

Minutes*

Senate Committee on Faculty Affairs
Tuesday, January 27, 2004
2:30 – 4:30
238A Morrill Hall

Present: John Fossum (chair), F. R. P. Akehurst, Carole Bland, Carol Carrier, Terence Collins, A. Saari Csallany, Janet Ericksen, Darwin Hendel, Robert Jones, Theodor Litman, Kathleen Sellev, Timothy Wiedmann, Takeshi Yanagiura

Absent: Jesse Daniels, Patricia Frazier, Richard Goldstein, Wade Savage, Larry Wallace, Aks Zaheer

Guests: Dr. Tim Delmont (Human Resources), Assistant Vice Provost Joseph Massey

[In these minutes: (1) department chair/head orientation; (2) child care report; (3) privacy and security; (4) background checks; (5) recording telephone calls; (6) faculty-staff survey]

1. Department Chair/Head Orientation

Professor Fossum convened the meeting at 2:15 and welcomed Drs. Delmont and Massey to discuss the orientation of new department chairs/heads. He recalled that last year Professor Bland reported on research about what makes a department excellent; they learned that much depends on the department head/chair.

Dr. Delmont began by reporting that the University has offered an orientation seminar for new chairs/heads of academic units since 1989 to help faculty moving into positions where they must learn what to do, how their roles fit into University administration, and to introduce them to resources they can draw on. The goal is also to help develop a sense of esprit in their new work (because many see becoming a chair as "having moved to the dark side"). What they tell new chairs/heads is that they are important to creating an environment so that their colleagues can be successful and to creating a climate that will make a difference.

New heads/chairs learn from peers--other chairs, deans, central administrators--in four or five areas. Expectations (of faculty, students, department staff, deans) are a mix and they do not all necessarily dovetail. There are also legal and human resource issues, financial issues (how to get, use, and account for money), department culture, and faculty support and development. There are six or seven sessions; at one of them Professor Bland shares information about excellence in departments. They have been told that the sessions do make a difference and that the peer contacts are very helpful (new chairs prefer to call peers to kibitz about a problem), they get straight talk in a welcoming community. Based on findings from initial program assessments, Dr. Delmont said that new department chairs indicate that they receive information helpful to them in their first six months' on the job.

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Periodically he also does a follow-up after seven or eight months to ask what they learned that they did not know before and that they applied in the department. Based on the conversations he has had, new chairs/heads said that, on average, they learned three things that they applied and that made a positive difference in their departments, such as making department decision processes more open or improving faculty search procedures.

Dr. Massey next explained that Dr. Delmont's program is for new chairs while he works on other programs in the newly-created position of Assistant Vice Provost for Faculty Affairs under Dr. Robert Jones. He has responsibility for the Academic Leadership Program, run by the Committee on Institutional Cooperation (the Big Ten plus Chicago), which offers an opportunity for three or four people from each of the 12 campuses each year. Three seminars are held at three separate CIC institutions each year. He also is responsible for the CIC's Department Executive Officer Program (DEO), which offers an opportunity for three or four heads or chairs from each department to network with the chairs from the other CIC schools and discuss issues related to leading the academic department. It meets at the CIC Chicago headquarters each April. Deans are requested to nominate persons from their colleges for both of these programs.

Another program that he coordinates is the Provost's Academic Leadership Initiative (PALI), which is continuing education for department chairs/heads beyond what is provided by Dr. Delmont's program. It is a year-long program on dealing with issues and provides participants the opportunity to network with their peers. Dr. Massey reviewed the membership of the PALI advisory committee, those who are participating during 2003-04, its mission statement, the distribution of the participants by college and campus, the reasons why the program appeared to be necessary (developed as a result of interviews of chairs/heads), and the components of the program.

How are participants selected, Professor Litman asked--what does one do if one wants to get in? There is a call for nominations from Dr. Jones to the deans (nominees must have been in position for at least one year). The deans submit nominations and the advisory council selects the participants. The only reason anyone has been rejected, however, is because they were not in a unit leader position. Dr. Delmont said that for his program, they ask the deans in the spring who has been selected as new chairs/heads; on average, there are 22-23 new appointees each year and all are invited to the seminars. Most of them attend all of them.

The genesis of the program, Dr. Delmont explained, is that when President Hasselmo was in office, he was told that it was becoming more and more difficult to recruit good faculty into chair/head positions. The Provost's office and Human Resources proposed a seminar series with colleagues, which President Hasselmo supported. Dr. Delmont interviewed faculty about what should be included and what would make it attractive to faculty; they suggested that the focus should not be exclusively on management development but rather on approaches for helping faculty and students succeed in their efforts.

What is the range in term of service of chairs and heads, Professor Hendel asked? CLA Chairs can serve up to six years (two 3-year terms); heads can serve 20 years or more, Vice President Carrier said. CLA has three-year terms, Dr. Delmont explained, and about 40% apply for a second term; in the St. Paul colleges the terms are five years. The AHC has open-ended appointments and someone can serve for decades.

How many heads and chairs are there on the Twin Cities campus, Professor Wiedmann asked? About 225, of which 25-35 turn over each year, Dr. Delmont said. The new AHC chairs/heads now participate in the seminars much more than they used to; Senior Vice President Cerra is encouraging them to do so.

What is the biggest problem that they face, Professor Fossum asked? The resolution of conflict and people problems, Dr. Massey said. Dr. Delmont agreed; it depends on the functionality of the culture, he said. If there is low esprit and subgroups fighting within a department, the chairs need to seek help. That is not typical, however; there are a lot of healthy departments with people who work together. Time is a precious resource; everyone is working longer and harder. The chairs/heads need to look for ways to support faculty and staff so they can keep working effectively. Even in well-managed departments, however, conflicts emerge that have to be dealt with.

What advice would they give about incorporating with a strategic plan the changes in the financial environment, Professor Fossum inquired? How does the department relate to the University's eight priorities, Dr. Massey said, and to look at whether their own priorities are in order. How are they dealing with the decline in funding, Professor Fossum asked? Departments are meeting in a consultative fashion to determine priorities in an era of scarce resources, and the strategic plan is put together collaboratively so people in the departments know where they are going, Dr. Massey said. They are dealing with issues they have never faced before, Vice President Carrier said, such as the 600 layoffs and the need to redistribute workload with fewer people. These create tremendous stresses.

Do they look at how to make things more financially transparent in departments, Professor Fossum asked? There are sessions on that subject, Dr. Massey said. There is for new chairs/heads an introduction to how the University's budget system works, Dr. Delmont said. Associate Vice President Pfutzenreuter has a wonderful presentation and Associate Vice President Peterson talks about the legislature. The participants say that this helps them understand the environment the University operates in. They also provide information on how college budget systems work.

Do they have recommendations on how to fit the President's initiatives and the college compact process into their plans, Professor Bland asked? Departments may be hampered by the lack of consistency in the structure. They do, Dr. Massey said; they discuss how the budget process and University initiatives fit together. They also say that they need to set their own plans and priorities, even if no one else will do so. Professor Bland suggested that perhaps a more collective structure would be more powerful, identification of University-wide things that would help in department management.

The chair/head position is a complex job that is very demanding, Dr. Delmont said; they are asked to be leaders, managers, and have people-management skills. The orientation seminars address many of these skills, which have been drawn from a model of administrative competencies developed by his office. Most chairs try to cultivate administrative knowledge and skills and provide help, both human resources and legal, because there are a lot of grievances and lawsuits. Professor Fossum said he would have been extremely glad to have had this kind of guidance when he became department chair in 1987.

Professor Hendel asked if new topics come up for the seminars for experienced department chairs/heads. Not regularly, Dr. Delmont said, but they do occasionally have a conversations series, perhaps with the deans, about hot topics. They do not promote these heavily; people lack the time to attend many of them.

Is this program a benefit for those who have been selected to be a chair/head but who have not yet started, Professor Fossum asked? The door is open, Dr. Delmont said, and it is wonderful if one can start early. They have found, however, that it is best for people who are in their first year of service. Are the people who participate in Dr. Massey's programs likely to be people more interested in a permanent administrative career, Professor Fossum asked? They do look at issues about what one will do once people are done being chair/head, Dr. Massey said. Some see the job as a first taste of administrative leadership. Dr. Jones said they expect and hope that some will go on to other leadership positions, but part of the sessions also help them return to the faculty (which can be difficult, more for chairs, because they must return to the faculty within two or three years of perhaps having made hard decisions about their colleagues).

Dr. Delmont expressed thanks to Associate Dean Shirley Nelson Garner for serving as coordinator of the orientation series for the past three years. She has found ways to keep the series fresh and increase attendance, he said.

Professor Fossum thanked Drs. Delmont and Massey for their presentations.

2. Child Care Report

Professor Fossum next asked the Committee to review quickly the revised report of the ad hoc child care subcommittee. The new version includes language about possibly raising funds for additional child care facilities, a point that was not in the earlier draft. The Committee approved the change without dissent.

3. Privacy and Security

Professor Fossum next recalled that before the break the Committee had had an extensive discussion of privacy and security and had asked an ad hoc subcommittee of himself and Professors Akehurst and Savage to develop a proposal. Professor Fossum provided the following written report to the Committee.

Since we last discussed privacy and security in SCFA, we have become substantially more informed about these issues and current University attention to them. SCFA had a presentation on security, especially with regard to data privacy requirements, from Tom Schumacher. Earlier in January, Ron Akehurst and John Fossum participated in a focus group on privacy and security organized by several members of a President's Emerging Leaders team who are involved in a privacy and security project connected with Tom Schumacher's office. In the week following the focus group, John and Ron met with Wade Savage to consider privacy and security issues and to recommend a position for SCFA to take in this area. The following represents the core of our conclusions:

- 1) Privacy and security issues are a current major concern of the University. These issues involve all members of the university community.
- 2) The Office of Institutional Compliance is charged with the responsibility for developing policies related to privacy and security, to increase compliance with these policies, and to

develop methods for increasing awareness regarding privacy and security obligations in order to safeguard individuals and the University.

- 3) Privacy and security are intermingled, but also have some independent characteristics. In some cases, privacy cannot be insured without security; and in other cases, privacy expectations must be relaxed in order to provide security. In general, privacy expectations are lower in situations where physical security requirements are high.
- 4) Faculty members have an interest in the potential intrusiveness of increased security. However, they are more likely to be affected by privacy requirements.
 - a. Most faculty members have only a vague idea about their obligations with regard to the privacy of data.
 - b. The Provost should implement an educational campaign so that faculty members are well-informed about their obligations with regard to data privacy and security, and the public nature of much of their routinely created documents and correspondence.
 - c. More information needs to be available about what research data, if any, are private and under what conditions they become public.
 - d. In order to reduce potential liability for unauthorized release of private information, there is an urgent need for training and for implementing and enhancing faculty office computer security.
- 5) Given the work that is already underway on security and privacy issues, we believe it's premature and potentially redundant to develop a policy on security and privacy at this time. We expect that the administration will continue to consult with the faculty on policy development and will develop programs that will assist faculty and staff in carrying out their statutory privacy and security obligations.

With respect to number 4, Professor Fossum said they asked themselves how easy it would be to start their own computers and obtain the information; in one case, there was not even a password required. They talked about student record security as well; information is sometimes in unlocked file cabinets to which many people have access and department staff may be providing information that they should not.

Professor Akehurst related that when they met with the President's Emerging Leaders team, the team was interested in knowing how faculty could be more informed. Provide a web site? They (Professors Akehurst, Fossum, and Savage) thought not, and that it would be better to have one-on-one or one-on-a-few contact and talk to faculty. Perhaps someone could attend a department meeting and talk. But it would also be helpful to have something on the web to which people could refer. They also pointed out that a failure to observe precautions and keep files secure could have terrible effects and that there are things in offices that should not be revealed because they could cause harm. There are accidents waiting to happen that education could prevent. The risks are probably higher in the Academic Health Center than in his Department of French and Italian, Professor Akehurst surmised, but there are risks in all departments. They also learned, he said, that if a student is 18 or older, the University will not release

grades to parents even if the parents are paying the bill. Ignorance can be cured by education and the faculty need to educate themselves, he concluded.

Professor Bland said that the HIPAA training on the web was very good, and it allowed one to do it at home. That depends on whether one can get people to do it, Professor Akehurst said. And that depends on how tough the University wants to be, Professor Bland responded, but the web training was done very well. Professor Hendel agreed; he said the HIPAA modules were well-constructed and addressed the issues they needed to. The key is if the training is required. Are there concerns of such magnitude that the University wants to be sure that faculty know about them? Their impulse, Professor Akehurst said, was that the request to the faculty should come from the highest level--either the President or the Provost.

There is a parallel with Responsible Conduct of Research (RCR) training, Professor Collins said. They consist of two four-hour sessions and the threat of not releasing sponsored funds was significant. In that case, the training came after a crisis. It is foolish to assume that an equally irresponsible event will not happen in teaching. One need not assume colleagues would do something bad but things do happen. Training is necessary and the University should not wait for something similar to the NIH fiasco that led to the RCR training. Professor Fossum said he agreed. There is not a lot to learn but faculty either don't know the material or they have opinions that may be contrary to what the law provides.

Professor Fossum said he would entertain a motion that the University take action expeditiously to educate the faculty about their Minnesota Data Practices Act obligations and the security levels required for data in their daily work. The motion was made and the Committee voted unanimously in favor of it.

Vice President Carrier inquired if the Committee had any thoughts about delivery mechanisms. On-line? Meetings? Training sessions? The HIPAA modules worked; they could do something similar for data privacy and security. Professor Wiedmann voiced strong support for web-based training; in some cases, people must learn things that are irrelevant to their work, but they do learn that there is a source of information to which they can turn if they need it. Professor Bland agreed and said it should be required so that people know what is there. If there is a message about this to the faculty, it should explain why it is faculty need to know about data privacy, and the administration should keep track of those who complete the training--and repeatedly remind those who do not.

Professor Fossum said that the administration should decide the best way to approach the communication of the information, and while there is a lot of potential liability that the University wishes to avoid, they will also have to look at the cost of communication. It is also important that the deans and the chairs are behind the effort. A failure to respect the law in this area creates potential financial liabilities, possible damage to parts of the University, and damage to people.

4. Background Checks

Professor Fossum reported that he had been asked whether there are or will be background checks on prospective faculty between the time they are given an offer and the time they come to the University.

Vice President Carrier said that some background checks are required by law (e.g., child care workers), and the University requires them for senior administrators (deans, vice presidents) and coaches.

They have talked about conducting them for other individuals, including faculty. There has been more discussion in the last nine months than there was previously and a lot of schools are looking at them, so the issue is back on the radar screen.

What is driving the interest, Professor Fossum asked? Some of it arises because people have claimed credentials they do not have, Dr. Jones said, and that would be the major reason to conduct background checks on faculty. The classic example was the faculty member who had been convicted of first-degree murder, had served a term in prison, and was then hired as a faculty member (by an institution that only much later learned about the person's background). Professor Fossum said he assumed certain things would disqualify a person for employment; Dr. Carrier said they would, such as embezzlement, falsification of information, and the like. Would any criminal offense disqualify someone from becoming a faculty member, he asked? Dr. Carrier said she could not answer the question.

Why do the background checks, Professor Bland asked? They want to know if the credentials are legitimate, Dr. Carrier said. So the checks would not be on criminal records, Professor Bland asked? The checks can be on legal and academic issues, Dr. Jones said; for administrators, they are quite complete. Vice President Carrier told the Committee that the University works with a company that conducts such checks and it usually has the information within 3-6 days; the hiring unit pays the \$150 fee. If all employees were to be subject to background checks, however, that would be a different matter.

Professor Collins said he worried about background checks beyond credentials and job-relevant matters; some things could prejudice a hiring unit against certain candidates (e.g., a felony). That is a concern, Dr. Carrier agreed, which is why the University has been cautious in using background checks. With senior administrators, the University wants to know. Do they set parameters on what they will search for, Ms. Sellow asked? Would they include a dispute with a landlord? What is most common is a criminal background check and a check on degrees and credits, Dr. Jones replied. The University could check on some things and not others. There have been questions about people who have financial responsibility at the University but who may not be a dean or a vice president; are there criteria that should be adopted?

Professor Hendel speculated that there might be 120 new faculty per year; is there any guarantee that they all have the degrees they say they have? They are supposed to bring a certificate of degree when they come to the University, Dr. Carrier said, but that does not always happen, so they sometimes end up asking people for the certificate several months after they have been hired. This is an educational institution, Professor Hendel commented, and it would be very embarrassing if the University were to find that a faculty member did not have the degree he or she claimed. They also only ask for documentation of the highest degree earned, Dr. Carrier added, so if someone claimed a Master's degree in addition to a doctorate, the University would probably not check on the Master's.

Professor Fossum asked if it would be permissible for a department with three candidates for a faculty position, all of whom are qualified, to order background checks on the candidates. Dr. Carrier asked if the question was whether University policy would allow such checks. They do take place with administrative candidates. The University has a policy mandate on checks for some positions; does it PROHIBIT them for others, Professor Collins inquired? Dr. Carrier said it was a good question; she said she would be nervous about routine background checks on faculty candidates. Perhaps the University should consider a policy on the issue.

Professor Fossum said this would be an agenda item at a future meeting of the Committee.

5. Recording Telephone Conversations

Professor Fossum said that another question that had been posed to him was whether the University routinely recorded all telephone conversations on University telephones, and in particular in the absence of notification to those making calls. Dr. Carrier said she did not know; she said she had never heard of the practice. All 911 calls are recorded, Professor Fossum said, as are all calls to the Police, Professor Bland added.

It was agreed the question would be posed to someone in a position to know the answer.

6. Faculty/Staff Survey

Vice President Carrier announced that the faculty/staff survey will come out in February; she asked that the Committee strongly encourage people to respond, and let them know that they can take time at work to do so. It will take about 20 minutes to complete on the web.

Professor Fossum said he believed the Committee endorsed the survey and encourages people to complete it. This Committee, he noted, had a strong interest in seeing such a survey conducted.

Professor Fossum adjourned the meeting at 3:35.

-- Gary Engstrand