

UNIVERSITY OF MINNESOTA

FACULTY SENATE

MINUTES

November 2, 1972

The second meeting of the Faculty Senate for the year 1972-73 was convened in Nicholson Hall on Thursday, November 2, 1972. Checking or signing the roll as present were 90 voting members of the faculty, 5 members of the Administrative Committee, and 23 nonmembers.

Vice Chairman Frank J. Sorauf presided.

The following items were considered and action was taken as indicated.

A motion was made to permit members of the Faculty Senate to yield time to members of the University community who are not members of the faculty with the understanding that those so recognized would be bound by the 3-minute rule and would not have the right to vote.

In response to a question, the vice chairman ruled that the motion, if approved, would apply only when the Faculty Senate was meeting as if in committee of the whole to consider the proposed Tenure Regulations.

The motion was then approved.

Before proceeding further, a motion was made concerning the method of reviewing the code. It was proposed that the Faculty Senate should review the entire code, "marking it up" en route with no vote to be taken until the review had been completed. The motion was seconded and approved.

The following amendment to Section 1 of the code was then introduced:

Following the present first and only sentence, add the following sentence:

"However, nothing in these regulations shall be deemed to impair any rights of tenure, whatever they may be, heretofore acquired by any holder of a regular or nonregular faculty position."

In the course of the discussion which ensued, the question was raised as to whether the Faculty Senate could vote on the amendment in view of the preceding motion and whether there could be a straw vote or an "informal straw vote."

After further discussion a motion was offered to postpone consideration of the Tenure Regulations indefinitely. The motion was defeated.

Additional observations were made concerning the straw votes, the "comments" which have been printed with the proposed regulations, and the wording of Section 1. The Faculty Senate finally agreed to return the section to the committee with instructions to draft a compromise between the proposed amendment and the position of the Tenure Committee.

The Faculty Senate then turned to Section 2 of the Tenure Regulations; the following amendment was introduced:

Amend SECTION 2. GENERAL DEFINITIONS to read:

2.1 Academic Unit

"The term 'academic unit' shall include each department or division of a Division, College, Institute, School, or Campus; each Division, College, Institute, School, or Campus, whether or not it contains departments or divisions; each Center, and any other administration unit, of the University. Unless the context of the Regulations otherwise requires, the term 'academic unit' shall refer to each department, division, Center or other administrative unit, in a Division, College, Institute, School, or Campus, which has responsibility for initiating personnel recommendations; to the Division, College, Institute, School, or Campus itself if it has no such units; and to each Center or other administrative unit which is not part of a Division, College, Institute, School, or Campus."

(in Comment . . . (usually departments or divisions, but in some cases Divisions, Colleges, or Schools) . . . and . . . (like Divisions, Colleges, Schools, Institutes, Campuses)

2.2 Academic Administrator

"As the context may require, the term 'Academic Administrator' shall refer to the President, the Vice Presidents of the University, Provosts, Deans, Directors, Chairmen, and Heads of the academic units or the administrative assistants of these officials; or to all of them."

*Proposed amendment referred
to the Tenure Committee*

At this point, a proposal was made to turn to Sections 15, 16, and 17 of the Tenure Regulations at the next meeting of the Faculty Senate. Another view was expressed to delay consideration of Sections 15, 16, and 17 until the scheduled meeting of December 7. The chairman of the Tenure Committee asked for concrete suggestions concerning Sections 15, 16, and 17.

After discussion, the Faculty Senate decided to consider Sections 15, 16, and 17 at the meeting of December 7, 1972.

The Faculty Senate adjourned.

W. DONALD BEATY
Clerk of the Faculty Senate

Appendix

ABSTRACT OF DISCUSSION

The meeting was called to order at 3:30 p.m. Frank Sorauf, professor of political science, chairman of the Business and Rules Committee, and vice chairman of the body sitting as a committee of the whole to consider the tenure document, presided. He announced that the 3-minute limit on individual speeches was in effect.

Leonard Shapiro, assistant professor of mathematics, moved that, for the rest of the sessions during which the body sat as a committee of the whole, faculty Senators be allowed to yield speaking time to nonfaculty persons and that the 3-minute limit apply to them as well. He added that the Regents would need to be assured that groups other than the Faculty Senate had been heard. Erwin Marquit, associate professor of physics, spoke for the motion, indicating there were changes which involved the entire University. Samuel Krislov, professor political science, recommended sending the tenure document to the Minnesota Student Association, the Student Consultative Committee, and other student groups for their review, reserving time at some future meeting of the Faculty Senate to hear their views. Mr. Shapiro's motion was then approved.

Leonid Hurwicz, professor of economics, proposed that the tenure regulations be reviewed and amendments incorporated, after which a vote would be taken on the document as a whole, instead of voting section by section. Carl Auerbach, professor of law and chairman of the Tenure Committee, favored the section-by-section approach with tentative votes taken on each section, thereby enabling his committee, during the periods between meetings, to consider comments on upcoming sections and to redraft sections, where appropriate. The majority voted for the Hurwicz approach.

Proceeding to Section 1, Applicability of the Regulations, John Dahler, professor of chemical engineering and chemistry, presented an amendment proposed by Edward Silberman. It was a statement of assurance that previously acquired tenure rights would not be impaired by the new regulations. Ian Richards, associate professor of mathematics, said the new document could still jeopardize tenure conditions of future faculty members. Mr. Hurwicz referred to the memorandum of Professor Auerbach which appeared in the *Minnesota Daily* on the effect of changes in tenure regulations on contract rights of individual faculty members. He said the statement should be expanded to include not only preexisting rights at this point in time but at any time in the future when rights are affected. Woods Halley, associate professor of physics, spoke against the Silberman amendment, indicating that court decisions would be based on only current contracts and not the broader picture. Mr. Auerbach held, in response to Mr. Richards' concern, that tenure regulations which were good for current faculty members should be good for future members as well. He said that his addition to Section 1 involved concessions by both the Regents and the faculty. In response to a query from Eville Gorham, professor of botany, as to whether a faculty member got tenure rights annually under his contract, or whether they date back to the time he was first granted tenure, President Moos said the latter statement was correct.

Returning to the procedural problem, William Shepherd, vice president for academic administration, pointed out that tenure regulations had been changed from time to time by the Senate and Regents, and Fred Morrison,

associate professor of law, indicated that Section 20 on administration and interpretation would provide for amendments. It was then decided that voting should take place on suggested amendments, but that it would be in the nature of informal straw balloting. Burnham Terrell, professor of philosophy, suggested that the Tenure Committee present a comparison with the existing regulations section by section, and that the committee should also shape recommended amendments prior to votes on the entire document. Morton Hamer-mesh, professor and head of physics and astronomy, was concerned about how a record of suggestions would be maintained; he was reminded that there was an abstractor at each meeting. Mr. Auerbach suggested that his committee would get the substance of what the body wanted and rework the relevant sections. It would attempt to get copies of the rewritten sections to senators about 10 days before the meeting when such sections came up for a vote. There would be another document prepared 10 days prior to the meeting when the completed document would be presented. Hurwicz held to his argument that amendments could be made in the foregoing manner but that votes on individual sections should not be taken until the entire document had been reviewed and amendments had been completed. Edward Ney, professor of physics, labeling the proposed outline of regulations as a bureaucratic document, moved that consideration of it be postponed indefinitely. His motion was seconded and then defeated.

Mr. Terrell said he hoped that the Tenure Committee would present recommended amendments on which votes could be taken as to the spirit or substance and returned to the committee for refinement, thus proceeding in the manner suggested by Mr. Hurwicz.

Charles McLaughlin, professor of political science, suggested an addition to the Silberman statement to the effect that amendments to the regulations could not impair tenure rights. Mr. Auerbach held that the Silberman proposal would not provide the concessions which he had outlined and that the result would be that individual cases would have to be decided in court. Mr. Terrell suggested that the Auerbach and Silberman statements be referred to the Tenure Committee with instructions to draft a compromise, and his proposal was approved. Mr. Hurwicz went on to iterate that the tenure document would only protect currently existing rights, but that the matter with respect to subsequent contracts had not been clarified; he asked that the committee develop a statement accordingly.

Section 2 on definitions was taken up next. Dean Hendrickson, assistant professor of secondary education, UMD, proposed addition of terms appropriate to UMD's administrative structure and an addition to the definition of "academic unit." Mr. Morrison responded that the committee could rework that portion referring to organizational structure. John Webb, associate CLA dean, suggested that there be a definition of "program" included, and Mr. Auerbach responded that the committee had omitted such a listing, intending to develop it substantively later in the document.

Donald Gillmor, professor of journalism and mass communication, urged that the body proceed to the sections on termination and suspension. Mr. Auerbach said the committee preferred to have time for comments to reach them on those sections so appropriate changes could be made in the draft before it reached the floor of the Faculty Senate. It was decided that the sections should be taken up at the December 7 meeting, which would permit one meeting, November 16, in the interim.

A Duluth representative urged an earlier starting time for future meetings. Mr. Auerbach asked that those who felt the document was deficient in

providing safeguards communicate to his committee what they wanted included.

The meeting was adjourned at 5:30 p.m., as provided in the rules.

JEANNE T. LUPTON
Abstractor