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No. 10

# UNIVERSITY OF MINNESOTA

## FACULTY SENATE

### MINUTES

April 5, 1973

The tenth meeting of the Faculty Senate for the year 1972-73 was convened in Room 325 of the Science Classroom Building at 2:30 p.m. on Thursday, April 5, 1973. Checking or signing the roll as present were 77 voting members of the faculty, 2 members of the Administrative Committee, and 3 nonmembers.

Vice Chairman Frank J. Sorauf presided.

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

At the beginning of the meeting, the chairman introduced Professor Fred L. Morrison, the new chairman of the Tenure Committee. In preliminary remarks, Professor Morrison invited the attention of the Faculty Senate primarily to the text of the regulations instead of the comments. He also requested that amendments should be directed to the clerk so that they might be duplicated prior to the meeting for distribution.

A questionnaire was then distributed to the members of the Faculty Senate so that preferences might be indicated of the vote which should be required to establish tenure.

#### I. MINUTES OF FEBRUARY 22 AND MARCH 1, 1973

Reported for Action

*Approved*

#### II. RULES FOR THE SECOND READING OF THE REVISED REGULATIONS CONCERNING FACULTY TENURE

Reported for Action

The document "Regulations Concerning Faculty Tenure, As Revised After First Reading by the Faculty Senate" will be in order. It will be considered on a section-by-section basis on this second reading unless otherwise specified. Language changes may be accepted by the Committee on Tenure, but substantive changes (including those proposed by the Tenure Committee) must be treated as Amendments since the document is the product of the Committee of the Whole.

The Steering Committee will propose the following rules for the second reading:

1. A motion to report favorably the section before the House for third reading will automatically be before the House.
2. Amendments in writing should be in the hands of the clerk 24 hours (or more) in advance of the meeting so that distribution to all members will be possible, and scheduling facilitated as in rule (3).
3. Unless otherwise specified a section will be accorded up to 12 minutes of discussion. *Twelve minutes will also be scheduled for each amendment filed in accordance with Rule 2.* Floor Amendments will be considered only within the time previously allocated.
4. The Steering Committee is instructed to schedule additional time for controversial issues, being guided by previous debate, informal meetings, and the nature of issues.
5. A first motion to extend time allocated for 6 minutes (two speeches) shall require a majority. A second motion or an extension beyond that time shall require a two-thirds vote.
6. Speeches *including* proposals shall be limited to 3 minutes.
7. An open meeting shall be held (in the Campus Club) the Monday before each meeting at which time open informal discussion of proposals will be possible. A similar meeting will be held at Duluth, April 10.

*Approved*

### III. TENTATIVE SCHEDULE OF MEETINGS

#### Reported for Information

April 5

Adoption of Rules

Explanation of "comments" by Tenure Committee

Distribution of Questionnaire on 13:35

*Sections 1-12; (pages 4-44) . . . . . 12 minutes each*

*Section 7 . . . . . 24 minutes*

*except section 4.2, 4.311 relating to the tenure of part-time faculty (The two-thirds rule will be discussed at the meeting of May 10 to permit the Faculty Affairs Committee to complete its recommendation.)*

April 12 (pages 44-95 and 105-124)

Unfinished business from April 5

Section 13 (except 13:35, revoting for tenure in departments) . . . . . 24 minutes

Section 13:35 (if possible) . . . . . 24 minutes

Section 14 . . . . . 24 minutes

Section 15 . . . . . 24 minutes

Section 16 . . . . . 24 minutes

Section 18 (if possible) . . . . . 24 minutes

May 10

Section 4:3 .....	24 minutes
Section 17 (first reading) .....	1 hour
Section 13:35 or 18 .....	24 minutes
Section 19 .....	12 minutes
Section 20 .....	12 minutes
Section 21 .....	12 minutes
Foreword .....	12 minutes

May 31

Section 17 (second reading)	
Full Document (third reading)	

#### SCHEDULE OF INFORMAL MEETINGS

- Monday, April 2—12:15—606 Campus Club
- Monday, April 9—12:15—626 Campus Club
- Monday, May 7—12:15—626 Campus Club
- Wednesday, May 20—12:15—626 Campus Club

*Accepted*

### IV. DISCUSSION OF REVISED REGULATIONS CONCERNING FACULTY TENURE

Section 1, page 4, lines 13 and 14 were amended by deleting the commas after "policy" and "conduct" and striking the words "which are". The section was then reported favorably.

Section 2. There was extensive discussion, especially of the comments. A motion to extend the time previously allotted by 5 minutes was approved as was a subsequent motion to suspend the rules for 10 minutes to permit discussion of the future status of the comments. A motion to present both the comments and the code for approval at the third reading was defeated.

Lines 14-16 of page 5 were amended to read: "Nothing in these regulations, nor in any subsequent amendment to them, shall be deemed to impair any contract rights acquired by any faculty member prior to the adoption of such amendments or adoption of these regulations." After the adoption of this amendment, the section was reported favorably.

Section 3. Reported favorably.

Section 4. Line 14 of page 14 (4.318) was modified to read: "Coaches in the Intercollegiate Athletic programs;" and. . . . A motion was offered to delete on page 15, line 11, the next three sentences beginning with, "Some soft money. . . ." During the discussion which followed, a motion was approved to extend the time for an additional 3 minutes. When the time had expired, a motion to return the section to the Tenure Committee for revision was defeated. The original motion for deletion of the three sentences was then approved.

A motion to delete the word "only" in line 14 on page 15 *was defeated*.

The following modifications were then introduced:

AMEND the final paragraph of Section 4.51, on pages 18 (lines 18-20) and 19 (lines 1-4) by STRIKING OUT the language so indicated and INSERTING the underlined language:

P. 18

18. If a faculty member holds a regular appointment with continuous tenure in  
19. one academic unit and his regular probationary appointment or non-regular appoint-  
20. ment in another academic unit is terminated, or the time he is required to spend

P. 19

1. therein is reduced, he shall be entitled to devote at least two-thirds time or
2. as much as full-time to his position in the former unit increase the time
- 2a. he devotes to his appointment in the unit in which he holds continuous
- 2b. tenure so that his total time commitment to the University is unchanged.
3. and may be required to devote but he must devote at least two-thirds time
4. to maintain the status of a regular faculty member.

*Explanation.* (Not to be added to Comments). This is intended to make it clear that a faculty member who holds tenure in one position and a probationary or non-regular position in another (e.g., an academic administrator like an associate dean) may return to his tenured position on the same basis which he served the University in both positions. On this matter the academic unit would have no discretion.

*Comment.* (To be added to Comments). When considering joint appointments (including the granting of tenure to academic administrators) the academic unit should consider the potential financial consequences of the continuation or termination of such arrangements and obtain proper financial assurances for support of the individuals involved.

*Approved*

AMEND section 4.51, page 18, at the end of line 13 by adding the following sentence:

13. The allocation  
13a. of time to the latter unit may thereafter be changed only by the mutual  
13b. agreement of the faculty member and the unit involved.

*Explanation.* (Not to be added to Comments). This is to make clear that neither the faculty member nor the department has the "right" unilaterally to alter the time required from that originally agreed upon. Thus if both once agree on a three-fourths time appointment, neither can raise or lower that without the consent of the other. (Note that a reduction in time for a year or two may also be accomplished by taking "partial leave" and continuing to be listed as a 100%-time faculty member. In such an instance the department must accept a faculty member at 100% when the faculty member wishes to go to full time.)

*Approved*

With the preceding modifications and amendments, section 4 was reported favorably.

Section 5 was reported favorably.

Section 6 was reported favorably.

In the course of the discussion of Section 7, the Faculty Senate adjourned.

W. DONALD BEATTY  
Clerk of the Faculty Senate

## Appendix

### ABSTRACT OF DISCUSSION

The meeting was called to order by Frank Sorauf, professor of political science and vice chairman of the Senate. The meeting had been called for a second reading of the proposed tenure regulations, and the chair ruled that an informal discussion could take place until a quorum was reached. He announced that Fred Morrison, professor of law, had succeeded Carl Auerbach as chairman of the Tenure Committee when Mr. Auerbach was named dean of the Law School. He further reported that Gary Engstrand had been appointed as undergraduate student member of the committee and Janet Salomonson, as graduate student member.

Mr. Morrison opened the discussion by explaining that the comments which appeared throughout the tenure document were intended as an explanation of the text and were in the nature of a committee report submitted for information, and that only the text was being submitted for adoption. Another point to be taken up, he said, was the procedure for taking a vote to grant tenure, where the committee was presenting six options for Senate consideration. Included were variations in the percentage required and the base used in its computation, which had been suggested at the last meeting in response to the committee's proposal for a requirement of two-thirds of those voting. Senators were asked to select three of the six options, preferably ranking them 1, 2, and 3. Mr. Sorauf noted that at this point there was a quorum and that the body could proceed with its agenda. The minutes of the February 22 and March 1 meetings were approved.

Samuel Krislov, professor of political science and chairman of the Steering Committee, presented procedural rules for the second reading, which, he said, would enable the Faculty Senate to complete its work by the end of the spring term. Leonid Hurwicz, Regents' professor of economics, asked whether the requirement of 24 hours' advance notice of amendments was in effect for the current meeting; the chair ruled that it was not. Mr. Hurwicz inquired whether amendments could be made during the third reading; the chair indicated that amendments would not be prohibited. Mr. Hurwicz was concerned that discussion of Section 15 on Termination Due to Financial Exigency and the Foreword were not scheduled for the same session. It was suggested that it would be best to wait to see how the discussion proceeded at the next meeting when Section 15 was scheduled to be taken up. Faculty members were urged to present proposals at the informal meetings scheduled during April and May. The rules were then approved.

Proceeding to Section 1, the Academic Freedom statement, Mr. Morrison presented his committee's motion to approve it. One change to correct punctuation and clarify the intent in Section 1.2 was adopted. Turning to Section 2, Applicability of Regulations and Preservation of Pre-Existing Rights, Mr. Hurwicz proposed to indicate that the regulations or any subsequent amendments would not impair contract rights acquired prior to the adoption of the regulations or its amendments. Mr. Morrison said the comments would clarify that point. Toni McNaron, associate professor of English, charged that the comments were vague on the subject of impairment of previously acquired rights by admitting that there was no simple answer to the question of whether existing rights would be violated in every instance where the new regulations might be less favorable than the old. Mr. Morrison called attention to the paper on

Status of Comments, and the recommendation that the text should be amended if there were ambiguities. John Wertz, professor of chemistry, took issue with that procedure, indicating that the Senate should be able to act on the comments. Mr. Hurwicz suggested that the Status of the Comments statement be printed in the tenure document. Mr. Wertz moved that, at the conclusion of consideration of the tenure document, the comments as well as the code itself be presented to the Faculty Senate for approval. John Darley, professor and head of psychology, said that such a move would introduce great delay in the work of the Senate. A better way, he said, would be to instruct the Tenure Committee to revise the comments where the Senate felt that was necessary. Carl Auerbach, dean of the Law School, suggested that it would be more appropriate to amend the regulations themselves if something in the comments was improper, leaving revision of the comments to the committee. The Wertz proposal was then defeated. Mr. Darley suggested that the Hurwicz amendment to Section 2 be turned over to the committee for wording, and that section, as amended, was approved.

Section 3 on definitions was approved.

Section 4 on Classes of Faculty and Faculty Appointments was then taken up. Mr. Hurwicz asked whether the retirement age policy was part of the contract of a faculty member. Mr. Auerbach said that the policy specifying retirement age was made by the Board of Regents, and that all the committee was saying was that nothing in the regulations would give any force to the argument that age 68 retirement was not part of the contract. Mr. Wertz then commenced a discussion on "soft money" regular appointments. He contended that the comments would encourage making such appointments, and he urged that that portion of the section be deleted. Mr. Morrison held that the comment merely indicated that such appointments could be regular, and he felt it was useful for the departments to have some guidance in that area. Mr. Krislov suggested that if a change were called for it should be made in the text itself. Burnham Terrell, professor of philosophy, moved that the comments be sent back to the committee for revision. Mr. Auerbach pointed out that earlier in its deliberations the Senate had asked for a statement covering persons on "soft money" where continuation of those funds seemed assured, and he added that the comments suggested that nonregular appointments should be offered only to those whose relationship with a unit was not to be long-term, to help eliminate cases where persons had been holding nonregular appointments for more than 10 years. Mr. Terrell proposed that the hopes expressed in that area should not be a part of the comments and that the tenure regulations should be restructured to cover it. His motion was defeated. Mr. Wertz' proposal to delete the three sentences indicating the conditions under which regular appointments could be made where "soft money" was involved was approved. A second proposal by Mr. Wertz to effect tighter control over such appointments was defeated. He contended that his moves were made to discourage the making of regular appointments in such instances but not to prevent it altogether, so he did not suggest amending the regulations. Mr. Morrison presented an amendment to the section dealing with multiple appointments to make it clear that a person holding tenure in one unit and a non-regular position in another could return to the tenured position on the same basis as he served in both positions. The proposal was accepted. A second proposal clarified the point that neither the faculty member nor the department could unilaterally alter the allocation of time required from that originally agreed upon. This, too, was accepted. Harley Otto, professor of agronomy, asked whether the listing of county extension agents as nonregular faculty

members was intended to include all county staff and area staff personnel. Mr. Morrison responded that the committee had copied that portion from the existing policy, and that it affected only the agents themselves. Section 4 was then approved as amended.

Section 5 on Required Action by the Board of Regents was approved after a brief discussion of the extent of authority of the Regents in approving terms and conditions of employment.

Section 6 covering the Maximum Period of Probationary Service was approved following Mr. Morrison's explanation that it would be mandatory that years of service at other accredited institutions be credited toward completion of the probationary service period.

Ms. McNaron took issue with Section 7, Tenure of Instructors and Assistant Professors on Regular Probationary Appointments. She said that an annual review of each person holding a probationary appointment would be disruptive of scholarly activity. Mr. Morrison responded that early reviews tended to be perfunctory, that the system of annual review gives the department a focus, as well as an opportunity for counseling. He added that after the first year a probationary person would have at least 13 months of job security. Ms. McNaron objected to changing a policy affecting people who were not represented on the Faculty Senate. Mr. Morrison contended that the procedure and not the policy was being changed. David Vose, vice provost for academic administration, suggested that the regulations specify that the review must be shared with the probationary faculty member.

The meeting was adjourned at this point, as it was then 5:00 p.m., the prearranged adjournment hour.

JEANNE T. LUPTON  
Abstractor