Minutes*

**Senate Committee on Faculty Affairs**
**Tuesday, March 1, 2005**
**2:30 – 4:15**
**238A Morrill Hall**

Present: Morris Kleiner (chair), F. R. P. Akehurst, Matthew Bribitzer-Stull, (Barry Melzer for) Dann Chapman, A. Saari Csallany, Jesse Daniels, Janet Ericksen, John Fossum, Patricia Frazier, Richard Goldstein, Darwin Hendel, Jones, Theodor Litman, Steven McLoon, Kelly Risbey, Oriol Valls, Larry Wallace, Timothy Wiedmann, Aks Zaheer

Absent: Carol Carrier, Elizabeth Hjelman, Kathleen Sellew

Guests: Assistant Vice President Richard Bianco (Institutional Compliance)

[In these minutes: correction to the 2/15 minutes; (1) evaluation of instruction policy; (2) tuition remission for dependents of University employees; (3) charge to the Committee; (4) retirees association; (5) institutional conflict of interest policy]

[CORRECTION TO THE 2/15/05 MINUTES: in the discussion about the draft policy on the evaluation of instruction, there was the significant omission of a "not" in one paragraph, which follows.

> Professor Hendel said he had spoken with Julie Sweitzer, Director of the Equal Opportunity and Affirmative Action office about new language on the forms asking that students refrain from certain kinds of comments. He repeated Professor Fossum's point: the Committee must remember why this discussion is occurring, which is because of concerns expressed by several women faculty members. The concern is not only that the comments are hurtful but also because once they are in the system, the comments can do damage and hurt careers and counteract empirical data about teaching. He said that he was also concerned about how the system improves teaching on a campus; open-ended comments could convey a problem that the numbers do not. He said, however, that the student evaluation form should NOT be a policing mechanism because there are a number of other avenues to express different concerns.]

## 1. Evaluation of Instruction Policy

Professor Kleiner convened the meeting at 2:30 and began by explaining that there is an impasse between this Committee and the Senate Committee on Educational Policy (SCEP). At the last meeting, this Committee voted to support language in the draft policy on the evaluation of instruction which provided that written comments on student evaluation forms are to go only to the instructor. SCEP voted to delete the language, which would leave the policy silent on the disposition of written comments and thus leave it up to departments, colleges, and campuses to decide. This means the comments could go to anyone, Professor Kleiner said, and could be used in any personnel decisions. The chair of SCEP, Professor Hoover, suggested a change in the language that would say that students evaluation forms

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

MAY include open-ended question, rather than MUST. That option could create logistical problems in administering the forms, he speculated.

The issue will go to the Faculty Consultative Committee, which could decide to include or exclude the language about written comments, or it could pass the issue to the Faculty Senate. Professor Kleiner asked for suggestions about what he should say to the Faculty Senate.

Professor Valls suggested departments should be able to do what they want with written comments; the policy is too rigid. Does the proposal allow UMM to continue its practice of using written comments in personnel matters, Professor Dane asked? It does, Professor Kleiner said; the Committee proposed that decisions be made by campus.

If the language is deleted as proposed by SCEP, departments can make their own choice, Professor Akehurst asked? It could be the department chair, the faculty, or college policy, Professor Kleiner said. There would no University or campus policy.

If one thinks about this as an issue of faculty affairs, Professor Hendel said, leaving the issue open has the potential to create an even more negative situation—if it is left up to no one to make a decision. He said he understood that there are strong feelings on both sides but the policy should say something one way or the other.

There was no motion to change the Committee's position on the draft policy language.

**<u>2. Tuition Remission for Dependents of University Employees</u>**

Professor Kleiner said that the proposal to provide tuition remission for undergraduate education for the dependents of University employees has come up again. Other Big Ten universities have tuition remission as a benefit and there are potential benefits to the University form having it.

Professor Fossum provided background information. Professor Goldstein, he said, was instrumental in getting attention focused on this issue when he served as chair of this Committee. Tuition benefits are widely available to employees at many private colleges and at seven of the other Big Ten universities; the range of the benefit is from 50 – 75% in the Big Ten. When the proposal was made the first time, Employee Benefits modeled the potential costs on the Ohio State program because it seemed to be the one closest to what was proposed for the University. The proposal suggested a 50% benefit; the estimated cost was between $1.2 and $1.7 million per year. The benefit would not be paid by departments but it is not a no-cost proposal. The proposal also contained the proviso that there would no preference in admissions given to dependents of University employees.

The proposal was rejected the first time because it cost too much, Professor Fossum recalled. As a result, they did additional analysis and demonstrated that the University could actually save money because it would help retain employees and reduce turnover. To avoid opportunistic use of the benefit, it could be adopted on a vesting basis so that an employee accrues the entitlement—to avoid people coming to work for the University simply to get the tuition benefit immediately and then leaving once the student was out of college. The administration still did not favor the proposal either because it did not believe the analysis or continued to believe it was too costly.

Professor Kleiner reported that he has received emails from faculty members indicating this benefit (the lack thereof) was important to their decision to leave the University. When he served as chair of this Committee, Professor Fossum said, he received more emails about this subject than any other.

The proposal was very popular with faculty and staff, Professor Goldstein said. The problem is that the University does not pay attention to its own experts. Professor Fossum is an expert on compensation and demonstrated that the proposal would not cost the University money. His view, he said, was that adopting the proposal would improve education at the University. He had two children attend the University and was as a consequence very interested in the instruction they received. Faculty and staff will be interested in their children's courses. This would be a tremendous benefit for retaining faculty and staff. He said the administration should be asked to review Professor Fossum's analysis and conclusion that there probably would be a net savings. The time has come; the University should adopt this benefit.

The work is compelling and convincing, Professor Hendel said, and this is a good idea. There are other programs in the Big Ten and in Minnesota—both the private colleges and MNSCU offer tuition benefits. It is also believed widely (and incorrectly) in the community that this is a benefit available to University faculty and staff. He said he did not know if there are deep-seated values and concerns that underlie the institutional reluctance to adopt the benefits, concerns that go beyond just the cost.

Professor McLoon asked about the savings. Professor Fossum said the savings are achieved through lower attrition and greater ease in attracting faculty and especially P&A staff, and those savings would outweigh the costs. It should not be seen as a "free" program that will soak up excess capacity, but the department would receive the tuition income just as it does for any other student. The gains are institutional through an improvement in employee performance and the ability to attract and retain people.

Professor McLoon said he was against the proposal for two reasons. One, times are tight and there is no new money. In his department, faculty must raise 52% of their salary. The funding for the program would have to come out of the hides of departments. Two, if one thinks about kids, for many it is a great idea that they get out of their own backyard—but some could be pressured to stay at the University because of the cost when it might be better for them to expand their horizons by going away. This proposal will create pressure to stay home.

Professor Wiedmann observed that MNSCU offers this benefit, which means University faculty and staff are being treated unfairly in the state. That point needs to be emphasized.

The $1 million is not a lot of money and would make the University more competitive, Professor Valls said. Those who believe their kids should go elsewhere can send them elsewhere.

What is the Committee's role, Professor Zaheer asked? To bring a resolution to the Faculty Senate, if it wishes, Professor Kleiner said.

Professor Wallace said he would support such a resolution; he has been involved with this a long time. He noted that this plan limits the benefit to undergraduate education; was their discussion of including graduate and professional education? Restricting it to undergraduate education is consistent with other benefits programs, Professor Fossum said. No other Big Ten school offers graduate tuition remission. What about tuition support for parents of students who attend school elsewhere? In the long run, it would be possible to consider such an option, Professor Fossum said. It might be possible to work out reciprocity. But to do that, there needs to be a benefit to start with. Professor Goldstein said he knew of no public institution that has such a benefit.

Would any employee groups be excluded from the benefit, Ms. Risbey asked? In the analysis, none are, Professor Fossum said. In practice, it could only be offered to faculty, P&A, and Civil Service staff, because the others are covered by collective bargaining contracts. MNSCU obtained the benefit as part of the bargaining agreement, Professor Kleiner reported.

Professor Fossum suggested voting on the resolution that the Committee adopted earlier and then sending it to the Faculty Consultative Committee, which could consult with the Provost and decide about putting it on the Senate docket. The tuition benefit would go to 100% after a period of years of service on the part of the employee, Professor Zaheer asked? It would, Professor Fossum said, and that level of benefit was included in the analysis of the cost.

The Committee voted 13-1 in favor of sending the following resolution to the Faculty Consultative Committee (originally adopted by this Committee in 2000):

> Whereas: The University of Minnesota, as a land grant institution, has as one of its central missions the education of highly qualified undergraduate students, and
>
> Whereas: The University of Minnesota benefits from the efforts and commitment of all of its employees, and
>
> Whereas: University of Minnesota employees, especially as employees of an institution of higher learning, understand the benefits of higher education and seek to make them available to their children/dependents, and
>
> Whereas: The University of Minnesota desires to improve the effectiveness of its workforce and reduce employment costs by reducing employee turnover, and
>
> Whereas: The faculty of the University of Minnesota seeks a stronger sense of community among all employee groups, each of which contributes to the mission of the university, and
>
> Whereas: It can be demonstrated that the inclusion of a partial tuition remission benefit would reduce employment costs under relatively conservative assumptions, therefore
>
> Be it resolved: That the Faculty Senate strongly recommends that the children/dependents of all university employees having accrued 5 or more years of uninterrupted university service be granted a 50% tuition reduction upon being regularly admitted to an approved undergraduate program leading to a bachelor's degree, that the tuition reduction will be applied to half of the tuition for the first four year's of a child/dependent's enrollment, during periods in which the child/dependent student is in good academic standing; and that the percentage of tuition reduced be increased by 10% for each additional year of uninterrupted service through year 10.

**3. Charge to the Committee**

Professor Kleiner next asked Committee members to look over the charge to the Committee. The present language seems very inclusive, he said, and should be acceptable as the charge adopted as part of the new bylaws in the reorganized Senate. With one brief amendment to the charge, the Committee approved the language.

**4. Retirees Association**

[Due to a mix-up in the schedule, Professor John Howe, President of the University of Minnesota Retirees Association, was not available at the meeting, so there was a rather disjointed discussion of the availability of grievance procedures for retired faculty and the extent to which deans and department heads are aware of the Regents policy on emeritus faculty and the Faculty Senate adoption of a retirees bill of rights. It was agreed that Professor Howe would be rescheduled for a later meeting of the Committee.]

**5. Institutional Conflict of Interest Policy**

Professor Kleiner welcomed Assistant Vice President Bianco to the meeting to discuss the institutional conflict of interest policy.

Mr. Bianco recalled that he promised to keep the Committee updated. Today he presented the draft administrative procedures that would accompany the Regents policy. There are sections for each element of the policy and he is still seeking faculty views. There will be a committee that will include non-University members to review issues of institutional conflict of interest. He said he was not asking for Committee action yet but was seeking advice. This policy would not directly affect faculty members unless they are serving as a dean or vice president; the policy puts the academic officers on the same level as the faculty.

Is there any grievance process or appeals from the board, Professor Kleiner asked? The committee has no authority, Mr. Bianco said, it only provides advice. The policy does cover the Regents and the President. If the President is involved in a potential institutional conflict of interest, he or she would disclose it to the Chair of the Board of Regents. The Board has its own code of conduct and if they have conflict of interest, they go to the General Counsel, who can go to the committee.

This policy was created at the request of the Regents, he said. Every major institution in the country is working on or has instituted such a policy. These policies were provoked by an incident at Penn State where a patient died; the policy is not being proposed as a result of any event or crisis at the University.

What if the Chair of the Board is involved in a potential conflict, Professor Csallany asked? It gets tricky, Mr. Bianco said. The policy provides that the Chair works with the General Counsel, and they do have to comply with their own code of conduct.

How does this policy square with other institutional policies, Professor Zaheer asked? It fits with them, Mr. Bianco said. Some institutions have adopted policies that only apply to the use of human subjects in research; this is more global and also talks about purchasing, gifts, and so on.

Do senior administrators meet regularly with the General Counsel to discuss the policy, Professor McLoon asked? He recalled that when he works with the federal government, he must meet with the inspector general every six months about conflicts of interest. Mr. Bianco said they do not have such meetings but that it might be a good idea. If the system is well-known, and people know they can use it, it will work. He said he receives any number of calls asking questions; he keeps them confidential because they involve personnel matters.

The Committee had no further questions; Professor Kleiner thanked Mr. Bianco for joining the meeting and adjourned it at 3:30.

-- Gary Engstrand

University of Minnesota