

**MAY 19, 1994**

The fourth meeting of the Faculty Senate for 1993-94, was convened in 25 Law Center, Minneapolis campus, on Thursday, May 19, 1994, at 3:20 p.m. (immediately following the University Senate meeting). Coordinate campuses were linked by telephone. Checking or signing the roll as present were 116 voting faculty members. President Nils Hasselmo, presided.

**I. MINUTES FOR FEBRUARY 17, 1994**

**Action**

**APPROVED**

**II. ADMINISTRATIVE RESPONSE TO FACULTY SENATE ACTIONS**

**Information**

- A. Conflict of Interest Policy  
 Approved by: the Faculty Senate on February 17, 1994  
 the Administration on March 9, 1994  
 the Board of Regents on April 8, 1994

**III. ELECTION OF VICE CHAIR FOR 1994-95**

**Action**

The Constitution provides that a vice chair be elected by the Senate at its spring quarter meeting for a term of one year from among its members. [In the instance when a faculty member is elected vice chair of the University Senate, that individual shall also serve as vice chair of the Faculty Senate.]

**DISCUSSION:**

*Professor Sheila-Corcoran Perry will serve as the vice chair of the Faculty Senate during 1994-95.*

**ACTION NOT REQUIRED**

**IV. FACULTY CONSULTATIVE COMMITTEE**

**FACULTY AFFAIRS COMMITTEE**

**JUDICIAL COMMITTEE**

**EQUAL EMPLOYMENT OPPORTUNITY FOR WOMEN COMMITTEE**

*Regulations Concerning Faculty Tenure*

**Caregiving Responsibility**

**Action**

**MOTION:**

To amend Section 5.5 of the *Regulations Concerning Faculty Tenure*, as follows: (additions are underlined; deletions are ~~struck out~~)

**5.5 Exception for New Parent or Caregiving**

The maximum period of probationary service will be extended by one year at the request of a probationary faculty member (1) on the occasion of the birth of that faculty member's child or adoptive/foster placement of a child with that faculty member, or (2) when the faculty member is a

major caregiver for a family member\* who has an extended serious illness, injury, or other debilitating condition. A faculty member may use this provision no more than two times. The request for extension must be made in writing within three months of the ~~birth or adoptive/foster placement of the child~~ events giving rise to the claim and no later than June 30 preceding the year a final decision would otherwise be made on an appointment with indefinite tenure for that faculty member.

\*The term "family member" is meant to include a blood relative, or a marital partner, or a domestic partner (registered with the University), or an adoptive/foster child.

#### **FOR INFORMATION:**

If the above motion is approved, the Faculty Affairs Committee (as successor to the Tenure Committee) proposes to add under Interpretations of the *Regulations Concerning Faculty Tenure* an Interpretation of Section 5.5-- Major Caregiving Responsibilities, as follows: (additions are underlined)

#### **Interpretation of Section 5.5 - Major Caregiving Responsibilities**

A request for extension of the maximum probationary period for major caregiving responsibilities should be made only if those responsibilities are very substantial and continue over an extended period of time. The probationary faculty member must submit a written application to the head of the academic unit, who will forward it for action and approval through the appropriate University channels. If an administrator does not approve the request, the faculty member may file a grievance under applicable University policies.

#### **COMMENT:**

These amendments to the *Regulations Concerning Faculty Tenure* are designed to implement the process called "stopping the tenure clock" by a probationary faculty member upon becoming a major caregiver for a family member. Family members include blood relatives, marital partners, domestic partners, or adoptive/foster children. Domestic partners must be registered with the University, in accord with current policies regarding eligibility for employee benefits.

Currently, Section 5.5 permits a faculty member to "stop the tenure clock" when s/he becomes a new parent. However, in order to "stop the tenure clock," a major caregiver must at present request a special appointment for less than two-thirds time of an academic year and can "stop the tenure clock" for a maximum of two years (see Section 5.3 of the *Regulations*). These amendments to Section 5.5 permit either a new parent or a major caregiver to extend the probationary period for up to two years (one year at a time) while retaining a full-time appointment. The request for extension of the probationary period must be reasonably contemporaneous with the event giving rise to the claim, i.e., within three months. The request must also be made by a specific date (June 30) in the year preceding the one of final decision. A request made at a later date would interfere with the final review process.

The new interpretation of Section 5.5 specifies that the "tenure clock" will be stopped only for substantial and prolonged caregiving responsibilities. The interpretation also outlines the application process to be used by a faculty member to "stop the clock."

These amendments are in accord with recommendations developed by the Senate Equal Employment Opportunity for Women Committee (EEOWC), following extensive local study and review of similar policies established by other large educational institutions.

The recommendations of the EEOWC and these implementing amendments have been approved by the EEOWC, the Faculty Consultative Committee, the Senate Faculty Affairs Committee, the Senate Judicial Committee, and the Tenure Subcommittee.

JUDITH GARRARD, Chair  
Faculty Consultative Committee

CARL ADAMS, Chair  
Faculty Affairs Committee

DAVID WARD, Chair  
Judicial Committee

MARIAH SNYDER, Chair  
Equal Employment Opportunity for Women Committee

**DISCUSSION:**

*Professor Mary Dempsey, Chair of the Tenure Subcommittee, presented the motion concerning stopping the tenure clock for caregiving responsibilities. She reviewed the portion of the motion under the "comment" section that outlines the rationale for the proposal, and then invited comments or questions. In response to a question concerning the definition of "blood relative," Professor Dempsey said the committee chose not to be too specific with the thought that it should be left to the interpretation of the head of the faculty member's academic unit. Hearing no further questions, the motion was approved by a majority of members present and voting.*

**APPROVED**

**V. FACULTY CONSULTATIVE COMMITTEE  
FACULTY AFFAIRS COMMITTEE  
JUDICIAL COMMITTEE  
*Regulations Concerning Faculty Tenure  
Preliminary Proceedings/Formal Action  
Action***

**MOTION 1:**

To amend Section 14.1 of the *Regulations Concerning Faculty Tenure*, as follows: (additions are underlined; deletions are ~~struck out~~)

**Section 14.1 Preliminary Proceedings**

Only a dean . . .

. . .

Both the administrator and the faculty member may submit their views, in person or in writing, to the body making the recommendation, but neither of them may participate in the deliberation or vote. The body making the recommendation makes a written report to the administrator within 40 days of submission of the issue to it, indicating the number of votes for and against the proposed action and the reasons articulated. ~~After considering~~ Within 15 days after receiving the report, the administrator makes a written recommendation to the Vice President. The recommendation must include a copy of the report of the panel or of the tenured faculty, as the case may be. A copy of the report must be sent to the faculty member.

**MOTION 2:**

To amend Section 14.2 of the *Regulations Concerning Faculty Tenure*, as follows: (additions are underlined; deletions are ~~struck out~~)

## Section 14.2 Formal Action

After receiving the administrator's recommendation, and giving the faculty member an opportunity to comment, the Vice President will decide whether to proceed. If the Vice President ~~decides~~ does not ~~to~~ proceed within 40 days, the charges are dropped and the faculty member and the academic unit are so notified in writing. If the Vice President decides to proceed with formal action, the Vice President must give written notice to the faculty member . . .

If the faculty member does not request a hearing within 30 days, the President may take the action proposed in the Vice President's notice, without further right to a hearing.

### COMMENT:

Sections 14.1 and 14.2 of the *Regulations Concerning Faculty Tenure* are concerned with the procedures to be followed in cases of unrequested leave of absence, termination, or suspension of a tenured faculty member for cause. Section 14.2 provides for a timely response by a faculty member to a formal notice of actions to be taken by the administration following the report of a Preliminary Proceeding (Section 14.1). Currently, there are no time limits in the *Regulations* (Sections 14.1 and 14.2) for sending the report of the Preliminary Proceedings to the administration or for the administration to send the formal action notice to a faculty member. Therefore, the Tenure Subcommittee of the Senate Faculty Affairs Committee developed these amendments to Sections 14.1 and 14.2 to provide reasonable time limits for events occurring after a Preliminary Proceeding.

These amendments have been approved by the Faculty Consultative Committee, the Faculty Affairs Committee, and the Judicial Committee.

JUDITH GARRARD, Chair  
Faculty Consultative Committee

CARL ADAMS, Chair  
Faculty Affairs Committee

DAVID WARD, Chair  
Judicial Committee

### DISCUSSION:

*Professor Mary Dempsey also presented the motions to amend sections 14.1 and 14.2 of the Tenure Code. Again, she directed the Senate's attention to the commentary section for background and the rationale for the proposal. No comments or questions were forthcoming. Both motions were then approved by a majority of members present and voting.*

**APPROVED**

## VI. OLD BUSINESS

NONE

## VII. NEW BUSINESS

A senator expressed concern about the large increase in fringe benefit costs for graduate assistant positions, noting that it may undermine the University's capacity to expand and strengthen its graduate research educational mission. President Hasselmo responded that the increase is due to new federal regulations and that he too shares the senator's concerns. He will pass the message on to the Senior Vice President for Academic Affairs.

## **VIII. ADJOURNMENT**

The meeting was adjourned at 3:30 p.m.

**Martha Kvanbeck**  
**Abstractor**