isetts, Marc Jenkins, Michael Murphy, 1 to be named. **Ex Officio:** Dan Feeney, 1 to be named.

ACADEMIC HEALTH CENTER STUDENT CONSULTATIVE - Student: Matthew Wiisanen (chair), Anna Abt, Rebecca Floyd, Stephanie Hvinden, Alisa Madson, Julie Nitz, Jeremy Olsen, Jeff Pinnow, Jeff Reed, Wendy Ruffledt, Sarah Walker, Amy Walsh, 4 to be named.

COMMITTEE ON COMMITTEES - Faculty: Kathryn Hanna (chair), Carl Adams, Subir Banerjee, David Born, Anna Clark, Catherine French, Megan Gunnar, Gordon Hirsch, Jeffrey Kahn, Mary Jo Kreitzer, Deon Stuthman, Cheryl Zimmerman. **Academic Professionals:** Randy Croce, Nan Kalke, Kyla Wahlstrom. **Students:** To be named (chair), Emily Cox, Seyon Nyanwleh, Grant Peterson, 1 to be named.

COUNCIL ON LIBERAL EDUCATION - Faculty: Michael Simmons (chair), Greg Anderson, Randal Barnes, Gordon Duke, Charles Fletcher, Amy Lee, Kathryn Sikkink, Nevin Young, 1 to be named. **Academic Professional:** Sally Lieberman. **Students:** Peter Berendzen, Alexander Newman.

NOMINATING - Faculty: W. Andrew Collins (chair), F. Ronald Akehurst, Charles Campbell, Gary Gardner, Judith Garrard, Jean Quam, Nelson Rhodus, W. Phillips Shively, Carol Wells. **Academic Professional:** Michael Darger, Mary Ellen Shaw.

STEERING - Faculty: Marvin Marshak (chair), Jean Bauer, Carol Chomsky, Tom Clayton, Daniel Feeney, Mary Jo Kane, Scott Lanyon, John L. Sullivan. **Academic Professional:** Teresa Wallace. **Students:** Nathan Wanderman (chair), Taquee Khaled, Jamie Larson, Seyon Nyanwleh, Colin Schwensohn, Stace Vonderhaar. **Ex Officio:** Charles Campbell, Emily Hoover, Judith Martin, Nathan Wanderman, 1 to be named.

**KATHRYN HANNA, CHAIR
COMMITTEE ON COMMITTEES**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

END OF MOTION A

**MOTION B
UNIVERSITY SENATE/TWIN CITIES CAMPUS ASSEMBLY
CONSTITUTION AMENDMENTS
Action by All Bodies**

COMMENT:

Agenda Items 14. and 15. are offered as a one motion to be taken up as a single item with one vote. Any item will be taken up separately at the request of a senator. All items are being presented for the second time.

As an amendment to the Senate Constitution, a motion requires either a two-thirds majority of all voting members of the Senate (162) at one regular or special meeting, or a majority of all members of the Senate (122) at each of two meetings. This is the second meeting that both motions are being presented, so 122 affirmative votes are needed for approval.

**14. SENATE CONSULTATIVE COMMITTEE
Revised Senate Constitution**

MOTION:

To approve the revised Senate Constitution, thereby eliminating the Twin Cities Campus Assembly as a separate structure, and distributing authority for future revisions to the Senate Constitution, Bylaws, and Rules to the body or bodies listed after each article or section. The revised Bylaws and Rules were approved by the Senate last spring. The revised Constitution is available on the web at: <http://www1.umn.edu/usenate/usen/newconstit.html>. A version with strikethroughs and underlines is available on the web at: <http://www1.umn.edu/usenate/usen/constitution.pdf>.

**MARVIN MARSHAK, CHAIR
SENATE CONSULTATIVE COMMITTEE**

**15. SENATE CONSULTATIVE COMMITTEE
Revised Representational Structure**

MOTION:

That the structure of the University Senate should be changed to include 167 voting faculty, 60 voting students, 25 voting academic professionals, and 25 voting civil service members.

**MARVIN MARSHAK, CHAIR
SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

Professor Dan Feeney, Chair of the Working Group, first noted that this proposal was presented to the Executive Committee of the University of Minnesota Chapter of the American Association of University Professors (AAUP) and was recommended for approval. The main goal of the proposal was to create a common forum for discussion of items among all groups at the University while preserving the integrity of the individual representative bodies. He then reviewed some specifics of the proposals.

A senator noted that he would like to see the Senate composed of a majority of tenured faculty as they are engaged in the future of the University for a long period.

Professor Feeney noted that it is a collegiate decision as to whether it chooses to elect faculty or faculty-like academic professionals to the Faculty Senate. There are guidelines, however, as to which academic professionals can be included in the eligibility pool. The Senate Office determines the eligibility in each collegiate election pool.

Another senator spoke against the proposal noting that it harms the coordinate campuses in two ways. First, these senators must sit through agenda items that only affect Twin Cities senators. A second issue is that coordinate campuses are losing student senators. He asked senators to vote against the proposal.

Professor Feeney stated that faculty are losing more overall seats in this proposal to maintain a manageable size Senate. He said that other employment groups will be elected from the coordinate campuses, so the numbers of representatives per campus will likely remain the same but simply be distributed differently.

A senator who served on the Working Group said that many scenarios were considered, but this is the best proposal possible. While each group is giving up something, she hopes that they will be outweighed by the gains. Having a diversity of opinions at the table can lead to more informed decisions. She encouraged senators to vote for the proposal.

Q: How were the representative numbers arrived at?

A: The Working Group tried to maintain a total Senate of less than 300 members that would include a faculty majority, minimize student loss, and allow for a core representation from academic professionals and civil service employees.

With no further discussion, a vote was taken and the motion was not approved with only 112 votes in favor and 14 opposed. An electronic vote will take place on Motion B.

NOT APPROVED

END OF MOTION B

16. SENATE/FACULTY CONSULTATIVE COMMITTEE REPORT

FCC Chair Report to the University Senate for September 30

Welcome to the University Senate for the 2004-2005 academic year.

Professor Marshak was pleased to have this opportunity to report what many may already know. The University of Minnesota has entered the 2004-2005 academic year with renewed energy and commitment to research, learning, and outreach for the benefit of the people of Minnesota and the world. The recent physical improvements on all the campuses have provided very supportive physical surroundings in which to learn, teach, and find new knowledge. The enthusiasm of new students, expressed most visibly at the Convocation and post-Convocation celebrations on the Twin Cities campus and similar events on the other campuses, invigorate all. Overall, the students are better than ever, faculty productivity continues at a very high level despite an ever more competitive environment for external research support, staff is thoroughly dedicated to achieving the University's mission, and alumni and supporters continue to give money. Here in the Twin Cities, the Gopher football team is winning and the volleyball team is ranked #1. Go Gophers!

Professor Marshak also reported several indicators that suggest major challenges to the University and demand senator attention. For the first time in the 154-year history, either this year or almost certainly in the next several years, tuition revenue will exceed State support. Undergraduate resident tuition rates are near the top in the Big 10. Student success rates (first-year retention, four- and six-year graduation) on all of the campuses are near or at the bottom of the Big 10 and other appropriate comparison groups. Recent increases in external research support are unlikely to continue because of federal budget-constraints. The state operating-support was cut by nearly 15% in the last budget cycle and the outlook for the future is unclear. In 2004, the Legislature did not pass the usual capital-bonding bill and the ability to enhance and maintain the campuses has been significantly constrained. Many people in both the administration and University governance believe that the "IMG" budget model is broken, and some believe that the current alignment of colleges, departments, centers, and programs creates unintended incentives that detract from the University's commitment to quality. For example, it is possible that some units are recruiting more than an optimal number of students because of

their programmatic needs for tuition revenue.

President Bruininks has asked Provost Tom Sullivan to lead a University strategic-planning process to address the issues mentioned, as well as others. University governance representatives are actively involved in the process, and he issued an assurance from personal observation that Provost Sullivan is doing an outstanding job in leading this effort and that there is no preconceived outcome. He is much more worried about a handicap that past experience suggests, namely that the University of Minnesota is not particularly adroit at implementing strategic plans. This time the University must do better, and he is confident that President Bruininks and Provost Sullivan will vigorously pursue the *implementation* of the strategic plan that is developed during this academic year.

What is the role of the University Senate in all this planning? While consultation is a key process, he recommended that all senators read Section 7B of the Regents' Bylaws, which is appended to this report. The Regents delegate the responsibility for administering the University in parallel to the "President, the University Senate and the several faculties." Thus the Senate collectively and each person as individual members have a responsibility to assure the University's future. He urged every Senate committee to actively participate in the University's strategic planning in the committee's area of expertise. As the year progresses, he expected Senate committees to bring forward policy resolutions to the Senate, with the goal of improving and strengthening the University.

In closing, he thanked senators for volunteering their time and energy to help insure that the University of Minnesota truly *is* one of the best public research universities in the world. The people of Minnesota must not accept a goal less ambitious.

ARTICLE VII. DELEGATION OF AUTHORITY

Section B. President, University Senate, and Faculties

All matters relating to the education and administrative affairs of the University, consistent with actions or policies of the Regents of the University of Minnesota heretofore or hereafter taken or established and including those incident to the management of the student body are, for the purpose of effectuating the government of the University under and by the Regents, committed to the President, the University Senate, and the several faculties, as provided in the Senate Constitution and as amended from time to time.

Professor Marvin Marshak, Chair of the Senate Consultative Committee (SCC), said that

17. RESEARCH COMMITTEE REPORT

Exemption to the Secrecy in Research Policy

Information for the University Senate

Professor Gary Balas, Chair of the Research Committee, said that the committee received two exemption requests this summer, both dealing with the publishing and sharing of sensitive data. The exemptions were presented to the Research Committee and the Faculty Consultative Committee (FCC).

The first related to a contract with the Department of Homeland Security for vision processing and requested approval within a few days. It was approved by both committees and the President, but not without registering dissatisfaction with the speed requested.

The second exemption related to a contract between a faculty member in the Department of Geology and an Australian Mining Company to do a survey of mineral material throughout the state of Minnesota. The contract asked for a publication restriction of two years instead of the normal period of three months. However, full disclosure will be provided to landowners as soon as the results are known. The contract was agreed to by the Vice President for Research without input from either committee.

Currently, the Regents policy is being reviewed by a subcommittee of the Research Committee. They are working with the Vice President for Research to separate the policy from the procedures.

18. SENATE CONSULTATIVE COMMITTEE
Amendment to the Administrative Procedures for the Grievance Policy
Action by the University Senate

MOTION:

To repeal the current Administrative Procedures for the Board of Regents Policy: Grievance Process and approve in its place Confliction Resolution Process.

CURRENT POLICY:

~~Academic/Administrative Procedure 2.4..1~~

~~Administrative Procedures for the Board of Regents Policy: Grievance Process~~

- ~~* Section I. Purpose.~~
- ~~* Section II. Scope of Grievance Process.~~
- ~~* Section III. Discrimination Claims.~~
- ~~* Section IV. Administration.~~
- ~~* Section V. Initiating a Grievance.~~
- ~~* Section VI. Phase I – Informal Meeting Between Parties. Section VII. Phase II – Informal Meeting with Administrator.~~
- ~~* Section VIII. Phase III – Panel Hearing.~~
- ~~* Section IX. Phase IV – Arbitration.~~
- ~~* Section X. General Rules.~~

~~Section I. Purpose.~~

~~Subd. 1. Application.~~

~~The University of Minnesota Grievance Process (UGP) is an internal University process for the~~

good faith review and resolution of employment grievances filed by employees of the University, including faculty, academic professional and administrative staff, civil service staff, and student employees, as well as grievances of emeritus faculty members. The UGP does not cover employees in bargaining units represented by labor organizations, nor does it cover employment in University of Minnesota Physicians, Inc. (UMP).

Subd. 2. Intention.

The intent of the UGP is to create an internal method for addressing grievances.

The UGP does not, and is not intended to, create any legal rights for faculty members, students, staff, or other persons, and is not part of any contract between the University and its employees or any other individual. The substantive rights of employees, to the extent they exist and may be grieved, are established in other University rules, regulations, policies, and practices. However, the UGP may itself be the subject of a grievance. Nothing in the UGP is intended to limit the University's right to manage and direct its workforce and operations, including the University's right to adopt or alter any rule, regulation, policy or practice. An employee who chooses to proceed to Phase IV arbitration will be required to sign a waiver which, at that point, will create contractual obligations between the University and the employee. The Phase IV arbitration award is the only feature of the UGP which is legally final and binding on both the University and the employee.

The University may not retaliate against any person for filing a grievance under the UGP. Retaliation against a person for filing a grievance may be the subject of a grievance.

Section II. Scope of Grievance Process.

Subd. 1. Definition of Parties.

The person filing the grievance is the grievant.

A grievance may be filed by one or more faculty, academic professional and administrative, civil service, or nonacademic or academic student employees, except employees represented by a labor organization. A grievance may not be filed with respect to an individual's employment in UMP. A grievance may also be filed by a person formerly a member of the faculty currently having emeritus status.

An emeritus faculty member who currently is an employee of the University may file a grievance under the UGP with respect to that employment on the same basis as other employees of the University. An emeritus faculty member who is not currently an employee of the University may file a timely grievance alleging a violation covered under Section II, Subd. 2, of the UGP only: 1) if such violation occurred prior to termination of employment; or 2) if a written contract signed by the appropriate dean, vice president, or chancellor and executed during the employment period is violated after the employment terminates; provided, however, that the remedy in such a case will be limited to a financial remedy. A dispute arising under the Board of Regents Policy: Faculty Emeriti may not be the basis of a grievance under the UGP, but will be

~~resolved informally in accordance with the terms of the Board of Regents Policy: Faculty Emeriti.~~

~~The respondent is the University of Minnesota. The respondent's representative at each phase of the process is identified in the UGP. The UGP identifies the respondent's representative in some phases of the process as the senior administrator who will be the vice president, provost, or chancellor (or the president or delegate, if the unit reports directly to the president) for the unit in which the grievant is employed.~~

~~A grievance may not be directed against another employee as an individual.~~

~~Subd. 2. Subject Matter of Grievances.~~

~~An employee's grievance must allege a violation of a specific University rule, regulation, policy or practice pertaining to the employment relationship between the grievant and the University. This includes the terms of the grievant's employment contract, alleged violations of the UGP, and discipline. The grievance of an emeritus faculty member must allege a violation as provided in Subdivision 1 of this section.~~

~~Subd. 3. Discretionary Actions.~~

~~Discretionary actions, such as salary adjustments and performance evaluations, may not be grieved, except to determine~~

- ~~1. whether the discretionary action was made in accordance with relevant University rules, regulations, policies, practices, procedures, or criteria; and~~
- ~~2. whether the action constitutes a clear abuse of discretion.~~

~~Subd. 4. Tenure Related Claims.~~

~~Complaints involving a regular faculty member are grievances under this policy only to the extent permitted by the Board of Regents Policy: Faculty Tenure.~~

~~Subd. 5. Non-employment Related Student Claims.~~

~~Student claims not relating to the employment relationship, including but not limited to admission decisions, academic standing, grades, and cheating are not grievable under the UGP. Such claims are governed by procedures provided by the appropriate college, campus, or academic division or the Board of Regents Policy: Student Academic Grievance.~~

~~Subd. 6. Academic Misconduct Claims.~~

~~Complaints alleging academic misconduct are not grievances under the UGP. Such claims will be referred to the appropriate office for investigation and review. Discipline imposed on any employee, except employees represented by a labor organization, including discipline imposed as a result of academic misconduct proceedings, may be grieved under the UGP.~~

Section III. Discrimination Claims.

~~Any complaint alleging discrimination in the employment relationship may be filed either under the UGP or with the Office of Equal Opportunity and Affirmative Action (EO/AA), but not both. If the complaint is filed with EO/AA, the complaining party will not be entitled to any review under the UGP. Persons who are disciplined as a result of employment related discrimination complaints, may subsequently grieve the discipline under the UGP.~~

~~The director of EO/AA will appoint a representative to serve as an ex-officio, nonvoting advisor to a Phase III panel hearing any complaint alleging discrimination which has not been investigated and reviewed by EO/AA.~~

Section IV. Administration.

Subd. 1. University Grievance Officer.

~~The university grievance officer (UGO), and any necessary additional staff, will be appointed by the president after consultation with the Grievance Advisory Committee. The UGO:~~

- ~~1. will review each complaint to make an advisory determination whether the complaining party is covered by the UGP, and whether the complaint is a grievance within the scope of the UGP.~~
- ~~2. may inform complainants regarding appropriate procedures, and will direct all complainants and complaints that are not grievances under the UGP to the correct forum;~~
- ~~3. will forward all disputes regarding the appropriate University representative to the executive vice president and provost for a final disposition;~~
- ~~4. will administer the UGP process, including scheduling all meetings, receiving and forwarding all documents, and chairing the Phases I and II, as necessary, meetings;~~
- ~~5. will mediate as requested by the parties; and~~
- ~~6. will prepare an annual report to include a summary of issues grieved and the decisions, which will be published in the University Senate docket, and which will be delivered to the following: Office of the Board of Regents, president, Grievance Advisory Committee, Faculty Consultative Committee, Council of Academic Professionals and Administrators, Civil Service Committee, and Student Consultative Committee. The report must include a summary (prepared to protect the identity of individual grievants) of those instances in which the executive vice president and provost has declined to accept the recommendations of a Phase III hearing panel.~~

Subd. 2. Determination of Respondent's Representative.

~~The executive vice president and provost will have the final authority to determine the appropriate senior administrator or University representative. These decisions may not be contested in proceedings under the UGP.~~

Subd. 3. University Grievance Board.

~~The University Grievance Board (UGB) is a board of peer representatives able to serve on Phase~~

III hearing panels. It will consist of at least five University employees from each of the following categories: faculty, academic professional and administrative staff, civil service staff, nonacademic student employees, and academic student employees. Faculty representatives will be appointed by the Faculty Senate Committee on Committees; academic professional and administrative representatives by the Council of Academic Professionals and Administrators; civil service representatives by the Civil Service Committee; and nonacademic and academic student employee representatives by the Student Senate Committee on Committees. The appointees in each category should be from broadly varied backgrounds and should receive staggered three-year terms.

Subd. 4. Hearing Officers' Panel.

The Hearing Officers Panel is a separate group of employees designated and trained to serve as hearing officers. The Hearing Officers' Panel will consist of five University employees from each of the following categories: faculty, academic professional and administrative staff, and civil service staff. The Faculty Senate Committee on Committees, Council of Academic Professionals and Administrators, and Civil Service Committee will each prepare a list of ten University employees from the respective categories. The president may ask for more names from the committees. The president will appoint from each list five employees to serve on the Hearing Officers' Panel for staggered three-year terms. The UGO or an appropriate designee will train all hearing officers for service as Phase III presiding officers.

Subd. 5. Grievance Advisory Committee.

The Grievance Advisory Committee will consist of a chair appointed by the Senate Consultative Committee, two administrative representatives appointed by the president, and one member appointed by each of the following groups: Senate Committee on Committees, Council of Academic Professionals and Administrators, Civil Service Committee, and Student Senate Committee on Committees. Appointments may be for terms of up to three years.

The Grievance Advisory Committee will advise the president regarding the selection of the UGO, the UGO's performance, and the operation of the UGP. The committee has no role in the disposition of individual grievances.

The Grievance Advisory Committee will undertake a thorough review of the functioning of this UGP every five years and report its findings and recommendations to the president and University Senate.

Section V. Initiating a Grievance.

Subd. 1. Filing a Grievance.

A grievance is initiated by filing a written statement of the grievance with the office of the UGO within 30 work days after: (1) the action being grieved occurred or commenced; or (2) the grievant received notice or had knowledge of the action being grieved, whichever is later.

~~An alleged grievance will not be acted upon unless filed within the specified time, unless there are compelling reasons for delay.~~

~~Subd. 2. Contents.~~

~~The written grievance must identify:~~

- ~~1. the grievant and the grievant's employment status;~~
- ~~2. the action being grieved;~~
- ~~3. the specific University rule, regulation, policy, or practice pertaining to employment, or provision of grievant's employment contract, alleged to have been violated (or in the case of an emeritus professor a violation as provided in Section II, Subdivision 1);~~
- ~~4. the person or persons responsible for the action, if known, and the unit; and~~
- ~~5. a proposed remedy that is within the authority of the University to grant.~~

~~Subd. 3. Copy to Respondent.~~

~~The UGO will forward a copy of the grievance to the person or persons responsible for the action if identified, and if not, to the unit administrator, within five work days after the grievance is filed.~~

~~Subd. 4. Jurisdictional Issues.~~

~~The UGO will make an advisory determination whether the complainant is covered by the UGP, and whether the complaint is a grievance within the scope of the UGP. Any party disagreeing with the advisory jurisdictional determination of the UGO may seek review of the UGO's determination by a Phase III hearing panel. To do so, the party will notify the UGO in writing within ten work days of the party's notice of the UGO's decision.~~

~~Section VI. Phase I—Informal Meeting Between Parties.~~

~~Subd. 1. Purpose.~~

~~The purpose of the Phase I meeting is to facilitate grievance resolution through informal discussion and negotiation between the parties. The parties in this phase are the grievant and the Phase I University representative, who is usually the person responsible for the action that is grieved.~~

~~Subd. 2. Timing.~~

~~The UGO will set an informal meeting with the grievant, the Phase I University representative, and the UGO within ten work days from the date the grievance was filed, unless there are compelling reasons for delay.~~

~~Subd. 3. Role of UGO.~~

~~The UGO will chair this meeting and explain the grievance process including relevant time limitations. The UGO should facilitate communication of information between the parties, and may make settlement recommendations as appropriate. Such recommendations will be made solely to assist the parties in reaching a speedy and fair resolution.~~

~~Subd. 4. Continuation of Phase I Meetings.~~

~~By express mutual consent of the parties, the Phase I meetings may be continued for a specified period of time to enable the parties to consider a proposed resolution. Absent express mutual consent, the Phase I meeting will be deemed to conclude when the parties leave the meeting.~~

~~Subd. 5. Conclusion of Phase I Meetings.~~

~~The Phase I University representative will submit a written answer to the grievance to the UGO and the grievant within five work days of the conclusion of the Phase I meeting, unless there are compelling reasons for delay. If the grievant chooses to proceed to Phase II, the grievant must submit a written notice of intent to proceed to the UGO and the respondent within five work days after the date the grievant received the Phase I written answer, unless there are compelling reasons for delay.~~

~~Section VII. Phase II—Informal Meeting with Administrator.~~

~~Subd. 1. Purpose.~~

~~The purpose of the Phase II meeting is to facilitate grievance resolution by informing and involving higher University administration.~~

~~Subd. 2. Timing.~~

~~The UGO will set a meeting within ten work days from the date of the UGO's receipt of the grievant's notice of intent to proceed, unless there are compelling reasons for delay.~~

~~Subd. 3. Attendance.~~

~~The meeting will be attended by the grievant and the Phase II University representative. The Phase I University representative may appear at the request of the Phase II University representative. The senior administrator will be notified by the UGO of the Phase II meeting, and has the authority to designate the appropriate University representative to attend this meeting.~~

~~Subd. 4. Role of UGO.~~

~~The UGO will chair the meeting and explain the grievance process including relevant time limitations. If all parties agree, the UGO may continue to serve as a mediator in a settlement facilitating role.~~

~~Subd. 5. Continuation of Phase II Meetings.~~

~~The Phase II meetings may be continued for a specified period of time to enable the parties to consider a proposed resolution by express mutual consent of the parties. Absent express mutual consent, the Phase II meeting will be deemed to conclude when the parties leave the meeting.~~

~~Subd. 6. Conclusion of Phase II Meetings.~~

~~The Phase II University representative must submit a supplemental written response to the grievance to the UGO and the grievant within ten work days after the Phase II meeting concludes, unless there are compelling reasons for delay. Any jurisdictional challenges must be included in the supplemental response, if not already raised in the initial response.~~

~~Subd. 7. Notice of Intent to Proceed.~~

~~If the grievant is not satisfied with the supplemental response, the grievant must submit a written notice of intent to proceed to Phase III to the UGO and the Phase II University representative within ten work days after receipt of the Phase II supplemental response, unless there are compelling reasons for delay. The grievant may amend the grievance by submitting a written amendment with the notice of intent to proceed.~~

~~Subd. 8. Amending the Grievance.~~

~~If the grievant amends the grievance, the Phases I or II University representative may submit a written response to any new issues to the UGO and the grievant within ten work days of receipt of the amended grievance, unless there are compelling reasons for delay.~~

~~Section VIII. Phase III— Panel Hearing.~~

~~Subd. 1. Purpose.~~

~~The purpose of Phase III is to provide an internal evidentiary hearing by a three person panel regarding the substance of a grievance or an advisory jurisdictional determination of the UGO. The parties are the grievant and the senior administrator, who may designate a representative to act on behalf of the University.~~

~~Subd. 2. Panel Members.~~

~~The UGO will convene the Phase III hearing panel. All members of the panel will serve as neutrals. The panel will consist of one member of the UGB chosen by the grievant, one delegate of the senior administrator of the unit in which the grievant is employed, and one hearing officer from the Hearing Officers' Panel. The UGO will select a hearing officer of the same employee category (faculty, academic professional and administrative, or civil service) as the grievant. If the grievant is a student employee, the hearing officer will be from the faculty, academic professional and administrative or civil service employee categories as determined by the student grievant. No panelist will have a direct interest in the grievance.~~

~~The grievant and the senior administrator will inform the UGO of their selections within ten work days after notification of the intent to proceed to Phase III. The UGO will promptly convey the names of the three panel members to all parties.~~

~~Subd. 3. Peremptory Challenge.~~

~~The grievant and the University representative each have the right to peremptorily challenge the person selected as hearing officer by the UGO within five work days of receipt of notice of the selection. The UGO will then select another hearing officer from the Hearing Officers' Panel. There is no further right to peremptory challenges.~~

~~Subd. 4. Timing.~~

~~The UGO will schedule the Phase III hearing within 30 work days from the date of the UGO's receipt of the grievant's notice of intent to proceed, unless there are compelling reasons for delay.~~

~~Subd. 5. Panel Decision.~~

~~The hearing officer will direct the course of the Phase III hearing. After the Phase III hearing, the panel will prepare a decision consisting of a statement of the issues, contentions of the parties, findings of fact, opinion and award, if any. A majority of the panelists is required to reach a decision. The decision will be issued within 30 work days of the close of the record, and will be signed by the panel members concurring in it. The decision will be sent to the UGO, who will promptly distribute it to the parties and to the executive vice president and provost.~~

~~Subd. 6. Response of Executive Vice President and Provost to Panel Decision.~~

~~If the Phase III panel decision is favorable to the grievant, the University will implement it, unless the executive vice president and provost, or delegate, submits a written notice to the UGO and the grievant stating that the decision is not acceptable and the reasons why it is not acceptable. Such notice will be submitted within ten work days of the receipt of the Phase III panel decision, unless there are compelling reasons for delay.~~

~~Subd. 7. Request for Arbitration.~~

~~If the grievant is dissatisfied with the decision of the Phase III panel or the response of the executive vice president and provost, the grievant may choose to proceed to Phase IV arbitration. To do so, the grievant must submit a written notice of intent to proceed to Phase IV to the UGO and the Phase III University representative within ten work days of notice of the executive vice president and provost's decision, unless there are compelling reasons for delay.~~

~~Subd. 8. Agreement of Binding Arbitration.~~

~~If the grievant chooses to proceed to arbitration, the grievant will sign an acknowledgment of the voluntary choice to proceed to binding arbitration to resolve the grievance and/or discovery dispute, and will waive and release all rights to pursue substantially the same claim in any other~~

forum.

Section IX. Phase IV—Arbitration.

Subd. 1. Purpose.

The purpose of Phase IV is to provide an opportunity for the parties to engage voluntarily in final and binding arbitration of a discovery dispute or of the grievance. The representative parties are the grievant and the president or a delegate.

Subd. 2. Panel Members.

The UGO will convene the arbitration panel. All members of the panel will serve as neutrals. The panel will be chaired by an arbitrator who will direct the course of the Phase IV hearing. The UGO will obtain a list of five arbitrators from the state of Minnesota Bureau of Mediation Services. In cases involving faculty or academic professional and administrative staff, the Bureau will randomly select the names from a roster of no fewer than 15 non-Minnesota resident members of the National Academy of Arbitrators holding either tenured faculty rank or emeritus status in a university located in the United States, other than the state of Minnesota. In cases involving civil service or student employees, the Bureau will randomly select the names from its own roster of grievance arbitrators. Within ten work days of receiving the list, the grievant and University representative will alternate in striking names from the list until a single arbitrator's name remains. The party to strike first will be determined by the toss of a coin.

In addition to the arbitrator, the panel will consist of a UGB member selected by the grievant, and a senior administrator. These panelists may, but need not, be the same persons who served on the Phase III panel. The parties will inform the UGO of their panel member selections within ten work days of receipt of the list of arbitrators.

The UGO will notify the panel members of their selection, and will coordinate scheduling of the arbitration hearing.

Subd. 3. Role of the Arbitrator.

The arbitrator will conduct all preliminary hearings required to reach final decisions in discovery disputes over access to documents and information.

Subd. 4. Panel Decision.

The panel will issue a decision within 30 work days from the date of the close of the record. A decision will be made by a majority of the panelists. The decision will be in writing, and will include a statement of the issues, contentions of the parties, findings of facts, and opinion and award, if any. The decision will be sent to the UGO, who will distribute it to the parties promptly. The decision is legally binding.

Subd. 5. Expenses.

~~The grievant and the University will each be responsible for one half of the arbitrator's fees and expenses. There will be no charge for participation by the other representatives on the Phase IV panel. The parties will be responsible for their own expenses.~~

~~Section X. General Rules.~~

~~Subd. 1. Time Limits.~~

~~A work day is defined for purposes of the UGP as a day the University is open, but does not include weekends and holidays. Any notices or responses required under the UGP will be deemed submitted on the day that they are personally delivered or placed in U.S. mail for delivery. Where compelling reasons for delay exist, the UGO may extend the time limits in which a party may submit any notices or responses required under the UGP. Compelling reasons for delay may include days on which the grievant, University representative, or executive vice president and provost, or delegate, was not on the payroll of the University, or was on authorized vacation or leave, except for determining the initial filing deadline. In addition, at each phase in the grievance process, the parties may agree to waive the time limits, or to skip any phase, by express mutual consent.~~

~~When the grievant fails to file or process a grievance within the time limits set forth above, unless there are compelling reasons for the delay, the grievance will be deemed to have been waived.~~

~~The University representative's failure to produce the requisite written responses following the close of Phases I, II, and III sessions will not limit the grievant's rights to appeal to the next relevant phase of the process.~~

~~Subd. 2. Due Process.~~

~~All parties have the right to be present throughout all Phases III and IV proceedings, to submit evidence, and to cross-examine adverse witnesses. The rules of evidence used in courts of law will not apply. In cases not involving the imposition of discipline, the grievant has the burden of demonstrating the violation of University rule, regulation, policy, or practice. In cases in which discipline has been imposed, the respondent has the burden of demonstrating the violation of University rule, regulation, policy, or practice and the appropriateness of the sanction.~~

~~Subd. 3. Duty to Provide Discovery.~~

~~Parties will comply with all reasonable requests for information relevant to the grievance, provided such disclosure is consistent with law. Hearing officers and arbitrators have no authority to require disclosure of information that is inconsistent with any law, particularly the Minnesota Government Data Practices Act and the federal Family Educational Rights and Privacy Act. In order to comply with confidentiality obligations of the University, a party and panel members may be required by the University, at its sole discretion, to sign and abide by a confidentiality agreement before certain information may be released for the limited purpose of a~~

~~grievance hearing.~~

~~Subd. 4. Discovery Disputes at Phase III.~~

~~If the parties cannot resolve a dispute over access to documents or information, the UGO will refer the matter to the hearing officer for a preliminary hearing for the limited purpose of resolving the discovery dispute. The hearing officer may confer with the UGO regarding guidelines for access to documents or information. The hearing officer will issue a decision within five work days after the close of the record and deliver copies of the discovery decision to the UGO and to the parties.~~

- ~~1. If the hearing officer's discovery decision is not challenged within five work days after its receipt, the UGO will promptly schedule a Phase III hearing.~~
- ~~2. If either the University representative or the grievant objects to the hearing officer's discovery decision, the objecting party must submit written notice to the UGO and to the opposite party within five work days after receipt of the hearing officer's discovery decision. In either case, as arbitration is voluntary under the UGP, within five work days following the five work days challenge period, the grievant will unilaterally determine, through written notice submitted to the UGO and the University representative, the avenue to be followed to resolve the discovery dispute. The grievant's choices are as follows:~~

- ~~1. The discovery issue may be decided through legally binding arbitration as set forth in Phase IV of the UGP except that the arbitrator will hear and decide discovery issues without a Phase IV panel. The arbitrator will issue a decision within ten work days after the close of the record. Under this avenue, the UGO will schedule the Phase III hearing within 30 work days from the date of the UGO's receipt of the arbitrator's discovery decision.~~
- ~~2. The grievance issue may proceed to a Phase III panel hearing on its merits. However, the decision to proceed to a Phase III panel hearing will not be construed as a waiver of the grievant's right to subsequently appeal to Phase IV the hearing officer's discovery decision and the Phase III panel's decision on the grievance. Under this avenue, the UGO will promptly schedule a Phase III hearing.~~

~~Subd. 5. Subpoenas.~~

~~At the request of either party, the arbitrator may issue necessary subpoenas as provided by law.~~

~~Subd. 6. Advocates.~~

~~Grievants may be represented by employee advocates throughout the process. If the grievant is represented by a person with a law degree (J.D.), including an employee advocate who has a law degree (J.D.), the grievant must promptly inform the UGO and the University representative. The University representative may be represented by an attorney provided by the Office of the General Counsel only if an attorney represents the grievant [including an employee advocate who is a person with a law degree (J.D.)], or if the grievant is an attorney.~~

~~Subd. 7. Confidentiality.~~

~~The UGO and hearing panels will not disclose any documents or information concerning a grievance except as necessary to comply with procedures for conducting the hearing, or as permitted or required by law. All hearings will be closed to the public.~~

~~Subd. 8. Witness Testimony.~~

~~Members of the University community are strongly encouraged to be cooperative if they are requested to provide testimony at a hearing under the UGP.~~

~~Subd. 9. Awards.~~

~~No panel under the UGP will have any authority to issue a financial award to any employee beyond back pay and benefits actually lost (together with reinstatement), except in the case of an emeritus faculty member pursuant to item 2 of the second paragraph of Section II, Subdivision 1. No panel will have authority to order compensation for fees and expenses of advocates, pain and suffering, emotional distress, penalties, or punitive damages.~~

~~Subd. 10. Enforcement.~~

~~It is the responsibility of the University to faithfully carry out its responsibilities under the UGP, and to enforce the terms of any binding decision under the UGP. The University's deferral of jurisdictional challenges until Phases III and IV is not a waiver of its right to raise these challenges at Phases III and IV.~~

Updated: May 7, 2004

PROPOSED POLICY:

8/24/04

University of Minnesota
Conflict Resolution Process [\[1\]](#)

A University of Minnesota conflict resolution program for faculty, academic professionals and administrators, civil service staff, student workers

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CONFLICT RESOLUTION PROCESS

I. PURPOSE: to support University employees—administrators, faculty, staff, and student workers—by providing services to:

A. Encourage dialogue. This program encourages University employees to express concerns when conflicts emerge in the workplace, seek skilled help when needed, and engage in constructive dialogue with people directly involved.

B. Identify interests. A key to conflict resolution is to reorient a dispute from focusing on the parties’ “rights” or “positions” to their “interests.” Interests are the parties’ needs and desires that underlie their positions in the dispute.

C. Find options. When interests are made visible, participants in a conflict can often see new options to meet their needs. Options are then evaluated against how well they satisfy the interests of the participants. Identifying interests and evaluating options is usually accomplished in problem-solving sessions.

D. Build accords. Disagreements can be resolved through many techniques—domination, compromise, conciliation, or integration. Integration is the best foundation for long-term solutions. Accords respect the integrity of the difference, while finding ways to mesh the commonalities and move forward.

E. Conduct fair hearings. When the people involved are unable to reach agreement, formal processes for third parties to decide disputes can bring needed closure. This program administers peer panel hearings and arbitrations.

II. OVERVIEW

A. Informal conflict resolution processes. Employees involved in a conflict—whether managers or subordinates—often are most satisfied if they remain in charge of deciding whether a particular option will meet their needs. Informal conflict resolution processes add a neutral, independent, and skilled third person to the discussion. But this third person is not a decision maker. The parties decide about acceptable processes and outcomes.

There are four informal conflict resolution processes in the program—consultation, facilitated dialogue, ombuds services, and mediation. These do not have to be pursued in sequential order. In some cases, although not often, it will be useful to try more than one of these processes. Regardless of whether a third party functions in the role of confidential coach, ombudsperson, facilitator or mediator, the simple step of including an unbiased third person can be very effective. With this help individuals often find their own solutions to the great majority of workplace conflicts.

B. Formal conflict resolution processes. Not all disputes can be resolved by dialogue and

problem-solving. Sometimes there is an irreconcilable clash of interests or positions. When this occurs, formal conflict resolution procedures are useful. A decision by a peer panel can accomplish, in certain cases, what interest-based problem-solving cannot. Formal processes include a fair hearing by a panel of peers, a final University decision by the Senior Vice President and Provost, and the option of a binding decision in arbitration. The formal process begins with a petition. The employee submitting a petition is the petitioner. The employee designated to respond to the petition is the respondent.

C. No retaliation. There are many impediments to expressing concerns in the workplace. Retaliation should not be one of them. Retaliation against any person for using the University's Conflict Resolution Process is prohibited.

III. WHO, WHAT, WHEN

A. Who is eligible for services? Non-bargaining unit University employees, including administrators, faculty, academic professional and administrative, civil service, and student workers (including research and teaching assistants), on all campuses of the University of Minnesota are eligible for conflict resolution services. This program is available to former members of the faculty currently with emeritus status.^[2] Employees represented by a labor organization may not use this process, but instead should pursue their concerns through the process established by their union contract. This program is not available to persons who are not employed by the University, even if their work is physically located at the University, such as employees of University of Minnesota Physicians. Students with non-employment issues should contact the Student Dispute Resolution Center.

B. What issues are covered? Informal conflict resolution services are available for employment-related disputes of all kinds. For certain subject matters, referral to a different University office may be appropriate, such as referral of faculty tenure issues to the Senate Judicial Committee.

Formal conflict resolution services are not available for all workplace disputes. To access the formal process, a University employee must meet certain jurisdictional thresholds. A petitioner must be a non-bargaining unit employee or faculty emeritus and identify a specific University rule, regulation, policy, or practice pertaining to employment alleged to have been violated. In addition, the petitioner must comply with the time limit described below and be within the covered subject matter described in the Appendix, Part II, A.

C. What are the time limits? Informal conflict resolution services are available without a fixed time limit. Employees are nonetheless encouraged to bring issues forward promptly. The Conflict Resolution Office may decline to process issues that are too stale to permit current resolution, that have been processed appropriately within this or other offices, or that create unfair surprise or prejudice for others involved.

Formal conflict resolution processes are governed by time limits. A University employee must submit the issue to the Office within six weeks of the 1) occurrence of the action being challenged or 2) notice of the action being challenged, whichever is later. Once submitted, all

disputes will initially be processed using informal conflict resolution processes. However, when these are unsuccessful, only those disputes that are initially submitted to the Office within the six-week time limit will be eligible to proceed to the formal conflict resolution processes. After a two-month period in the informal processes, the Office will ask eligible employees to complete a written petition if they intend to proceed to the formal process. The time limits in the formal conflict resolution process can be modified by the mutual consent of the people involved. In addition, they can be modified by the director of the Office when there are compelling reasons for delay. Compelling reasons for delay include absences due to sickness, disability, vacation, family leave, business travel, or University recess during holidays or the summer.

IV. INFORMAL PROCESSES: to help employees find their own solutions

A. Consultation. The purpose of a consultation may be to brainstorm, to get appropriate referrals to University resources, to get information about policies and practices or to get the perspective of a neutral person not connected to the dispute. Office staff are knowledgeable about University employment policy and University resources and are skilled in conflict resolution. Individual consultations with staff can help employees clarify their interests and identify and evaluate options.

Office staff are not advocates for faculty, staff, administrators, or student workers. They do not provide legal advice; they are not trained as therapists nor are they arbiters of policy disputes. Their role is to serve as third-party, skilled neutrals to help an employee express differences, evaluate interests, and reach resolution.

Many employees find that consultations are all the help they need or want. They appreciate the confidential nature of the consultation process and the fact that they decide what the next steps will be.

B. Ombuds Services. In an ombuds role, Office staff receives complaints and questions from employees concerning employment issues. Options are identified and evaluated and the employee decides what initiatives, if any, Office staff should take on the employee's behalf.

The ombuds usually contacts other involved employees to gather, and to convey, information. Through dialogue with involved individuals, the ombuds helps the parties understand each other's perspectives and identify workable resolution options.

Ombuds services are very flexible. They can be structured to meet the needs of an individual dispute.

C. Facilitated Dialogue. When an employee requests a facilitated dialogue, Office staff will contact the other involved employees to convey the request and to schedule a facilitated dialogue. University employees are strongly encouraged to participate in facilitated dialogue, when requested, as explained further in the Appendix, Part I, F.

A facilitated dialogue is a face-to-face discussion between the disputing parties with a third-party neutral facilitator. Usually the facilitator asks the employee raising the issue to explain the issue

from his/her perspective. The other employee(s) are then invited to respond. Each participant has the opportunity to ask questions for information. The facilitator may ask questions. All participants are involved in discussions to identify their respective interests, brainstorm possible options for resolutions, and then evaluate the options against the interests to reach accords.

D. Mediation. Mediation is a consensual process that parties can use to resolve disputes. When requested, the Conflict Resolution Office conducts mediations in accord with the Minnesota Civil Mediation Act. This protects the confidentiality of the mediation process and the enforceability of agreements that emerge from mediation.

E. General Rules for Informal Processes. Rules that apply to the informal processes are found in the Appendix, Part I.

V. FORMAL PROCESSES: to bring closure through third-party decision makers

A. Peer Hearing

1. Purpose. A Peer Hearing is designed to be a fundamentally fair hearing. Its purpose is to have a three-person panel of peers listen to the facts and arguments presented by the petitioner and the respondent and decide the dispute. The decision of the peer panel is forwarded to the Senior Vice President and Provost for final University decision.

2. Parties. The parties are the petitioner and the senior administrator of the unit in which the petitioner is employed. The senior administrator may designate a representative to act as respondent.

3. Petition. The Peer Hearing process is initiated by a written petition that identifies:

- a) the petitioner and his/her employment status;
- b) the action being questioned;
- c) the efforts of the petitioner and respondent to resolve the issues through informal processes;
- d) the specific University rule, regulation, policy, or practice pertaining to employment, or provision of petitioner's employment contract, alleged to have been violated;
- e) the person(s) responsible for the action, if known, and the unit; and
- f) a proposed remedy that is within the authority of the University to grant.

Additional rules regarding appropriate subject matter for a petition and jurisdictional determinations are found in the Appendix, Part II, A.

4. Response. The Petition for Peer Hearing will be forwarded promptly to the senior administrator of the unit in which the petitioner is employed. The senior administrator will submit a written Response to the petition within two weeks following receipt of the Petition and will identify the person who will serve as the respondent for the petition. On receipt of the petition and the response, if the Office director determines that informal processes for resolution have not been exhausted, the parties will be referred to an appropriate informal process before proceeding to a peer hearing. Participation in an informal process is required before proceeding

to a peer hearing except in unusual circumstances, and then only with the mutual consent of the parties.

5. Panel. A peer panel consists of one member chosen by the petitioner from the Panelist roster, one designee of the senior administrator, and one hearing officer from the Hearing Officer roster.

A hearing officer is appointed by the Office director from the same employment category as the petitioner. If the petitioner is a student worker, the hearing officer will be from the faculty category. A party may reject a hearing officer selection without stating a reason if the rejection is submitted to the director within one week of receipt of notice of the selection. A party may do this only once. The Office will then select another hearing officer from the roster. The maintenance of the rosters is described at Part VII, D.

All panelists will serve as neutrals, not advocates, and none will have a direct interest in the dispute. All panelists will give the petitioner and the respondent's cases open-minded, fair consideration.

6. General Rules. The general rules for a panel proceeding are found in the Appendix, Part II.

7. Decision. The panel prepares a written decision, including a statement of the issues, contentions of the parties, findings of fact, opinion and award, if any. The decision will be sufficiently detailed to assist the Senior Vice President and Provost in reaching a final University decision. A majority of two panelists is required to reach a decision. A dissenting panelist may submit a written dissent. The panel's decision will be issued within one month of the conclusion of the hearing, and will be signed and promptly distributed by the Office to the parties and to the Senior Vice President and Provost.

B. University Decision

1. Record. The Senior Vice President and Provost will receive copies of the petition, response, written arguments, the panel decision, and exhibits submitted to the panel. In considering the University decision, the Senior Vice President and Provost may not discuss the petition with the parties to the petition. The Senior Vice President and Provost may discuss the decision with the hearing officer and the panelists to better understand the pertinent information and reasons for decision.

2. Final Decision. Within two weeks of the receipt of these materials, the Senior Vice President and Provost will submit the University's final decision, and if the panel's decision is modified or rejected, will state the reasons why. The Senior Vice President and Provost has full discretion to accept, modify, or reject the panel decision. The Conflict Resolution Office will distribute the Senior Vice President and Provost's decision to the parties.

C. Arbitration

1. Decision to Arbitrate and Waiver/Release. If the petitioner is dissatisfied with the decision of the peer panel or with the University decision, the petitioner may choose to proceed to

arbitration by submitting a written notice to the Office within two weeks of receipt of the Senior Vice President and Provost's decision. Alternatively, the petitioner may appeal the decision to the Minnesota Court of Appeals by a "writ of certiorari." The statute that describes the right of certiorari review is Chapter 606 of Minnesota Statutes. The timelines for seeking certiorari review are set by that statute.

To proceed to arbitration, the petitioner shall voluntarily waive and release all rights to pursue substantially the same claim in any other forum. If a petitioner elects arbitration under this policy, the right to seek certiorari review at the Court of Appeals is waived.

2. Purpose and Parties. The purpose of arbitration is to provide an opportunity for the parties to engage voluntarily in binding arbitration of the dispute. The parties are the petitioner and the President or a delegate, who will be the respondent for arbitration.

3. Selection of Arbitrator and Panel. The Office will obtain a list of five arbitrators randomly selected by the Minnesota Bureau of Mediation Services from rosters maintained by the Bureau.

a) In cases involving faculty or academic professional and administrative staff, the roster of arbitrators will have no fewer than fifteen non-Minnesota resident members of the National Academy of Arbitrators holding either tenured faculty rank or emeritus status in a university located in the United States, other than the state of Minnesota. Faculty or academic professional and administrative staff may choose, instead, to use the Bureau of Mediation Services roster described in b) below by notifying the Office in writing.

b) In cases involving civil service or student employees, the roster will be arbitrators in Minnesota who meet the Bureau of Mediation Services' criteria, excluding staff of the University of Minnesota.

The petitioner and the respondent will alternate in striking names from the list until a single arbitrator's name remains. The party to strike first will be determined by the toss of a coin. In addition to the arbitrator, the arbitration panel will consist of a panel member selected by the petitioner from the panelist roster and a senior administrator selected by the President or a delegate.

4. Roles of the Arbitrator and Panel. The arbitrator will direct the course of the hearing and of all preliminary hearings. In performing this role, the arbitrator will follow professional arbitration practice, the provisions of this policy, and the General Rules in Appendix, Part II.

All panelists will serve as neutrals, not advocates, and none will have a direct interest in the dispute. All panelists will give the petitioner and the respondent's cases open-minded, fair consideration.

5. Role of the Office. The Office will convene the arbitration panel, notify the panel members of their selection, and forward to the panel members the petition, response, peer panel decision, the final University decision, and the waiver and release. The parties are responsible for all other materials submitted to the panel. On request by the arbitrator, the Office will coordinate

scheduling of the arbitration hearing and conferences.

6. General Rules. General rules for an arbitration proceeding are found in the Appendix, Part II.

7. Panel Decision. The arbitration panel will issue a decision within one month from the date of the close of the record. The decision will be by a majority of the panel. The decision will be in writing, will be signed, and will include a statement of the issues, contentions of the parties, findings of facts, and opinion and award, if any. A dissenting panel member may submit a written dissent. The decision will be sent to the Office, which will distribute it to the parties promptly. The decision is subject to the provisions of Minnesota's Uniform Arbitration Act found at Chapter 572 of Minnesota Statutes.

8. Expenses. The petitioner and the respondent will each be responsible for one-half of the arbitrator's fees and expenses. The arbitrator will be responsible for making fee arrangements, billing the parties and collecting payments. There will be no charge for participation by the other panelists. The parties will be responsible for their own expenses.

VI. ADMINISTRATION

A. Conflict Resolution Office. The Senior Vice President for System Administration, after consultation with the Conflict Advisory Committee, will appoint the director of the University Conflict Resolution Office. The director will report to the Senior Vice President for System Administration. The Senior Vice President for System Administration will supervise the Office in consultation with the Conflict Advisory Committee.

B. Duties of Director.

1. Informal Conflict Resolution Services. The director will provide informal conflict resolution services described in this policy. Providing informal conflict resolution services includes informing employees regarding University resources, options and procedures; referring employees to the appropriate University offices; and being available to assist University managers to problem-solve employment issues.

2. Fairness. The director will administer this policy so that the conflict resolution processes are fair to all participants. The director is not a decision maker in the formal conflict resolution processes. The decision makers are the peer panel, the Senior Vice President and Provost and, in certain circumstances, an outside arbitrator.

Administering the formal conflict resolution processes may include reviewing each petition to make an advisory determination whether the petitioner has satisfied the jurisdictional requirements of the formal process; determining whether there are compelling reasons for delay; and informing the parties of the procedures to be followed.

3. Annual Report. The director will prepare an annual report on the work of the office, including a summary of issues raised in petitions, decisions rendered and the instances in which the Senior Vice President and Provost declined to accept the recommendations of a peer panel.

The report will be distributed to the Senior Vice President for System Administration, Senior Vice President and Provost, President, Conflict Advisory Committee, Faculty Consultative Committee, Council of Academic Professionals and Administrators, Civil Service Committee, and Student Consultative Committee. It will be posted on the Office web page.

4. Coordinate Services. The director will convene a work group of University offices to coordinate University conflict resolution services.

C. Conflict Advisory Committee

1. Members. The Conflict Advisory Committee will consist of a chair appointed by the Senate Consultative Committee, two administrative representatives appointed by the President, and one member appointed by each of the following groups: Senate Committee on Committees, Council of Academic Professionals and Administrators, Civil Service Committee, and Student Senate Committee on Committees. Appointments may be for terms of up to three years.

2. Duties. The Conflict Advisory Committee will advise the Senior Vice President for System Administration regarding the selection of the Office staff, its performance, and the operation of this program. The committee has no role in the disposition of individual petitions.

3. Five-year Review. The committee will undertake a thorough review of the functioning of this program every five years and report its findings and recommendations to the Senior Vice President for System Administration, President, and University Senate.

D. Rosters. Office staff will train all members of these rosters for their roles. Appointments may be for terms of up to three years.

1. Hearing Officer Roster. A roster of hearing officers will be maintained by the Office. It will include nine individuals eligible to serve as hearing officers—three regular faculty members, three Professional and Administrative employees, and three Civil Service employees. The Faculty Senate Committee on Committees, Council of Academic Professionals and Administrators, and the Civil Service Committee will nominate two individuals for each opening on the hearing officer roster for each respective employee group. The Senior Vice President for System Administration will select one of the two nominees for each opening or request additional names.

2. Panel Roster. A roster of panelists will be maintained by the Office. Petitioners will select panel members for peer panel hearings and arbitrations from this roster. It will include twelve individuals eligible to serve as panelists—four regular faculty members (two of whom may be administrators), four Professional and Administrative employees, and four Civil Service employees. The Faculty Senate Committee on Committees, Council of Academic Professionals and Administrators, and Civil Service Committee will appoint individuals for each opening on the roster for each respective employee group.

3. Advisor Roster. A roster will be maintained by the Office identifying University employees willing to serve as advisors to parties in conflict resolution proceedings.

APPENDIX

I GENERAL RULES FOR INFORMAL PROCESSES

A Confidentiality. Informal processes are confidential except as necessary to conduct the process or as permitted or required by law.

Information learned during any of the informal processes will not be conveyed outside of the Office unless required by law, e.g., a court order compelling disclosure. Informal files are not forwarded to the formal conflict resolution process.

B Neutrality. Office staff are not advocates for petitioning employees or for responding employees. They are not advocates for subordinates or supervisors. They do not come to a conflict with preconceived ideas of who is more likely to be right or wrong. They are advocates for fair processes and for fair resolutions based on interests and options.

C Independence. Although the Office is part of the University system, it is structured to maintain independence from University administration. Office staff are employees of the University and subject to its policies. However, the Office reports directly to the Senior Vice President for System Administration. It does not report within the Office of Human Resources or the Office of the General Counsel. In addition, the performance of the Office and its director is based on an annual survey of users that is evaluated by an independent Conflict Advisory Committee composed of representatives of employee groups. A complaint about the Office's handling of an individual matter is referred to the Chair of the Conflict Advisory Committee for investigation.

D Request for Informal Assistance. If an employee wants other involved employees to participate in ombuds services, a facilitated dialogue, or mediation, the employee will complete a written Request for Informal Assistance. This is a simple form that identifies the subject matter to be discussed and the other employees who are being asked to participate. It is provided to the other involved employees who are being asked to participate and to their advisors.

E Settlements. A settlement arrived at in an informal process may be contingent on final approvals pursuant to the Board of Regents Policy: Legal Claims and Settlements.

F Participation. If a University employee requests a facilitated dialogue or mediation with a supervisor or manager, it is part of the supervisor or manager's job at the University to participate in the informal conflict resolution processes. If the employee identifies a dispute with a co-worker who is not a supervisor or manager, the co-worker is encouraged to participate in the informal process but is not required to do so as part of the job.

II GENERAL RULES FOR FORMAL PROCESSES

A Covered Subject Matter

1) Employment Claims. Certain employment claims (sometimes referred to as common law claims) against the University may be required to proceed through these formal processes prior to seeking review by a court. For these claims, if an employee does not proceed in the peer hearing process or fails to file a timely petition, the employee may forfeit the opportunity to have a court review the claim. For other employment claims where a statute provides a remedy, a petitioner may have the option of proceeding directly to the courts without proceeding through these internal formal processes. In a petition, a petitioner may include all subject matter that is covered by this policy. If a petitioner chooses not to include all subject matter, the opportunity for court review of the omitted subject matter may be forfeited.

2) Faculty Complaints. Complaints by a regular faculty member for which a Senate Judicial Committee hearing is provided under the Board of Regents Policy: Faculty Tenure will not be heard under this policy.

3) Discrimination. Issues of discrimination in the employment relationship, including sexual harassment, may be submitted to the Conflict Resolution Office or submitted to the University's Office of Equal Opportunity and Affirmative Action (EOAA), but not both. The director of EOAA will appoint a representative to serve as a non-voting advisor to a peer panel hearing a petition alleging discrimination under this policy. Discipline imposed at the conclusion of an EOAA investigation can be the subject of a petition.

4) Academic Misconduct. Issues of academic misconduct are not within the scope of this policy. Such claims will be referred to the appropriate office for investigation and review. Discipline imposed on an eligible employee including discipline imposed as a result of academic misconduct proceedings, may be grieved under this policy.

5) Civil Service Employees. Civil Service employees may use this policy for any alleged rules violations unless specifically denied in the Civil Service Rules. Under Civil Service Rule 7, involuntary termination of employment during the probationary year is not eligible for formal processes under this policy so long as applicable rules and policy are followed.

6) Academic Professional and Administrative Employees. P&A employees may use this policy for alleged violations of Human Resources policy governing P&A appointments, except for non-renewal of a fixed-term or annual appointment when the appointment term is completed and the required notice given.

7) Faculty Emeriti. An emeritus faculty member who currently is an employee of the University may submit a petition for a peer hearing with respect to that employment on the same basis as other employees of the University. An emeritus faculty member who is not currently an employee of the University may submit a petition alleging a covered violation: 1) if such violation occurred prior to termination of employment; or 2) if a written contract signed by the appropriate University official during the employment period is violated after the employment terminates; provided, however, that the remedy in such a case will be limited to a financial remedy.

8) Retaliation. Retaliation against a person for raising issues or filing a petition under this policy may be the subject of a petition.

B Jurisdictional Determinations. Good faith disputes may arise about whether a person is eligible to use the formal processes for a particular issue. When a party raises a jurisdictional challenge with the Office, the director will make a written determination whether the petition meets the jurisdictional requirements for a Peer Hearing. The term “jurisdictional limits” refers to formal process requirements of employment status, subject matter, and time limits.

Any party disagreeing with the director’s jurisdictional determination may seek review by notifying the director in writing within two weeks of the party’s receipt of the determination. Review will be done by a hearing officer. The hearing officer’s decision will be forwarded to the Provost who may accept, modify, or reject it in accord with the procedures at Part VI, B. The petitioner may request review of this decision through arbitration.

The University’s deferral of jurisdictional challenges is not a waiver of its rights to raise these challenges at any point.

C Pre-Hearing Conference. The Office will schedule a pre-hearing conference for the parties and their advisors within two weeks following identification of the University representative and the panelists. The hearing officer conducts the pre-hearing conference. The purpose of the pre-hearing conference is to prepare the parties for the hearing, to clarify the issues and the relief requested, to reach agreements about exchanging appropriate information, to invite questions from the parties, and to schedule the hearing.

D Conduct of a Peer Hearing and Arbitration. The hearing will be held within one month following the pre-hearing conference unless there are compelling reasons for delay. The hearing officer or arbitrator will direct the course of the hearing. The peer hearing and the arbitration are designed to be fundamentally fair hearings and are not intended to mirror trial procedures.

1) Responsibilities. The petitioner and the respondent are responsible for presenting their case to the panel. The Office does not prepare or present the cases. The parties are responsible for preparing documents for each panelist and when witnesses are required, for selecting their witnesses. Scheduling witnesses can be done in consultation with the Office. The Office assists with administration of the hearing.

2) Determination of the Respondent. The Senior Vice President and Provost will have the final authority to determine the appropriate respondent for peer hearings and arbitrations. These decisions may not be contested.

3) Presentation. All parties have the right to be present throughout all proceedings, to submit evidence, and to examine witnesses. The rules of evidence used in courts of law do not apply. The petitioner, the respondent, and witnesses can tell their story to the panel in a format that is most comfortable for them, subject to the hearing officer’s or arbitrator’s direction. Information does not have to be presented by direct or cross-examination format. The panel members and the parties may ask questions.

4) Relationship to Informal Processes. Statements made and actions taken by either party in the informal processes under this policy are not submitted at a Peer Hearing.

5) Record. The Conflict Resolution Office will make an audio recording of the peer hearing and will maintain a record of peer hearing proceedings. The arbitrator will determine the record for an arbitration.

6) Witnesses. Members of the University community are strongly encouraged to cooperate if they are requested to provide information at a peer hearing or arbitration under this policy. At the request of either party to an arbitration, the arbitrator may issue subpoenas as provided by law.

7) Burden of Proof. In cases not involving the imposition of discipline, the petitioner has the burden of demonstrating, by a preponderance of the information presented, that there was a violation of a University rule, regulation, policy, or practice. In cases in which discipline has been imposed, the respondent has the burden of demonstrating, by a preponderance, that the employee violated a University rule, regulation, policy, or practice and that the discipline was appropriate.

In cases challenging discretionary actions, such as salary adjustments and performance evaluations, the petitioner has an additional burden of demonstrating that the challenged action constitutes a clear abuse of discretion.

8) Information Exchange. Parties will comply with all reasonable requests for information relevant to the petition, consistent with law. Hearing officers and arbitrators cannot require disclosure of information that is inconsistent with any law, particularly the Minnesota Government Data Practices Act and the Federal Family Educational Rights and Privacy Act. To comply with confidentiality obligations of the University, a party and panel members may be required by the University, at its sole discretion, to sign and abide by a confidentiality agreement before certain information may be released for the limited purpose of a hearing.

Disputes over access to documents or information at a peer hearing will be referred to the hearing officer for a preliminary hearing for the limited purpose of resolving the dispute. The hearing officer may confer with the director regarding guidelines for access to documents or information. The hearing officer will issue a written decision regarding information exchange. The hearing officer's decision will govern the peer hearing, but will be open to review and reversal by the Senior Vice President and Provost or by an arbitrator. At arbitration, disputed information issues are referred to the arbitrator for decision.

9) Unreasonable Delay. If the petitioner or the respondent fails to participate in the formal process in a timely way, the director will refer the case to a hearing officer to decide whether a party has unreasonably delayed in the process and, if so, what the result should be. The hearing officer's decision is final.

10) Remedies. The panel may recommend remedies that, to its knowledge, are not inconsistent with University policy. The panel may recommend reinstatement, back pay, and benefits actually

lost. The panel may not recommend attorney’s fees or monetary damages for pain and suffering, emotional distress, penalties, or punitive damages.

11) Advocates and Attorneys. The success of conflict resolution processes depends on recognizing that workplace conflict is predictable and healthy. Successfully processing workplace conflict is an ongoing task for management and all employees. These conflict resolution processes are designed for lay people and are not designed to require the participation of attorneys. The petitioner and the respondent are encouraged to have a non-attorney advisor assist them. Contact the Conflict Resolution Office for a roster of University employees interested in serving as advisors.

If a petitioner is an attorney (a person who has a J.D. law degree) or chooses to be represented by an attorney, the University respondent may be represented by an attorney from the Office of the General Counsel. It is the respondent’s responsibility to contact the Office of the General Counsel for representation. If the petitioner is not an attorney and is not represented by an attorney, then the University representative may not be an attorney or accompanied by an attorney. This policy does not restrict either party from private consultations with an attorney.

12) Settlements. Settlements of petitions in the formal process are contingent on final approvals required by the Board of Regents Policy: Legal Claims and Settlements.

13) Confidentiality. The Office and hearing panels will not disclose individually identifiable documents or information concerning a petition, a peer hearing, or an arbitration, except as necessary to comply with procedures for conducting the hearing, or as permitted or required by law. All hearings will be closed to the public.

14) Implementation. The University will faithfully carry out its responsibilities under this policy and implement the terms of a decision under this policy.

III PROPOSED BOARD OF REGENTS POLICY

University of Minnesota BOARD OF REGENTS POLICY Page 1 of 1	Human Resources CONFLICT RESOLUTION PROCESS Adopted Supersedes: (see end of policy)
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CONFLICT RESOLUTION PROCESS

SECTION I. PURPOSE.

The University of Minnesota shall have an internal process for the good faith review and resolution of employment-related conflicts.

SECTION II. DELEGATION OF AUTHORITY.

The Board of Regents delegates to the president the authority to administer this policy. The president, after consultation with the University Senate and the Conflict Advisory Committee, is authorized to adopt and amend administrative procedures to implement this policy.

SECTION III. SCOPE.

The conflict resolution process shall apply to the employment conflicts of faculty, academic professional and administrative staff, civil service staff, and student workers, including graduate student teaching and research assistants. The process also shall apply to complaints of faculty emeriti in accordance with the terms of the administrative procedures implementing the policy. This process shall not otherwise apply to non-employees or to employees represented by labor organizations.

SECTION IV. REVIEW.

The administrative procedures implementing this policy will be reviewed every five years pursuant to provisions established in those procedures.

SUPERSEDES: GRIEVANCE PROCEDURE DATED JULY 12, 2002

DISCUSSION:

Professor David Born, Chair of the Grievance Advisory Committee (GAC), said that the responsibilities of the GAC are to conduct an annual review of the Grievance Officer and conduct a five-year review of the Grievance Policy. In the last year the GAC has had another charge, which was to work as part of the Dispute Resolution Work Group. The goals of this group were to develop a better dialogue between campus groups involved in dispute resolution and to streamline policies and procedures to create a better workplace.

In the past year, extensive interviews were conducted to clarify who was doing what and any problems with the current policy. General feedback from the interviews was that the present policy presents an adversarial model that creates a power imbalance and can lead to extreme costs in terms of dollars and attitude.

As a result of these discussions, the GAC is recommending changes to the Grievance Policy. The main change is a terminology shift from grievance to conflict resolution, along with the inclusion of more informal procedures to deal with problems earlier on campus. The formal procedures will be maintained. Another change is the Grievance Office being named to the University Conflict Resolution Center. The changes to the Grievance Policy have also precipitated similar working changes in the Regents Policy entitled Grievance Process.

These policies changes have been presented to the Faculty Consultative Committee, the Student Senate Consultative Committee, and the Regents for feedback. These groups have approved of the changes.

Q: What are the actual process differences in the proposal?

A: In addition to language, the main changes are on pages four and five with the addition of a section on informal processes. On page two, these informal processes are being highlighted to resolve disputes, while maintaining the hearing structure.

Q: Do these procedures pertain to ex-employees?

A: The policy is intended to be for current employees. However, employees who leave the University have a period of six weeks to file charges under the policy relating to their dismissal from the University. The policy also has special procedures that permit faculty emeriti to grieve under certain circumstances.

Q: Can the employee be forced to retain legal counsel by the University retaining legal counsel services?

A: The University does not bring legal counsel in proceedings unless the employee retains legal counsel first. The policy does not restrict either side from consulting outside of the hearing with legal counsel.

Q: What is the time limit for implementation of these changes?

A: The Regents Policy will be presented for action in December. The procedures will be implemented following approval by the President.

With no further discussion, a vote was taken and the motion was approved.

APPROVED

19. PRESIDENT'S REPORT

President Bruininks said that the state forecast is predicting a \$1.1 billion deficit for this fiscal year, which led the University to develop its budget proposal to the state. This request has been under development by a task force since the summer, with periodic consultation with Senate leadership, deans, chancellors, other executive officers, and people in the community.

Through the request, the University is trying to make the case that it is Minnesota's best asset and important to the state's future. The point to be made is that the University deserves public investment because it produces very real, material, public benefits.

The proposal will be presented to the Regents for review in October and approval in November. It is then forwarded to the Department of Finance.

He then presented the following information to the University Senate regarding the 2006-07 Biennial Budget Partnership Proposal: Ensuring Excellence.

Ensuring Excellence: Rationale

- Economic, cultural, and civic advantage
- Public goods:
 - Quality education for next generation
 - Talent magnet
 - Innovations and discovery
- The state must continue to invest in the University
- Without sufficient investment, the University will decline
- University prepared to do its part
- University must continue to preserve strengths and comparative advantages

Core Principles

- A long-term 50-50 financial partnership
- Advance the critical needs of the University
- Advance the University in research, education, and outreach
- The University will take responsibility for:

<ul

- Costs of faculty and staff base compensation increases,
 - Operation of facilities infrastructure,
 - Inflationary support costs, and
 - Selected investments
- The state is responsible for new funding to:
 - Advance investments in critically important research,
 - Attract and retain top faculty, staff, and students,
 - Advance and support investments in the infrastructure
- State support to promote student access

Financial Partnership

State Commitment

Increase state funding by \$42 million in fiscal year 2006 with an additional \$42 million in fiscal year 2007.

University Commitment

Increase tuition by 5.5 percent in each of the next two years; internally reallocate \$15 million of current base funding in each of the next two years.

2006-07 Biennial Budget Partnership Proposal

	Increase over <u>FY 2005</u>	Increase over <u>FY 2006</u>
50% State Investment	\$42,000,000	\$42,000,000
50% University Share		
Reallocation	\$15,000,000	\$15,000,000
Tuition	<u>\$27,000,000</u>	<u>\$27,000,000</u>
University subtotal	\$42,000,000	\$42,000,000
Grand Total	\$84,000,000	\$84,000,000

Investments

Biosciences for a Healthy Society

Healthy Foods, Healthy Lives;
Translational Research in Human Health;
New Products through Biotechnology;
Brain Function Across the Lifespan

Attracting and Retaining Talent for Minnesota's Future

Preparing Students for the 21st Century Economy
Competitive Compensation

Creating and Sustaining Essential Research and Technology Infrastructure

Research Support
21st Century Technology

President Bruininks noted that the University needs to continue to make its case to every citizen of the state since it is likely the budget request will not be acted on until late in the session. The University also has a capital bonding request that was not acted on last year and might not be taken up in the upcoming session with other items to be discussed. For every six months that the capital projects are delayed, it costs the University five percent more to complete all the projects.

With the election pending, there is no urgent need to advocate at this time. Once the election finishes, the first order of business will be to get the bonding bill taken care of at the beginning of the session. The second item will be the presentation of the biennial budget request.

The big question is what will be the University's response if the legislature does not fund this request? There are no easy answers and there are only so many responses from the University: defer investments, increase tuition at more than 5.5 percent, and cut positions.

In conclusion, he said that the University needs to speak with one voice about the centrality and importance of the University to the state.

20. QUESTIONS TO THE PRESIDENT

Q: What is the revenue balance between state support and tuition?

A: Currently, the state funds \$565 million per year with tuition being \$520 million per year. If the University receives its request, support from the state and tuition will remain close, but tuition will remain slightly lower. Tuition will likely be greater than state support within another two years. Grants and contracts also add an additional \$523 million per year to the budget. Private funding only pays for six to seven percent of the total budget. About 20 years ago, the University received 8.3 percent of the state's budget. Now the University receives 3.8 percent.

Q: How does state support influence student access in the budget request?

A: The University is asking the state to invest several million dollars over the next few years to provide better financial support for students in a wide range of areas. The University will also budget its own funds to help cushion increases for graduate assistant fringe rates and tuition increases for low-income students. The University is also starting an aggressive scholarship drive to raise a \$150 million endowment. The University is willing to match contributions that are made to this fund. This is a top priority for the University.

Q: The University Senate expressed displeasure with funding for an on-campus stadium last year. At the state fair, there was an area dedicated to a stadium campaign and University officials were interviewed about the stadium. Where do stadium plans stand?

A: A stadium is important for the University, but it is not the most important objective. The University is an academic institution and the first priority must be to the academic mission and budget. However, the Twin Cities campus will continue to play football after 2012 and it needs a place to play besides the Metrodome and not with the Vikings.

The financial model can work, but it requires raising private funds as well as state funds. If the University remained at the Metrodome, it would cost the University \$10 million per year to operate the building, and it would not have any greater ties to the institution. The University is therefore asking the state to provide \$7 million per year, while the University raises the remainder.

The University cannot pick which issues it wants to address at a given time. By working on this issue now, it provides option for the University before time runs out and allows the University to take control of what it would like to see.

Q: Will faculty be asked to contribute to a budget shortfall, perhaps through salaries, if state funding is not received?

A: When the University received its last reduction, faculty and staff had a wage freeze and increased health care costs. Faculty and staff do contribute to the University when there is a crisis, however, average faculty salaries are lagging and the University ranks low in the rankings for the top 30 research institutions. This is one reason that the University would not take the state's pledge to freeze wages for two years. For a long-term strategy, the University will

become mediocre if it cannot compete for salaries.

**21. REPORT OF THE NOMINATING COMMITTEE
ASSEMBLY COMMITTEE ON COMMITTEES ELECTION
Action by TC Faculty and Academic Professional Members**

MOTION:

That the Twin Cities Campus Faculty Assembly confirm the reappointment of Ms. Lynne Schuman for an additional three year term to fill one academic professional vacancy on the Committee on Committees. A simple majority is required for approval.

LYNNE SCHUMAN: Program Director, HHH Institute of Public Affairs. University Senate member: None. Senate/Assembly Committee participation (past and present): Committee on Committees, 2001-04.

INFORMATION:

The Twin Cities Campus Assembly Bylaws specify that the Nominating Committee may present the name of individuals, eligible for re-election, to the Assembly for confirmation of reappointment without another candidate on the ballot to fill the position.

**W. ANDREW COLLINS, CHAIR
NOMINATING COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

22. OLD BUSINESS

NONE

23. NEW BUSINESS

Professor Fred Morrison, Faculty Legislative Liaison, reminded senators that state legislators will be elected on November 2, and these positions are critical to the University. He encouraged senators to register and talk with senators in their district to support the University.

Professor Martin Sampson, a second Faculty Legislative Liaison, also asked faculty and students to encourage other students to register and vote. Federal legislation requires institutions to encourage students to vote. There is an exemption for states with same-day registration, which

includes Minnesota, but the spirit of the legislation is correct.

Professor Judith Martin then asked that faculty forward nominees for the Vice Provost for Faculty Search Committee. The deadline is November 1.

24. ADJOURNMENT

The meeting was adjourned at 4:30 p.m.

Rebecca Hippert
Abstractor

APPENDIX A **MEMORIAL STATEMENTS**

Evan R. Allred

Evan R. Allred, 87, of St. Paul, Minnesota died April 17, 2004. Allred received a bachelor's degree in civil engineering from Utah State University in 1939 and a Master of Science degree in agricultural engineering from the University of Minnesota in 1941. Early in his career he worked for the U.S. Bureau of Reclamation and the U.S. Corps of Engineers. He served in the U.S. Navy and was a proud WWII veteran. Allred joined the faculty at the University of Minnesota in 1945, retiring as Professor Emeritus in 1986 after more than 40 years of teaching and research in the fields of irrigation, drainage, and water supply. He was a strong advocate of undergraduate and graduate education and advised many students. Allred consulted on many projects in the U.S. and around the world including India, Indonesia, Pakistan, France, England and Germany. He was a member of the American Society of Civil Engineers, and the American Society of Agricultural Engineers.

Survivors include his wife of 64 years Donna, daughters Diane (LeRoy) Moffett, Marcia (Robert) Trevis, and son Richard (Jean) Allred; seven grandchildren; six great grandchildren; and a sister, Erma Pugmire of Tremonton, Utah.

The Allred Scholarship Fund was established in the Department of Biosystems and Agricultural Engineering at the University of Minnesota.

Kathleen Davis

Kathleen "Kathy" Davis, age 55, died on July 23, 2004, after a long battle with cancer. Kathy came to the University of Minnesota Foundation in November of 1993 as the Associate Director of Current Giving where she provided direction to the annual giving direct mail initiatives. She was an important member of the Current Giving team that began the efforts to successfully grow annual giving during Campaign Minnesota. In June of 2003, Kathy transferred to the Communications department in the position of E-Communications Specialist, providing her

technical knowledge to web content, architecture, and communications.

Kathy's desire and commitment to work in the nonprofit and higher education areas were also seen in her work prior to coming to the University of Minnesota. She worked at the Courage Center in various development roles for over 15 years and prior to that, at the St. Paul Opera Association.

Kathy was a respected colleague and dear friend who was known for her genuine positive spirit, love of travel, and affection for the University of Minnesota. She is preceded in death by her parents, Joseph and Gloria Davis. Kathy is survived by brothers Daniel Sr. (Janet) and Thomas (Kitty), nieces and nephews, Daniel Jr. (Abbie), Carrie (Eric), Kip, Kurt (Amie); three great-nieces and nephews, Dante, Ashley and Myles. Memorials sent in Kathy's honor will be designated to the University of Minnesota general scholarship fund.

Harry Foreman

Harry Foreman, Ph.D., M.D., Emeritus Professor in the School of Public Health and of Obstetrics and Gynecology of the University of Minnesota Medical School died in Monterey, California, May 17, 2004 at the age of 89 of an antibiotic-resistant staphylococcus infection.

Harry Foreman was born March 5, 1915 in Winnipeg, Manitoba, Canada. He emigrated to the United States as a young man and obtained a B.S. in chemistry from Antioch College, Yellow Springs, Ohio in 1938, and a Ph.D. in biochemistry from Ohio State University in 1942. He obtained a M.D. from the University of California in 1947. After an internship and residency, he was an Atomic Energy Commission postdoctoral fellow in the radiation laboratory of the University of California Laboratory in Berkeley from 1949-1951. From 1951 to 1962 he was a staff member in Biochemical Research in the Los Alamos Scientific Laboratory in Los Alamos, New Mexico where he met his wife of 48 years—Billie Deane Smith.

Dr. Foreman's initial academic appointment was as Associate Professor in the School of Public Health at the University of Minnesota Medical School in 1962. He served as Associate Dean, Office of International Programs from 1966 to 1969 and then became Director, Center for Population Studies sponsored by Aid for International Development (A.I.D.). Because of interest in population and family planning problems, he received a joint appointment in the Department of Obstetrics and Gynecology in 1969 and was made Professor in 1973.

Dr. Foreman developed a Master's Degree Program in Family Planning Administration for A.I.D. that attracted participants from underdeveloped countries. He conducted contraceptive clinical trials and studies on the epidemiology of contraceptive usage. He served in an advisory capacity to Planned Parenthood.

Until retirement Dr. Foreman continued as a hearing examiner on the Atomic Energy Safety and Licensing Board of the Nuclear Regulatory Commission in Washington, D.C. to review and approve the licensing applications for nuclear power reactors. He was the author of the book Nuclear Power and the Public and served as a consultant to Northern States Power Company.

Harry was a general sports enthusiast and is fondly remembered by racquet ball opponents for his aggressive style of play.

Dr. Foreman retired in 1985. Subsequently, he and Billie moved to Monterey, California where Harry continued intellectual activities by active membership in the Gentrain Society and the Monterey Institute of International Studies.

Harry is survived by his wife Billie, son Matthew, daughter Pam, four grandchildren and an older sister Roma. Memorials are preferred for Gould Farm, Box 157, Monterey, MA 01245.

Deanna Hamilton

Deanna Hamilton was a valued colleague and a treasured friend to many at the University of Minnesota. Most recently she was the associate director of alumni relations and events management at the School of Public Health. Prior to that, she worked as special events director/outreach programs for the Alumni Association. In her three years with the University, Deanna crossed paths with numerous collegiate units and departments as well as many in the community. All are richer for having had the opportunity to work with Deanna. Her enthusiasm, energy and can-do attitude were contagious and contributed greatly to her successes here and elsewhere.

The obituary that appeared in the Star Tribune used these words to describe Deanna:

Bodacious

Bubbling

Free-spirited

Golden

Beloved

Deanna was a 1995 graduate of the College of Human Ecology's Retail Merchandising and Marketing program. She was selected by faculty and students to deliver the address at her commencement ceremony.

Deanna is survived by her partner, John; three sisters, Amy, Brenda and Carol; her parents, Lee and Helen; and her stepmother, Marian. Memorials may be directed in Deanna's memory for the purpose of melanoma research to the American Cancer Society.

Howard G. Hanson

UMD Professor Emeritus Howard G. Hanson passed away at his home in Duluth on May 27. A memorial service at the Church of the Good Shepherd was attended by many from the campus and the community. His wit, persistence, and influence were fondly recalled.

Howard helped found the UMD Physics Department, arriving in 1947 with three other new faculty. He had just completed a PhD in Physics at the University of Wisconsin in Madison. When the position of head was created in 1951, he filled it and remained in that position until

1984, just before his retirement from the faculty in 1985. Professor Hanson made substantial contributions to the development of the department and is someone frequently mentioned by alumni as an inspiring teacher.

While a faculty member, he was active in both the American and the Minnesota Area Associations of Physics Teachers. He spent several summers at various research labs, including Oak Ridge, Holloman Air Force Base, and what was then the Lawrence Radiation Lab. In 1963 he held an NSF faculty fellowship in Sweden.

As department head, Howard was instrumental in leading the department to its present size, including the addition of the graduate program and increased emphasis on research, without taking away from the undergraduate teaching mission.

The Howard G. Hanson Scholarship Fund was established in his honor a few years ago and is now a memorial.

Delbert Curtis Hastings

Delbert C. Hastings, PhD., was a retired Professor from the Carlson School of Management. He joined the then School of Business Administration after short stints at the University of Washington & the St. Louis Federal Reserve Bank. Throughout his career, Dr. Hastings maintained an active consulting business & served overseas as an advisor for the Ford Foundation. In retirement Dr. & Mrs. Hastings traveled widely, spending several years in West Berlin, Germany. Dr. Hastings served in the Navy during WW II. After the war he enlisted in the U.S. Air Force Reserves, retiring with the rank of Major. He was one of the greatest generation.

Gayle A .Hendrickson

Continuing education lost a friend and dedicated colleague when Gayle Hendrickson passed away on July 28. Gayle enjoyed a 36-year career in the College of Continuing Education (CCE) marketing programs and services. When Gayle came to the University in 1965, she served as an editor of General Extension Division's publications. Throughout her tenure in CCE she held various positions culminating in the Director position for CCE's marketing and promotion unit from which she retired in 2001. Gayle joined the University Continuing Education Association and served as a member of the Board of Directors, inaugural chair of the Commission on Futures and Markets, and chair of the Division of Marketing. She was one of the founders of the Association's annual Marketing Seminar, a featured speaker at numerous conferences, the recipient of multiple awards from the Association, and a consultant to colleges, universities, and associations nationwide. Gayle actively participated in the University's Communicators Forum, the Council for the Advancement and Support of Education, and the Midwest Marketing Association.

Memorials are invited to the University of Minnesota Cancer Research through the Minnesota Medical Foundation, with payments directed to the Oncology Research Memorial Fund in

Memory of Gayle Ann Hendrickson.

John C. Kingston

The Natural Resources Research Institute, University of Minnesota-Duluth, lost a water expert, a unique individual, and valued friend and colleague on June 9, 2004. Dr. Kingston died following a year-long battle with brain cancer.

John was the leader of NRRI's Ely Field Station, a Research Associate, and in the Graduate Faculties of the Water Resources Sciences Program and Biology. He was recognized worldwide for his expertise in Diatom Taxonomy. He published more than 60 articles in the peer-reviewed literature and technical reports. His legacy will endure through his publications, his students, and numerous contributions to improving our understanding and protection of the environment.

John was born in Austin, Minnesota. He received his BS degree from Iowa State University, his Master's degree from the University of Delaware, and his Ph.D. from Bowling Green State University. John held research positions at the University of Minnesota and Queens University in Kingston, Ontario. He was Water Quality Manager for the Province of Newfoundland and prior to returning to the University of Minnesota was an Algal Taxonomist/Biologist for the USGS National Quality Laboratory in Denver, Colorado.

John developed a solid aquatic research laboratory at NRRI's Ely Field Station which is located at Vermilion Community College. He also frequently taught classes on water resource issues at the College. He was the leader of a large project on diatom and water quality indicators of the US Great Lakes coastal region. He also contributed his expertise on water quality to numerous lake associations and many other local, regional, and state water-related problems.

John is survived by his wife, Sarah (Rayman) who he married on December 11, 1976; his two sons, O'Neill and Hudson; and his mother, Mary Kingston. John was a vibrant individual with lust for music, hunting pheasants, fishing, and many outdoor activities.

Memorials for John are suggested to be sent to the Ely Hospice (SMDC East Range Hospice, 1201 8th St. S, Virginia, MN 55792) or to the American Cancer Society (http://www.cancer.org/docroot/DON/don_0.asp).

Frank W. Quattlebaum

Associate Professor Emeritus of Surgery, University of Minnesota

Past Medical Director, St. Paul-Ramsey Medical Center [now Regions Hospital]

Past Program Director, Project Hope, People's Republic of China
(based at Chejiang Medical University, Hangzhou)

Frank Quattlebaum, one of St. Paul's great surgeons, died on March 21, 2004, in Rochester,

Minnesota, of severe pulmonary fibrosis.

Dr. Quattlebaum came from Georgia, where he attended grade school, high school, and college. After completing his medical degree (A.O.A) at the University of Georgia, he came north to train in surgery at the Medical Center of Jersey City and thence to the University of Minnesota. While in Jersey City, he met the love of his life, Dr. Jane E. Hodgson, a fellow intern. They soon moved to her home state (Minnesota), where they continued and completed their surgical training at the Mayo Clinic. He specialized in general surgery with an emphasis on vascular surgery; she chose obstetrics and gynecology.

They then settled in St. Paul and proceeded to make medical history. Dr. Hodgson is nationally known—widely recognized as the leader in our five-state area in the charge for women's reproductive rights. At every professional and political turn, Dr. Quattlebaum was 100% at his wife's side; he was very proud of her.

In the midst of his surgical career, Dr. Quattlebaum returned to the University of Minnesota surgical residency program to polish up on cardiovascular surgery, under Dr. C. Walton Lillehei, and (incidentally!) to pick up a Ph.D. in surgery.

Dr. Quattlebaum was more than a proficient surgeon; he was also a dedicated scholar. At the age of 80, he enrolled at Hamline University to study philosophy. He didn't seek any favors because of his age: he wrote all the necessary papers, took all the exams, and attended all the classes with students one-fourth his age. A wonderful picture was taken of him as he received his A.B. degree in philosophy from the hands of the Hamline University president.

Dr. Quattlebaum and his wife both gave generously of their time and talent to Project Hope. They served months and indeed years in such places as Tanzania, Peru, Ecuador, Egypt, Grenada, and China.

His entire professional life was one of education and commitment. It was a privilege to work with him.

Dr. Quattlebaum leaves behind two daughters, Nancy Burk and Gretchen Bank (both attorneys), and three grandchildren.

Written by Dr. Samuel W. Hunter (July 2004)

Jay Y. Roshal

One of the original thirteen faculty at the University of Minnesota, Morris, Jay Roshal, professor emeritus in biology, died July 12 in Arlington, Virginia of complications from diabetes and lymphoma. Jay grew up in Chicago and received his undergraduate degree and Ph.D. in plant physiology with a minor in genetics at the University of Chicago. Robert M. Hutchins could have pointed to him as a fine example of the broad well-rounded scholar, ideally suited to the liberal arts campus at Morris – a perfect fit. He was the first chair of the Division of Science and Mathematics, and the faculty he helped to hire became the footings for the foundation of one of

the strongest divisions. Also, the biology major, which he initially created, continues to be recognized as one of the most rigorous majors with many, many very successful graduates, some of whom received the Jay Y. Roshal Award for “demonstrating the most promise and interest in a career in the biological sciences.”

His dedication to his teaching is legendary. At his memorial service one of his friends remarked, “He was known in those early years for driving routinely three hours back to the Twin Cities campus late in the day after classes there had ended to ‘borrow’ lab supplies and apparatus for his own classes, then later driving back to return the equipment.”

Few people know that a ten-year-old Jay performed as a highflying tumbler with an acrobatic troupe at the 1933 Century of Progress World Fair in Chicago. So risk taking was nothing new to him when he gave up a tenure line position on the campus at the Twin Cities to move out on the prairie to an uncertain future at a fledgling experiment in public liberal arts education.

When Jay retired in 1984, he lived for a time in the city he loved, Chicago. People who visited him would be given an inside tour of the great little known eating places, the remarkable buildings, and his favorite place, the Chicago Botanic Garden. Appropriately relatives and friends are funding a memorial teak bench to be placed there in his honor.

The positions he acquired during his leaves indicate his high academic standing: lecturer in zoology at the University of Texas, member of the National Academy of Sciences Space Science Board concerned with space biology, and honorary research associate at Harvard University.

A modern American writer, Jim Harrison, asserted, “Everything could be otherwise.” Without Jay the Morris campus would be “otherwise” – not as diverse, not as intellectual, and not as distinguished.

Five years after his retirement Jay married Hertha Maxine Googe/Schlefer and they sojourned together for fifteen happy years. She survives as well as Jay’s two stepsons Jim and Fred Schlefer, three step grand daughters Madeleine, Gwen and Juliet, and two of Jay’s sisters, Emma and Shirley.

Geneviève Soulas-Link

Geneviève Soulas-Link passed away on July 25, 2004 after a year-long struggle with pancreatic cancer. She was 61.

Associate Education Specialist in the Department of French and Italian, Geneviève Soulas-Link had degrees from the Sorbonne University (Paris, France), Pittsburgh State University, Kansas State University, and the University of Colorado. Geneviève joined the Department of French and Italian in 1976. Since then, apart from some time spent teaching at Carleton College, Geneviève devoted herself tirelessly to teaching French language and culture to students of the University of Minnesota. As a skilled, enthusiastic, and highly dedicated language teacher, Geneviève strove to help her students achieve the highest level of linguistic and cultural proficiency. She also succeeded in creating meaningful links between the classroom and the

larger cultural community. In 1999-2000, she was involved in establishing the College in the Schools program, which has grown into a program in which more than 300 high school students from 12 local high schools learn French in a college-level context. Geneviève also worked on curriculum development projects with the Center for Advanced Research in Language Acquisition, and she recently received a Bush Faculty Development Grant to support her innovative work on language acquisition.

Geneviève Soulas-Link is survived by her husband of 24 years, Barry; daughters Alison and Juliette; her sister Odile and her brothers Jean and Pierre; and by an extended family in France.

Professor Rudy Schauer was instrumental in shaping the programs of the UMD Art Department (now Art & Design) in its early days. He initiated the crafts area in the department, with its multiple courses in both jewelry and weaving. Watercolor painting was his strong personal artistic interest, and he taught and exhibited extensively in that medium.

During his tenure at UMD, he introduced design principles to many thousands of undergraduates, both art majors and those campus-wide through the art minor and liberal education courses. Professor Schauer's students' design notebook portfolios were legendary in their thoroughness, and his students held onto them for reference and inspiration well beyond their collegiate years.

Professor Schauer's great strength was with in identifying and fostering each student's individual creative process. He had a way of gently nurturing the most promising abilities in his students. While he allowed his advanced students considerable freedom in their work, he always emphasized to them the importance of choosing challenging courses.

George Starr

George Starr, Assistant Professor Emeritus of the Department of Secondary Education at UMD died Sunday, June 20, 2004. George is remembered by his colleagues as a teacher, mentor, and friend whose leadership and passion for the environment was instrumental in the establishment of the Master of Environmental Education Program and the Center for Environmental Education at UMD. His passing represents a loss and an opportunity to reflect on his contributions and the beginnings of environmental education at UMD.

A memorial service was held at 11:00 a.m. on Saturday, June 26th in the Hope United Methodist Church Nature Center. In lieu of flowers, the family requested that memorial contributions be given to the Hartley Nature Center."

Richard Varco

It is with deep sadness that I inform you of the death of Dr. Richard L. Varco, 91, a Department of Surgery faculty member from 1943 until his retirement to Vancouver in 1980. A Regents' Professor the University of Minnesota's highest honor), Varco was a world-famous general

surgeon, consummate surgical educator, and trailblazing pioneer in closed-heart surgery, open-heart surgery, and bariatric surgery, among other fields.

His many honors include the prestigious Lasker Award, often referred to as the American Nobel Prize, which he received in 1955 (along with his colleagues C. Walton Lillehei, Herbert E. Warden, and Morley Cohen).

Varco was instrumental in numerous world firsts that took place at the University of Minnesota. He was the first assistant in the first successful direct-vision open-heart operation (September 2, 1952, led by F. John Lewis) and in the first open-heart operation using cross-circulation (March 26, 1954, led by C. Walton Lillehei). He led the first jejunoileal bypass operation in 1953, and co-invented the implantable drug pump in 1969 (which was first implanted in 1975 for continuous heparin delivery, then became the first intra-arterial chemotherapy unit in 1978 and the first pump for insulin delivery in 1980).

In addition, Varco performed the University of Minnesota's first organ transplant in 1963: a successful living donor kidney transplant between identical twin sisters, who each went on to enjoy many decades of active life. Varco also co-founded the bioengineering faculty at the University of Minnesota, and helped design the surgical suites and research labs in the Mayo Memorial Building (completed in 1954).

Born in Fairview, Montana, on August 14, 1912, Varco graduated from Minneapolis Central High School in 1929. He earned three degrees at the University of Minnesota: an M.B. in Physiology in 1936; an M.D. in 1937; and a Ph.D., with a major in Surgery and a minor in Biological Problems, in 1944. He completed his Department of Surgery residency training, which also included stints in the Department of Physiology, in 1943, and then joined our faculty. By 1950, he had risen to full professor. He directed our thoracic and cardiovascular surgery program from 1968 until 1980, and was named our Surgical Alumnus of the Year in 1982.

Varco had more than 300 published articles to his credit and nearly 30 books or book chapters.

Peter M. Whelan

Peter M. Whelan, geology faculty member on the Morris campus, died on April 17, 2004 from complications arising from a stroke.

Peter was born on April 23, 1941 to Lucile and Alden Whelan in Everett, Washington. After graduation from Oak Harbor High School in Coupeville, Washington, he attended Stanford University where he completed a B.S. in geology in 1964. Peter moved on to the University of Wisconsin, Madison, to earn a masters degree in 1968 with a thesis titled: "Solubility of arsenic sulfides in sodium borate solutions: Geochemical studies relating to the borate deposits of southern California". He then worked for a year as an exploration geologist for the Asbestos Corporation Limited, Thetford Mines, Quebec.

In 1969 Peter set off on a five-year adventure of global travel and volunteer work through the Peace Corps. He first landed in the Kingdom of Tonga, in the South Pacific, where he taught

science, mathematics and English at Mailefihi College in Vava'u. From Tonga, Peter moved on to Fiji, New Zealand (where he found work shearing sheep), Indonesia, Borneo, and Nepal where he was the director of a Peace Corps community water system project.

After teaching and serving as the geology department chair at the University of Wisconsin, Eau Claire (1975-77), Peter returned to California to pursue a Ph.D. at the University of California, Santa Cruz in "Geochemistry and geochronology of post-Miocene basaltic volcanism, Fiji, southwestern Pacific" During this time, Peter also worked as a consulting geologist for Pacific Energy and Minerals in Golden, Colorado.

In 1983, Peter began what would become a long, rich teaching career at the University of Minnesota, Morris. Peter taught geology courses including mineralogy, petrology, structural geology and geochemistry and led numerous field trips. Buses and vans full of students and camping gear made annual spring treks to locations such as the Black Hills, Winnipeg, and southeastern Minnesota. Peter's gregarious and hands-on approach to teaching gave students many memorable experiences.

After coming to Minnesota, Peter's research interest focused on the tectonics and neotectonic history of western Minnesota and eastern South Dakota. This included research on the nature and origin of the clastic dikes in Badlands National Park that reflect neotectonism in the upper Great Plains region.

Peter was actively involved in many professional organizations including the National Association of Geology Teachers, for which he served as a workshop facilitator on geoscience teaching. In recent years, he had served as lead abstractor for American Mineralogist.

Peter is survived by his wife, Diane and his daughter Serena.

^[1] This University Conflict Resolution Process replaces the former Grievance Policy. It does not alter other University offices and programs providing conflict resolution services, such as the Office of Equal Opportunity and Affirmative Action, the Senate Judicial Committee for regular faculty, or the Student Dispute Resolution Center for students.

^[2] See Appendix, Part II, A.7, for formal process services for faculty emeriti.