

Minutes*

Senate Committee on Faculty Affairs
Tuesday, April 15, 2003
2:30 – 4:30
238A Morrill Hall

Present: John Fossum (chair), Kent Bales, Carole Bland, Carol Carrier, Dann Chapman, Terence Collins, A. Saari Csallany, Jesse Daniels, Darwin Hendel, Theodor Litman, Cleon Melsa, Todd Powell, Dwight Purdy, Kathleen Sellev, Larry Wallace, Carol Wells, Timothy Wiedmann, Aks Zaheer

Absent: William Garrard, Richard Goldstein, Robert Jones, Wade Savage, Charles Stech

Guests: Regents' Professor Tom Clayton; Nan Kalke

[In these minutes: (1) grievances; (2) attitude survey; (3) emeritus status for P&A staff; (4) early retirement options]

Professor Fossum convened the meeting at 2:30 and began by welcoming Professor Pat Frazier, newly appointed member of the Committee whose term officially begins July 1 but who has been invited to begin attending meetings this spring as her schedule permits.

1. Grievances

Professor Fossum then welcomed Regents' Professor Tom Clayton, invited to speak to the Committee about the functioning of the grievance process. Prior to beginning the discussion, Professor Fossum accepted a motion to close the meeting because some of the issues raised in the discussion will refer to specific cases; the motion was approved unanimously.

The topics of the discussion were as follows:

-- Problems with the grievance procedures (Professor Clayton took pains to clarify that he had no complaints about the University Grievance Officer, Carolyn Chalmers, but did have concerns about some aspects and byproducts of the process). The discussion also touched on the post-tenure review process.

-- There is no wholesale miscarriage of justice; by and large the procedures are fair, and grievants are treated with respect. Grievants are in a delicate position no matter how proper their treatment, however, and in some cases their only advisor may be the University Grievance Officer—who herself is on an annual appointment, a somewhat delicate position; in his experience she has been scrupulously impartial in her professional relations. Even though there must be a winner and a loser in the grievance process, *everyone* loses, probably, because it is almost always painful for both opponents, and it can and often does take too long (part--but not all--of the problem is scheduling). Furthermore, he said, losing

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grievants, too, seem to have had some grounds for complaint, even though they had not been able to prove their case in the grievance process.

-- One grievance took four years and more to conclude in binding arbitration; there seems need of review of the content of this case and probably all cases, unless it is thought sufficient justice that the outcome speaks for itself, which is the case at present, in effect.

-- A special difficulty for a grievant who wishes to use an attorney is that any outside attorney has to learn the University's processes and procedures, requiring a steep learning curve, while the University can then bring to bear as much experienced General Counsel power as seems necessary to contest the grievance.

-- The grievance process is very important, but it would be a good idea for the University also to have an ombudsman function. Such an individual (individuals) should be in a position where they would not be vulnerable and could cut through red tape when occasion warranted. An aggrieved faculty member may not know where to turn for perspective and advice, and not be ready to file a grievance without further ado. A neutral but sympathetic ombudsman—as Carolyn tries to be now—could go some way to help the prospective grievant and in some cases even negotiate an equitable and acceptable solution, thus sparing the semi-formal proceedings that are almost inevitable, in the present circumstances, where the chair or head refuses remedy (Phase I) and the dean replicates the chair's response (Phase II), leading directly to the panel hearing of Phase III, possibly with binding arbitration (Phase 4) after that.

-- Whether administrators who are the subject of grievances are ever reviewed by college (or higher) administrators. At the end of a successful grievance, grievants may win at great cost to themselves, in time, mental equilibrium, status, and sometimes money; and in some cases may face vindictiveness and retribution, which is not difficult to recognize but is almost impossible to prove; hence its popularity. The administrators, by contrast, apparently go on with business as usual, there being no review of the content of the cases, much less a reprimand or even a remonstrance, even though there may have been significant evidence of a "clear abuse of discretion" (UGP II.3 (2)) and/or violation(s) of the Board of Regents' Code of Conduct in matters of fairness (III.1) and professional conduct (III.2), for example.

Professor Fossum noted that the Committee will hear, at its next meeting, a report from the Grievance Advisory Committee about the desirability and possibility of establishing an ombudsman function. It may be beneficial, and even financially beneficial, for the University to add an ombudsman function even in the current budget situation.

2. Attitude Survey

Professor Fossum turned to Vice President Carrier for a report on the proposed attitude survey.

Dr. Carrier recalled that the administration had said it would work with faculty in the Carlson School to develop an attitude survey of University employees. They worked on several drafts and had asked this Committee if the faculty should be included; the Committee had said they should be. The process came to a halt, however, with the budget crisis; with a situation where people are worried about many things, the administration decided it wished to delay conducting the survey until the fall. There is a survey instrument ready, however, and it will be used in October, Dr. Carrier said; the plan is to conduct

the survey every two years. Many organizations conduct such surveys regularly; the last one the University did was in 1996.

What areas will the survey cover, Professor Fossum inquired? It will be web-administered and cover such things as quality of life in the department, questions about people's job, benefits, work-life balance, and University/college/departmental leadership, Dr. Carrier said.

Besides getting the pulse of employees, what is the intended use of the results, Professor Fossum then asked? To identify where people see policy gaps or policies not being implemented or where benefits are missing, Dr. Carrier said. They will be able to sort the results by gender, race, and so on in order to learn if the University is viewed differently by different groups.

Will it be a sample or the entire universe, Professor Bland asked? The universe, Dr. Carrier said, since it will be web-based.

3. Emeritus Status for P&A Employees

Professor Fossum welcomed back Ms. Kalke to present further amendments to the proposed policy creating emeritus status for P&A staff and to present a proposed administrative procedure to implement the policy.

The Committee, after brief review, approved unanimously both the revised policy and the procedures and recommended that the Faculty Consultative Committee place them on the docket of the Faculty Senate.

4. Early Retirement Options

Dr. Carrier told the Committee that the University was announcing today new early retirement options for people who met the criteria. Those who do, and want to leave a little early, will be provided three years of health care coverage. The University is not saying that people who select the option will not be replaced but if people do take advantage of the program the University may be able to avoid some layoffs. The total pool of people eligible for the programs is about 4,000, although no one expects all of them to take advantage of the program. The phased retirement program for the faculty will remain in place.

This will be an especially attractive option for people who face a gap between the time they retire and the time they are eligible for Medicare, Professor Fossum said.

He then adjourned the meeting at 3:25.

-- Gary Engstrand