

Minutes\*

**Senate Committee on Faculty Affairs**  
**Tuesday, May 11, 2004**  
**2:15 – 4:00**  
**238A Morrill Hall**

Present: John Fossum (chair), F. R. P. Akehurst, Terence Collins, A. Saari Csallany, Jesse Daniels, Janet Erickson, Patricia Frazier, Darwin Hendel, Theodor Litman, Kathleen Sellew, Larry Wallace, Takeshi Yanagiura, Aks Zaheer

Absent: Carole Bland, Carol Carrier, Richard Goldstein, Robert Jones, Wade Savage, Timothy Wiedmann

Guests: Professor Will Durfee (ad hoc Subcommittee on the Evaluation of Instruction); Professor David Born (chair, Grievance Advisory Committee), Carolyn Chalmers (University Grievance Officer); Interim Vice President David Hamilton

[In these minutes: (1) evaluation of instruction; (2) Grievance Advisory Committee report; (3) revisions to the policy on academic misconduct; (4) policy on outside consulting and outside commitments; (5) resolution of appreciation]

**1. Evaluation of Instruction**

Professor Fossum convened the meeting at 2:20 and welcomed Professor Will Durfee to present the draft report of the joint subcommittee appointed by this Committee and the Committee on Educational Policy. Professors Hendel and Daniels from this Committee also served on the subcommittee. He noted that the subcommittee had prepared a very comprehensive report with a number of useful suggestions.

Professor Durfee began by noting that there were eight areas the subcommittee was asked to look at: "(1) adequacy of the current course evaluation instrument, (2) who should have access to evaluation results, (3) technology for applying evaluation instruments, (4) how student rating results are used, (5) peer evaluation of instruction, (6) whether the University should provide guidance on the use of evaluation results in promotion and tenure decisions, (7) inappropriate written comments on student rating forms, (8) whether instructors should have the opportunity to respond to student rating forms." The subcommittee represented a broad spectrum of individuals from across the University; it met a number of times, talked with people interested in the topic, including the General Counsel's office, the Minnesota Student Association, and faculty from different programs.

It became clear this was a very large task, Professor Durfee said, that a small committee, meeting a few times, could only scratch the surface of. It was also clear that this is a subject on which everyone has an opinion. If the document goes to the University Senate, everyone should be prepared for a lot of discussion.

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The subcommittee did not address peer evaluation and recommends that Faculty Affairs and Educational Policy address that subject with another group. It is an essential task; the issue must be addressed, but the subcommittee simply could not get to it. What it did do was write a set of recommendations representing the views of the subcommittee, not necessarily those of the faculty or students as a whole.

The recommendations of the subcommittee are these:

- Evaluation of instruction is necessary for effective functioning of a university and student rating forms are an essential and effective means to evaluate instruction.
- The Student Evaluation of Teaching (SET) forms and process used at the University should be retained but modified to address concerns of faculty and students. Specific recommendations appear in the main body of the report.
- Every course should be evaluated every time.
- A set of core questions should be asked on every form. The core should be supplemented by an optional suite of questions from a question bank that can be hand picked by the instructor depending on particular course needs. (This is what is done at Iowa and Illinois.)
- The facilities question should be dropped from the core.
- Departments should state in writing which items on student rating forms will be used to evaluate instructors. Department heads should only receive results from those items. (They can use what they wish, but departments should make it clear what they will use.)
- Procedures for instructors giving permission to post results from the student release questions should be simplified to promote higher release rates. Student release questions should never be used for making personnel decisions. (They learned things about the Minnesota Data Practices Act during their work; they recommend that more instructors release the data, and if the Senate wishes to require that the data be released, it may do so.)
- The pilot program of web-based student rating forms should be continued and formally evaluated before a decision is made to proceed past the pilot stage. (The subcommittee believes web-based ratings are an experiment and should be treated that way--and must be rigorously evaluated before used more widely.)
- Little can be done about inappropriate comments other than instructing students and providing faculty with guidance on interpreting comments. (They could not figure out an appropriate way to respond to inappropriate comments without treading on privacy rights or squashing the system altogether. But this is an issue and the University needs to provide guidance to students on it.)
- Students should never be required to complete rating forms nor should students be given course incentives to complete the forms. Instructors should never know which students have completed forms.

- A single Senate policy should be written to replace the current three policies.
- A University administrative official should be assigned the task of being the single source of information for evaluation of instruction. (The person should provide information about where the evaluation data can be found and direct interpretations of the policy to the appropriate committee.)

There are three categories of evaluation data, Professor Durfee said:

- for a curriculum committee, to evaluate courses
- for promotion and tenure committees, for personnel issues
- for students to see

With respect to the last, the results are released voluntarily by the faculty member. That release should happen more widely; right now only 6-7% of faculty release them. The procedures for doing so should be made easier and instructors made aware of them.

There has been a lot of discussion of the web-based evaluation program, but that IS a pilot project and should be thought of as such--and carefully evaluated.

The subcommittee could not think of ways to deal with inappropriate comments on evaluation forms without violating free speech. The magnitude of the phenomenon is irrelevant; if there is even one such comment, it should not be.

This is a call for modifications, tune-ups rather than buying a new vehicle, Professor Fossum observed.

How is privacy protected when evaluation information is given to curriculum committees, Professor Zaheer asked? Can they guarantee that faculty names will not be on the data? The departments need to wrestle with that, Professor Durfee said. The curriculum committee will know who taught a course a particular semester; one hopes that the questions being used for that purpose evaluate the course, not the instructor. Is this a new element to evaluation, Professor Zaheer asked? It is not, Professor Durfee said; there are parts of the University, especially in the Academic Health Center that use data in this way.

Professor Akehurst inquired about the injunction that "instructors should never know which students have completed forms." That begs the question of about whom the comments were made. One can imagine a department head would have access to comments that made a grave accusation that he or she might want to investigate, but cannot because of this proviso. In his experience, he said, nothing at the University can be kept secret. On the paper forms there is no tie between the individual and form, Professor Durfee pointed out, except to the extent that someone can identify handwriting. A few places tie names so that they can prompt students or give points for completing the evaluation, but the subcommittee believes the process should be completely anonymous. If there is a harassing comment, it cannot be tied to a student. Professor Akehurst said he would like to see some protection for the instructor. A student could make an accusation in bad faith but one would be unable to prove that was the case. The instructor can respond to such accusations, Professor Durfee said.

There is a large variation in how colleges handle the written comments, Professor Fossum said. Some departments and colleges give the written comments only to instructors; in other places, they are also given to department heads. Does the subcommittee suggest there be consistency on this point, Professor Zaheer inquired? It could not identify a reason for the department head not seeing them, Professor Durfee said, but there should be a department or college policy that is clear to everyone. He said the subcommittee was troubled that the Senate policy was not clear on the point, and some departments are capturing the comments without the knowledge of the faculty member.

Professor Frazier said, apropos the recommendation that every course be evaluated every time, that she does not do so. In small graduate classes one knows the students and their handwriting, so the evaluations could not be anonymous. They talked about that, Professor Durfee related, and pointed out that the Senate policy does not address the issue of small classes. This language says every class every time, Professor Frazier observed. That is the intent, Professor Durfee said, but there should be an exception for small classes. The Senate policy is written for instructor evaluation, not the improvement of instruction. A lot of classes are not evaluated; the subcommittee believes that the University should make a statement that it cares enough about instruction that every class will be evaluated--and there is a need to define "course" because things like thesis credits should obviously not be included.

Professor Fossum reported that there had been a question raised at the Faculty Consultative Committee about a request for release of course evaluation information to a commercial firm. The General Counsel received the query from "Pick-a-Prof.com" for all data, as permitted by the terms of the Minnesota Data Practices Act. FCC debated the request and whether it is something the University must legally comply with; the conclusion was that it must. In reading the subcommittee report, however, one might think that might not be the case because, under the law, data used for personnel decisions cannot be released. Professor Durfee said it was his understanding that the request was for grade distributions, not student evaluation results. The General Counsel's office made it clear that they could not have student evaluation data.

With respect to the recommendation about release of data, Professor Fossum asked if any other items not in the data used for personnel purposes could be considered public. That is a question for the General Counsel, Professor Durfee said. The current forms all have the student release questions, if the instructor approves. Those are explicitly set up to rate the course, but one of them does evaluate the instructor. Those results, however, do not go to the department head. It is his impression, he told the Committee, that the Office of the General Counsel is very good and straightforward on these issues and it knows the law.

Who is responsible for getting the evaluation results on the web, if the instructor approves release, Professor Fossum asked? The Office of Measurement Services, Professor Durfee said. There must be some disconnect on posting the results, Professor Fossum said. In the Carlson School a large percentage of the faculty have approved release of the survey results, but to little avail because they are not on the web. Most faculty, however, believe they have signed a release and the results are available. The Carlson School, Professor Durfee commented, is an example of a culture can be changed; the issue is how to do so University-wide.

Professor Hendel, a member of the subcommittee, thanked Professor Durfee for the report; he said they had productive discussions on the subcommittee and the report accurately reflects the views of the subcommittee. What happens next, he asked? Who needs to do what, and when? Some of the

recommendations require a change in University policy; will someone take the lead? Some will take additional labor to move forward, which must be done knowing the operation is designed to collect data, which will require funding.

Both structural and cultural changes will be necessary, Professor Fossum said. Items that could be of interest to curriculum committees are new and could be of value. The issue has been simmering the last couple of years and the Faculty Consultative Committee is interested in it, an interest that was triggered by harassing comments. On that issue, not a lot can be done except to provide advice to faculty and students. Both this Committee and the Committee on Educational Policy are very interested in evaluation; he and Professor Hoover will be sure that it gets on the FCC agenda and recommendations are operationalized to improve a number of things in the process. He commended the subcommittee for making recommendations to improve the existing system rather than reinvent the wheel, and for suggesting ways the administrative procedures can work more smoothly, providing information to students while protecting faculty.

Professor Frazier said apropos comments on forms that there is the Student Conduct Code provision about treating people civilly that could be cited on evaluation forms, even if it could not be enforced. Students say things on evaluation forms that faculty members would never say on student papers in a million years.

Professor Wallace asked if the subcommittee considered the efficacy of evaluation of every course when a course might have 3-4-5-6 instructors. Each instructor is to receive an evaluation, but there is a point where students get burned out filling out evaluations with team teaching. He said he has had students tell him they just give answers quickly in order to the evaluation done. Multi-instructor courses are not well-handled by the current system, Professor Durfee agreed. That is especially true in the Academic Health Center, but the AHC wanted every course evaluated, and they want to evaluate both the instructor and the course. The system should allow for that option, but perhaps not for EVERY instructor EVERY time for every course.

How can one evaluate an instructor without the content, Professor Csallany asked? One must do both. They are tied together, Professor Durfee agreed.

Professor Fossum expressed appreciation for the work of the subcommittee, and to Professor Hendel and Ms. Daniels for serving on it.

## **2. Grievance Advisory Committee Report**

Professor Fossum welcomed Professor Born and Ms. Chalmers to report on various aspects of the grievance process.

Professor Born said there are three areas they wished to cover: a review of activities of the dispute resolution working group, a report from the Grievance Advisory Committee (which oversees the grievance process, not cases), and the cases that have been dealt with this year.

Last August the President asked for implementation of the recommendations of the previous Grievance Advisory Committee about creation of a dispute resolution working group to bring together people who deal with grievable matters to see if the process could be streamlined and made more

uniform. At the same time, the Grievance Advisory Committee (GAC) was faced with its recurring responsibility to conduct a five-year review of the grievance process. Both the GAC and dispute resolution working group met this year and were very productive; they helped coordinate access points and are working on a document and websites to help people figure out where to go with complaints and grievances. They are recommending that the dispute resolution working group continue to meet because it has been productive. There is a belief that the University needs to align its procedures within the groups so they are consistent across the groups.

They are encouraging more conflict resolution training through Human Resources, Professor Born reported, and have looked at the faculty/staff employment grievance process. They will review the student dispute resolution system next year, although that task will fall to the dispute resolution working group because it falls outside the jurisdiction of the GAC.

The GAC and the dispute resolution working group have worked collaboratively and shared information, and they have communicated with people across the University about experiences, improving policies, and issues with existing policies. The major recommendation will be that the University move away from the adversarial climate created by the current policy. There is a sense that what is needed is more access to a friendlier system that encourages more dialogue and conversation in order to avoid bitter feelings, ways to solve problems lower in the chain. The GAC will develop policy; the dispute resolution working group will work on the operations side. There is a need for a culture change across campus, however, Professor Born said. The two groups are moving in the direction of creating a more hospitable environment, but the challenge goes far beyond the scope of their portfolio.

As the movement to a new model of dispute resolution occurs, they have been keeping people informed (e.g., the Executive Committee). The main thrust of the GAC review, he emphasized, is to present a new model founded in conflict resolution, one that is far less adversarial. They have two things to request today, Professor Born said. One, if Committee members have thoughts about a name change, please let him know; the very name "grievance office" creates the impression one will get into a structured process with all the trappings of due process. There seems to be a sentiment in favor of a dispute resolution center for faculty and staff and to give the student office a parallel name. Two, they want feedback and hope for support for an approach which is more oriented to dispute resolution and less toward adversarial proceedings.

He continued to note that there is no doubt a dispute resolution model can reduce the number of grievances, but the due process proceedings must also be retained. Should the latter remain in the University Grievance Office? And, while the University can provide a dispute resolution mechanism, it cannot mandate that people to talk to each other in a civil manner.

Ms. Chalmers related that the current grievance policy is available to University personnel in a "dense booklet" that is hard to read and technically detailed. The experience of the typical University grievant is to feel they are in a "them versus me" situation, one in which the University is perceived as having great power and is clearly an opponent. The dispute resolution model would be a big change, in that the University will partner with the grievant in trying to solve the problem. They can probably solve about 80-85% of disputes by an informal process; some will still need to go to hearings, so the current procedures would not be changed for those circumstances.

There is a bigger agenda around the message, Ms. Chalmers said, and that is that access will be more user-friendly. They have tried to make it more effective, with more access, Professor Born said. While they could not obtain hard data, they learned from other institutions that when a conflict resolution mechanism is in place, the institution saves money at the other end. This will be largely cost-free, Ms. Chalmers said, because it involves changes in her office, in packaging what they do.

Is a grievance at one end of the spectrum, conflict in between, and dispute resolution at the other end, Professor Csallany asked? They think of conflict resolution as a mechanism available so that a conflict need not ripen into a dispute or a grievance, Ms. Chalmers said. Semantics comes into play when dealing with these issues and when looking at changes. Some people might even be confused by the fact that the faculty have a "conflict of interest" and are discussing "conflict of commitment"; there could be concern that a conflict resolution center was involved in those matters. Conflict is a more ubiquitous term. No matter what one calls it, conflicts become disputes that become grievances, Professor Born said, and few win if it reaches the grievance stage. There is also a question of where to go in the telephone book, Ms. Chalmers said--how should the function be labelled so people can find it?

Besides reducing the adversarial nature of the process, if it is handled more informally earlier in the process, it is easier for the parties to learn what they should not have done, Professor Fossum said. In looking for early resolution, will employees across the University know who they can freely and comfortably contact to raise an issue, Professor Wallace asked? The University Grievance Office does not feel like an easy place, to most people, Ms. Chalmers said; it has off-putting associations, if people even know it is there. There are lots of variations on that theme--the policy is hard to read, it sets thresholds before one can get into the office, and there are a lot of questions around who is even eligible to use the office.

His experience in the Academic Health Center, Professor Born related, is that people do not have a clear notion of where to go with complaints and grievances. That lack of knowledge is a source of a lot of problems because conflicts simmer and then erupt. The advantage of dialogue is that it can help across the University. He has served as chair of two different departments and received training on his responsibilities when dealing with conflict once--and it was not very good. The University has many fine academics who move into administrative positions as a function of their career growth and University needs. Unfortunately, they are often not terribly interested in administration, often are not given adequate training in management skills, often work without support, and, in specific reference to the issues being dealt with today, are not trained to deal with disputes. This is a formula for all sorts of management problems, he noted.

What about doing the work of an ombudsperson, Professor Akehurst asked? Her one reservation, Ms. Chalmers said, is that the University Grievance Office also conducts due process hearings. The classic definition of an ombudsperson is one based on a mediation model, rather than a "judicial" one. They thought they should not adopt that name when a model of what that person does exists--and it is not what they do. There is need for a word or phrase that people could find and that would be consoling, Professor Akehurst commented; he facetiously suggested "Dispute Escalation Avoidance" office. There is a legal model of alternative dispute resolution, he noted, where there is mediation of a dispute. Mediation is impartial and perhaps they want to use it. It also incorporates the ombudsperson model of dispute resolution, Ms. Chalmers said.

In general, how does the Committee feel about the new direction that is proposed? The Committee approved it. Anything that can be done to streamline and improve the current structure should be supported, Professor Wallace summarized. Professor Fossum said he had a long-time interest in the issue, as has the Faculty Consultative Committee. The conclusion from the FCC retreat discussion was that regardless of the budget, they wanted to push the administration into looking more closely at how disputes are handled and wanted more open, new procedures. The administration agreed and gathered information over the last year. The committee has done a good job of meeting its charge to enhance the dispute resolution system at the University on a cost-neutral basis, Professor Fossum said. They have made good progress toward a better procedure and policy for the future.

Are disputes between a faculty member and department head, or supervisor and subordinate the most common, Professor Csallany asked? They are, Ms. Chalmers affirmed. There is a power differential in those relationships, Professor Csallany observed; what happens afterward? If the "resolution" of problems is such that truly hard feelings remain, how can working relationships continue to be effective? That is one reason to support this kind of change, Ms. Chalmers said. Unlike litigation, these disputes are between people who will continue to work together. If they can help them work through the conflict themselves, it is easier for them to repair the relationship than if the process requires one to tear down the other in order to win. The dispute resolution approach will help to reduce the fallout and unintended consequences from the grievance procedure.

Do they hope to work with both groups, Professor Csallany asked? The earlier they get the procedures started, the better; both groups recognize the need for better training for supervisors, Professor Born said. Among other things, "Minnesota Nice" means one tends puts off a dispute until it is a huge problem; there is a need to get to the point where people can talk about a problem respectfully, before it becomes a grievance.

There has been a fair amount of research on grievance processes, mostly in collective bargaining, Professor Fossum said. The general conclusions are that if there are mechanisms to keep resolutions at an informal level, a large percentage can be resolved, there is less employee time spent in adversarial procedures, and less time in total on grievances. With respect to supervisors, if there is one grievance, that is probably not a problem for the employee; if there are continuous grievances, the employee probably should leave. But a one-time grievance is not held against the employee.

Professor Fossum thanked Professor Born and Ms. Chalmers for their report.

### **3. Revisions to the Policy on Academic Misconduct**

Professor Fossum next welcomed Interim Vice President David Hamilton to discuss revisions to the Regents' policy on academic misconduct.

Vice President Hamilton began by saying that these discussions are an ongoing saga and that he will return to the Committee in the months to come with revisions. He said that Melinda Sewell, in his office, and Tom Schumacher, the Director of Compliance, have been indispensable in tracking research policy revisions.

The changes to the academic misconduct policy are housecleaning, Dr. Hamilton said. It was not current with respect to University administrative positions and had a lack of clarity about the role of the

Vice President for Research. He reviewed the changes to the policy, noting that the Regents have decreed that their policies should be short and that administrative procedures should be University policy, not Regents' policy. What is very important is that flow charts have been developed so that one can follow the procedure without reading the 13 pages of the administrative policy detail.

Dr. Hamilton reviewed the two flow charts. The process starts when someone voices a complaint to the Science and Scholarly Advisory Board (SSAB), a group of nine individuals the Vice President for Research appoints on recommendation of the Regents' Professors, or to a dean or other University official. Once the SSAB or other official receives a complaint, the complainant is told that the complaint must be in writing filed with the Vice President for Research within 10 days after meeting about it. The complaint may be resolved before that happens; it could be a complete misunderstanding and an epiphany if the two sides meet to discuss it. The SSAB can also decide the complaint is frivolous, although that does not usually happen. The complaint is referred to the Vice President for Research, who assigns a senior administrator to review the complaint, typically a dean from another college but who will likely know something about the issues involved in the complaint. The senior administrator meets with the complainant and respondent and decides if the complainant has merit. If not, the senior administrator can dismiss it (or refer it to the Grievance Office, other University office, or handle it personally)--he or she conducts an inquiry, obtains information, and writes a report that recommends the complaint be dismissed or investigated further.

If the senior administrator is not confident he or she can adequately pursue the matter, he or she can go to the SSAB for appointment of a faculty panel to conduct an inquiry. The biggest issue with the faculty panel is identifying people with the time to serve on it. In his experience, Dr. Hamilton related, there has only been one such panel appointed, and it took a month just to get it appointed. The panel has the same options as the senior administrator: it can recommend to the senior administrator dismissal of the complaint or investigation.

Dr. Hamilton said that the vast majority of academic misconduct cases are SCIENTIFIC misconduct. If the respondent is supported by federal funds, the Vice President for Research must notify the sponsoring agency if the complaints get beyond the inquiry stage and becomes an investigation. There is an office in Health and Human Services, the Office of Research Integrity, that keeps close watch on investigations and could be in contact with him three or four times during an investigation to determine if it is progressing.

In an investigation, the senior administrator initiates a faculty panel and provides a charge; the panel has 120 days to investigate. If appropriate, the University takes interim action: if the respondent is in an area that includes human subject research, and if permitting the research to continue during the investigation could present harm to patients or research subjects, the research would be taken out of the hands of the respondent. One cannot always just stop clinical research, Dr. Hamilton observed, because that could be very bad for the patients. Fortunately, this difficulty has not arisen as long as the misconduct policy has been in place, but theoretically it could. The panel prepares a preliminary report, it is reviewed by the respondent, a final report is prepared, and the senior administrator makes a decision. If it is determined there has been misconduct, the senior administrator determines disciplinary action (with appropriate administrative concurrence), which can range from additional training to dismissal, even of tenured faculty. The respondent has the option of requesting hearings through the grievance process if he or she does not accept the disciplinary action. If no misconduct is found, the Vice President for Research notifies the complainant and the sponsoring federal agency, if any, and the senior administrator

determines how to clear the record of the respondent. How that would be done is not clear, Dr. Hamilton said, but it must be accomplished so that neither the complainant nor respondent has tainted records.

Dr. Hamilton said he would bring this policy and procedure back to the Committee in the fall. He asked Committee members to let him know if they have any questions or suggestions.

Would the process be the same if the complainant were not from inside the University, Professor Zaheer asked? It would be, Dr. Hamilton said. He has learned that there have been more complaints in the two years he has served as interim vice president than there were in the preceding ten years. There have also been more complaints from outside alleging faculty academic misconduct. If the process is the same, Professor Zaheer continued, how is the University protected from frivolous complaints (such as a barrage by email)? There is no process that will protect against that, Dr. Hamilton said. It is cheap talk to file complaints, Professor Zaheer pointed out. He and the SSAB would discuss the complaints and decide if they are frivolous, Dr. Hamilton said. Should there be an additional screen for outside complaints, Professor Zaheer asked? It is not needed, Dr. Hamilton said. The biggest problem with outside complaints is that complainants expect the University to adhere to the deadlines in the current policy, which are unrealistic (and being changed in the revisions).

Professor Hendel inquired if paper or email correspondence is included in the materials considered relevant to an investigation. They are, Dr. Hamilton said. Since he has been in office, there has not been an occasion when it was felt necessary to march in and confiscate materials, but that has been done in the past.

The prescriptive wording in the current policy is being changed to descriptive language, Professor Akehurst noted; why is that? That is what is being done with almost all Regents' policies, Dr. Hamilton said. But there will be a sentence that says the procedures must be followed, so it will be satisfactory, Professor Akehurst inquired? That is a good point that he will follow up on, Dr. Hamilton said.

Professor Wallace asked about the increase in the number of complaints; he assumed they were from the general public, not corporations or businesses. They are not from the general public, Vice President Hamilton responded; they are from subject-matter experts at other institutions. In what areas, Professor Csallany asked? In all areas, but most frequently in scientific areas, Dr. Hamilton said.

#### **4. Policy on Outside Consulting and Commitments**

Dr. Hamilton turned next to revisions to the policy on outside consulting and commitments. He told the Committee that he, Mr. Schumacher, and Professor Martin attended a CIC meeting of research vice presidents on the issue of conflict of commitment; the meeting had been convened by former Minnesota Vice President Mark Brenner. They came away from that meeting thinking that the University's policy on outside consulting is what others consider a conflict of commitment policy and that it only needed a little tweaking to make equivalent to policies at other institutions. Dr. Hamilton called together a group to help in drafting revisions to the policy (including Professors Gary Balas, Judith Martin, and Fred Morrison), and relied heavily on Professor Morrison because of his understanding of these issues.

Why the policy? "Equitable distribution of responsibilities and fairness to colleagues" and "public accountability." It is especially important for the latter, Dr. Hamilton said; the University must be

careful about accountability, and if there are no controls in place, it is too easy to end up in the newspapers. But he also emphasized that the intent of the policy is NOT to inhibit outside activities by faculty members because those connections are an important aspect of faculty life.

The principles enunciated in the policy are these: (1) "a faculty member's outside commitments should not interfere with performance of regular faculty duties of teaching, research, and service; (2) a faculty member's outside commitments may not exceed, on the average, one day per week for the term of the appointment; (3) a faculty member's outside commitments should not directly compete with services offered by the University as part of its core function." This last principle is new and speaks to the issue of teaching a course at another institution and allowing University students to take that course more cheaply elsewhere. The Senate Research Committee has suggested that the "preamble" to the principles in the current draft ("a faculty member's outside commitments, if performed within the limits of the following principles, can serve to enhance the faculty member's teaching, research, and service to the University and the reputation of the University generally") should itself be a principle.

Dr. Hamilton next reviewed several examples of outside commitments, the guiding principle that applied, and factors to consider when reviewing a report or request [this same summary appeared in the minutes of the Senate Research Committee, 5/3/04; bracketed insertions represent additional comments made at the SCFA meeting.]

-- (a) the activity may interfere with primary University activities; principle (1) guides. Factors include meeting classes, meet departmental goals for service and scholarly activity, participate in departmental affairs, the possibility of reasonable accommodations to facilitate the activity, and should a reduction in term (or a leave) be considered.

-- (b) the activity may involve an excessive time commitment; principle (2) guides. The major factor is whether the activity, combined with other reportable activities, exceeds the "significant outside commitment" threshold.

-- (c) the activity involves teaching at another school or an on-line course; principle (3) guides. Factors include whether it diffuses the uniqueness and quality of University offerings, whether the students would otherwise come to the University, if the course is offered at the University, and is it in another geographic area and inaccessible by Internet. The major potential is for competition in the Twin Cities; there is less of a concern if the course is taught in San Francisco or New York. [At SCFA, Dr. Hamilton related that he regularly receives requests to teach at an online university (in areas he knows nothing about); there are a lot of online universities in the area and the idea behind this conflict area is taking students away from the University.]

-- (d) the activity involves conducting research through an outside entity; principle (1) guides. Factors include whether it competes with contract opportunities for the University, if the faculty member can conduct the research at the University, if the research is within the mission of the unit, and if the individual is on a full-time appointment. The question is whether an industry contract would normally be run through the University. Or is the faculty member doing it through another entity, perhaps even one the faculty member owns? [At SCFA, Dr. Hamilton explained that a major concern is faculty setting up outside 501(c)(3) organizations through which to run research grants, thus bypassing the University. Such arrangements also bypass compliance and regulatory requirements and can get someone in deep trouble.]

-- (e) the activity involves serving as officer of a professional society or editor of a professional journal; principle (1) applies. Factors include the individual's teaching and research load and whether the journal is buying out the person's time (some do, up to 50% or 75%).

Dr. Hamilton noted the reporting and prior approval thresholds but did not review them at this meeting. He asked Committee members to formulate questions; he said he wants a lot of feedback on them.

[They are: "If there is no conflict of commitment (i.e. the three principles are not violated), the activity is presumably acceptable up to the significant level threshold. If the activities exceed that threshold, the request is presumed to be denied unless the individual has obtained an exemption.

Category 1: Do not need to report but must still meet three principles:

- community activities
- attendance at professional meetings
- "occasional" lecturing
- "ad hoc" manuscript refereeing
- scholarly writing and artistic production

Category 2: Requires annual reporting, in addition to meeting the three principles:

- outside professional activities exceeding 3 days per appointment term
- holding office in a professional organization
- editorial duties

Category 3: Requires prior approval that must be reviewed annually and when there is a material change in circumstances:

- outside professional activities that exceed one day per month
- external teaching during the term of the appointment (resident and online)

Category 4: Not permitted without a special exemption from the Senior Vice President and Provost:

- any significant outside activity that in total exceeds one day per week
- any activity that directly competes with the University or detracts from the University's mission
- full-time employment outside of the University during the period of appointment]

The intent is not to take anything away from the faculty, Dr. Hamilton said. The goal is to tighten up the process and to ensure the University is accountable and that there is fairness for all.

The current policy refers to academic staff while this one refers to faculty, Ms. Sellew noted. It will cover academic staff, Ms. Sewell said.

For those on a 9-month appointment, the summer is outside the University appointment and the person's own business, Professor Zaheer said. Dr. Hamilton said that is a good question that requires more clarity.

Is there a way to be clear about the need to update the report on outside consulting form (ROC), Professor Collins asked? Dr. Hamilton said they would insert a provision requiring a one-year review. There are paper records that are over 20 years old that have not been updated, which is not good practice.

Dr. Hamilton promised he would also bring this policy back to the Committee for review. Professor Fossum thanked him for the presentation.

## **5. Resolution of Appreciation**

The day after the meeting, Professor Akehurst circulated to Committee members the following resolution, which was approved unanimously and enthusiastically, and he then asked that it be incorporated in the minutes of the meeting.

Whereas, Professor John Fossum has served actively and faithfully as chair of the Senate Committee on Faculty Affairs, and

Whereas, the members of SCFA have appreciated Professor Fossum's industry, keen insights, and devotion to the advancement of the welfare of the faculty and staff of the University of Minnesota,

Therefore Be It Resolved that the members of SCFA wish Professor Fossum the best as he takes on renewed responsibilities as a department chair, a job that will perhaps be easier than chairing SCFA, and

Be It Further Resolved that the members of SCFA look forward to Professor Fossum's continued active participation on SCFA through 2004-05 and 2005-06.

At the meeting itself, Professor Fossum adjourned it at 4:30.

-- Gary Engstrand

University of Minnesota