

UNIVERSITY OF MINNESOTA

UNIVERSITY SENATE MINUTES

FACULTY SENATE MINUTES

STUDENT SENATE MINUTES

February 16, 1989

The second meeting of the University Senate for 1988-89 was convened in 25 Law Building, Minneapolis campus, following the Twin Cities Campus Assembly meeting. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 124 voting members of the faculty, 43 voting members of the student body, 4 ex officio, and 11 nonmembers. President Nils Hasselmo presided.

I. MINUTES FOR NOVEMBER 17

Action (3 minutes)

Approved

II. SENATE CONSULTATIVE COMMITTEE

GRIEVANCE PROCEDURES, REPORT OF AD HOC COMMITTEE

Discussion (20 minutes)

In the spring of 1987, the Senate Consultative Committee appointed us as an Ad Hoc Committee on Grievance Procedures. Our task was to prepare a system to rationalize and simplify the grievance procedures within the University. Those procedures are currently scattered among departmental and college grievance bodies, the Senate Judicial Committee, the Academic Staff Advisory Committee, Civil Service bodies, and a number of ad hoc procedures.

Over the past 18 months, we have prepared several drafts and have consulted with a wide range of University groups, including the Faculty Consultative Committee, the Equal Employment Opportunity for Women Committee, the Sexual Harassment Board, the Judicial Committee, and the Administrative and Professional Staff Committee, deans and other administrators, and other interested parties. We have carefully considered their views and have incorporated their recommendations into our draft to the extent possible.

We submit below a proposed set of procedures to be adopted by the Senate. We now submit them for your information and comment. After receiving comments from members of the Senate and from other interested groups, we will revise the draft and present a proposal to the Senate for action.

Our proposal contains a number of innovations. Perhaps it would be useful to summarize them:

1. Sharp jurisdictional lines would be drawn between the Judicial Committee and the Academic Staff Advisory Committee, on the one hand, and the grievance process on the other. In the future the Judicial Committee and Academic Staff Advisory Committee would consider only termination cases (removal for cause or denial of tenure) and the grievance process would consider all other matters.

2. The new broad-scale grievance process would include all other kinds of grievances by faculty, students, and staff against the University, its units and employees, except civil service grievances and termination of employment grievances. Student discipline would remain in its present form.

3. Departmental grievance committees would be abolished as formal institutions. Departments would still be encouraged to have informal grievance committees to assist in the informal non-adversary resolution of disputes, but would no longer hold formal and final hearings. For a variety of reasons, we do not believe the departmental committees can adequately serve, across the University as a whole, as a basis for hearing and deciding disputes in a formal way.

4. We have centered dispute resolution at the collegiate level. To protect against even the appearance of unfairness, we have provided that the chair of each hearing panel would be a University member chosen from the faculty outside of the college in question, thus assuring impartiality. There would be a limited appeal to a central grievance committee. In exceptional cases, matters could be heard initially before a University-wide panel.

5. We have provided for centralized filing and processing of grievances and for a University Grievance Officer, who would oversee this function, but for decision of individual cases at the collegiate level. This has several important features. We believe that centralized filing will help us understand the quantity and nature of complaints around the University, and will help us to insure that procedures are followed and that the timetables are met, or at least not grossly exceeded.

6. We have set forth timetables for the resolution of formal grievances. We believe that it is important that there be prompt final decisions in grievance cases. We believe that one of the problems with the present structure is that it allows these situations to fester and become more serious than warranted, because they remain unresolved over an excessive period.

We solicit your comments on the attached draft procedures. After hearing your comments and those of other groups, we will be making the necessary amendments and presenting a formal proposal to you for approval in April. You may write to any (or all) of us at the addresses listed below or call us at the indicated telephone numbers.

Respectfully submitted,
Amos Deinard
(Pediatrics, Box 186 UMHC; 627-4325)
Fred L. Morrison
(Law School, 324 Law; 625-0321)
Charlotte Striebel
(Mathematics, 251 Vincent; 625-4065)

DRAFT AS OF February 2, 1989

GRIEVANCE

SECTION 1. PURPOSE

1.1 Purpose. The purpose of these rules is to provide a just, efficient and final resolution of grievances between members of the University community regarding the application of University rules and policies within the limits set out below.

1.2 Use of Informal Procedures. Those who have grievances should seek to resolve them by informal means, before resorting to these formal procedures. They are encouraged:

first, to attempt to resolve the matter directly with the person whom they believe to have violated the University policy or rule, and

second, to seek informal resolution with the assistance of a departmental grievance officer,

before filing a formal grievance under these rules. Use of these informal procedures is not a prerequisite to the filing of a formal grievance. Individuals are cautioned that time limits established by these rules are firm, and that pursuit of informal processes is not an excuse for failure to comply with them.

1.3 Duties of Parties. The party who files a grievance and the party against whom it is filed have the responsibility to present the evidence relating to the controversy. Other members of the University community may be required to attend and give evidence. The grievance officers and committees established by this policy will not conduct independent investigations, but will rather hear and determine the cases on the basis of the evidence presented to them.

1.4 Time Limits. Persons who do not file a formal grievance within the required time period will be considered to have agreed to the action taken. The mere fact that such a person is pursuing informal efforts to resolve the dispute is not a basis for extending the time limits or waiving this rule. (See rules 3.4 and 8.1.)

SECTION 2. COMMITTEES AND OFFICERS.

2.1 University Grievance Committee. The University Grievance Committee consists of at least 9 members appointed by the Senate Committee on Committees with approval by the Senate. A majority of the members of the committee must be members of the regular faculty. Students, professional and administrative personnel, and civil service employees are also represented. The Chair is selected as provided in the Senate rules. The University Grievance Officer is an ex-officio, non-voting member.

2.2 Subcommittee on Procedure. The University Grievance Committee will form a 3 member subcommittee on procedure, and will provide for alternates. The Subcommittee will perform the functions described in section 4.28.

2.3 University Grievance Officer. The University Grievance Officer is appointed by the President with the concurrence of the University Grievance Committee. The person appointed should be an individual with recognized stature in the University community, free from direct administrative influence. In the absence of the University Grievance Officer, the Chair of the University Grievance Committee will perform the functions assigned to that office.

2.4 College Grievance Committees. Each collegiate unit has a grievance committee. The size and composition of each college grievance committee is established by the college with the approval of the University Grievance Committee, subject to the following limitations:

(a) Each college committee will consist of at least 9 members.

(b) One-third of the members of the college committee will be "University delegates," who are faculty members or professional-and-administrative staff members from outside of the college, appointed by the Senate Committee on Committees.

(c) The remaining members will be "college delegates," who are representative of faculty, staff, civil service employees, and students of the college, appointed in accordance with the college constitution.

(d) The chair of the college grievance committee will be named by the University Grievance Officer from among the University delegates.

2.5 Additional Members. If there are insufficient members of the University Grievance Committee or of a college grievance committee to constitute a panel, the original appointing authority may appoint additional members.

2.6 Departmental Grievance Officers. Each department or other academic or administrative unit will appoint a grievance officer or committee who will assist in the informal resolution of grievances within the unit and who will have information about formal grievance procedures.

SECTION 3. JURISDICTION.

3.1 Jurisdiction. The University Grievance procedures established by these rules shall provide an independent review and speedy resolution of all grievances that arise within the University community subject to the following conditions:

(1) The grievant must have been either a student or an employee of the University at the time the grievance arose. In exceptional cases, the President, the Provost or an appropriate

dean may refer to this process a grievance brought by someone who has a close relationship to the University, but is neither a student nor an employee.

(2) The respondent must either have been a student or an employee of the University at the time the grievance arose, or be an academic or administrative unit of the University.

(3) The grievance must allege a serious violation of University rules, regulations, policies, or established practices or of state or federal law.

(4) The grievance must involve substantial harm to the grievant as a result of the alleged violation.

(5) The grievance must propose an appropriate remedy which is within the authority of the University to grant.

Any dispute about jurisdiction will be decided by the procedures set forth for the hearing of grievances under these rules.

3.2 Exceptions. This policy does not apply to cases which are within the authority of any of the following bodies:

(1) The Judicial Committee of the University Senate, under sections 7, 8, 10, or 11 of the Regulations Concerning Faculty Tenure.

(2) The Academic Professional and Administrative Staff Committee under sections III-B, IV, or V of the Academic Professional and Administrative Staff procedures.

(3) Any matter covered by the Civil Service Procedures or rules either because it is grievable under those rules or because grievances regarding it are excluded by those rules.

(4) Any matter arising under the Student Conduct Code.

(5) Any matter involving college or university procedures and rules regarding student performance

(6) Any matter subject to a collective bargaining contract.

3.3 Sexual Harassment Policy Procedures. The University Policy on Sexual Harassment establishes procedures for the filing and initial review of complaints. After review of the available evidence, the Vice President may:

(1) Initiate proceedings for the removal or suspension of an employee of the University, pursuant to the procedures in the Tenure Regulations, the Academic and Professional Staff Policy, the Civil Service Rules, or other employment policy; or

(2) Impose a punishment other than suspension or removal, in which case the employee may file a grievance against such action under this policy; or

(3) Initiate a proceeding under section 3.6 of this policy.

In all of the above cases, the Vice President has the burden of demonstrating that the employee violated the Sexual Harassment Policy.

3.4 Concurrent Jurisdiction.

3.41 It is the general policy that, to the extent possible, all grievances arising out of a single set of facts should be resolved in a single forum.

3.42 All grievances arising within the context of a case properly before the Judicial Committee or the Professional and Administrative Staff Committee will be resolved by those committees, unless that committee refers specific issues back to these grievance procedures.

3.43 The University Grievance Officer may refer any collateral disputes arising within the context of a case before any of the other bodies listed in section 3.2 to that body or may refer them to the appropriate Grievance Committee.

3.5 Time Limits. The person seeking review under these rules must file a written statement of the grievance with the Grievance Officer within 30 days of notice of the action challenged. The Grievance Officer may, however, extend the time for filing for review for reasons that seem compelling to the Officer, such as mental or physical illness or serious personal or family problems, or doubt concerning when final action leading to the grievance was taken.

3.6 Additional Jurisdiction; University Complaints. If the Provost or a dean has reason to believe that a violation of University policies has occurred and has resulted in serious harm to the institution, the Provost or dean may initiate a formal grievance on behalf of the institution. The Provost or dean will designate a person to present the case to the grievance committees and otherwise function as "grievant" under these procedures. In this case, the formal statement of grievance need not request a specific remedy, but may leave the recommendation of an appropriate remedy to the hearing panel. The panel may not recommend termination of employment, but may recommend that proceedings leading to termination be initiated.

The availability of this procedure does not affect the authority or power of administrators to act unilaterally, but such actions are subject to grievance as provided in section 3.1. Administrators are encouraged to use this procedure, rather than ad hoc committees.

3.7 Discretionary Decisions. The grievance process does not review the exercise of discretion. If a University policy delegates discretion to some person or group, grievance committees will not substitute their judgment for that of the person or group to whom discretion was delegated. They will only determine whether the person or group followed established procedures and criteria and acted within the scope of that discretion, i.e. acted in a rational and evenhanded way in the exercise of the discretion.

SECTION 4. PROCEDURES.

4.1 The Written Statement of the Grievance. The grievant must file a written statement of the grievance with the University Grievance Officer. The written statement of the grievance must contain the following information:

- (1) The name, campus address, and University status of the grievant.
- (2) The name, campus address, and University status of the respondent.

(3) A statement of the University rule, regulation, policy, established practice, or state or federal law which the grievant has reason to believe has been violated. A verbatim statement should be included or attached, if possible. If the grievant alleges violation of an established University practice, a clear statement of the facts relied upon to demonstrate the existence of such a practice.

(4) A statement in plain and simple language of the specific actions of the respondent about which the grievant is complaining.

Except in the case of institutional grievances under section 3.6, the statement must also contain:

- (5) A statement of the harm which the grievant claims to have suffered.
- (6) A statement of the relief which the grievant wishes to obtain.

If the grievant believes that the grievance cannot be fully and fairly heard and resolved by a college level grievance panel, the grievant should state the reason for this belief and should request either (a) a hearing before a panel of the University Grievance Committee or (b) the formation of a panel with representation from more than one college or other unit.

The written statement of the grievance must be signed and dated.

4.2 Preliminary Actions to be Taken by the University Grievance Officer.

4.21 The University Grievance Officer will forward the written statement of grievance to the respondent and will set a time for a formal answer. The Officer may also forward a copy to any other member of the University whose participation is necessary in the relief requested and set a time for a formal answer. The Officer may also, if appropriate, request the Provost to appoint a representative who will respond for the University.

4.22 The University Grievance Officer may require any party to provide a more detailed written statement or answer and set a time for response. The Officer may request a more complete written statement before or after forwarding the statement to the respondents or receiving their answers.

4.23 The University Grievance Officer may dismiss any grievance which is outside of the jurisdiction of this policy or which is frivolous. The Officer may act in this way before or

after taking the steps set forth in sections 4.21 and 4.22. The decision will be in writing and will give a summary of reasons.

4.24 The University Grievance Officer will, if the parties desire, attempt to obtain a mediator acceptable to both parties to seek an amicable settlement. In general, the appointment of a mediator is not a reason for delaying discovery or for delaying the scheduling of a formal hearing for more than 30 days.

4.25 The University Grievance Officer will set a schedule for discovery (the exchange of relevant information) and will rule on disputes relating to discovery. In ruling on discovery requests, the Officer will be guided by the standards set forth in section 8.12.

4.26 The University Grievance Officer will normally refer the case to the collegiate grievance committee of the college in which the grievance arose. The Chair of that Committee will designate the members of the Panel. The University Grievance Officer may refer a case to a joint panel drawn from two or more committees if it involves actions by two or more collegiate units. The Officer may refer the case to a panel of the University Grievance Committee if it involves a central University office, or if there is no appropriate committee, or if it appears to the Grievance Officer that justice could not be seen to be done if the hearing were conducted in the college. The fact that a dean or other college officer has taken some action on recommendation of a department or other unit is not sufficient, by itself, to cause such a determination.

The Officer will set a timetable within which a hearing should be conducted and a report returned.

4.27 In setting time limits, the University Officer will be guided by the schedule set forth in section 8.1.

4.28 Any party may appeal a decision of the University Grievance Officer to the Standing Subcommittee on Procedure. Unless otherwise directed by the Subcommittee, this appeal will be decided on the basis of written submissions.

SECTION 5. THE HEARING.

5.1 The Hearing Panel. The hearing will be conducted by a panel of three members of the designated Committee. The Chair of that Committee designates the individual members, subject to the following guidelines:

(a) In the case of college committees, the chair of the panel is a University delegate and the other members are college delegates.

(b) The composition of the panel will reflect the University status of the parties.

(c) The University Grievance Officer will rule on challenges for cause. If any member is thus disqualified, a substitute member will be designated by the Chair of the appropriate Committee.

5.2 Conduct of the Hearing.

5.21 The Hearing panel will preside over and conduct the hearing.

5.22 The hearing panel will conduct the hearing in accordance with principles of academic due process. In particular

(1) Each party will have the right to examine all evidence and to confront and cross-examine all witnesses.

(2) The panel will base its decision solely on the evidence presented at the hearing. It will not conduct its own investigation, nor may it properly consider allegations or statements outside the context of the hearings. It may take notice of those facts which are common knowledge within the University.

(3) The grievant has the burden of proving by the preponderance of the evidence that the action complained of was in violation of a University rule, regulation, policy, established practice, or state or federal law.

5.3 The report of the panel.

5.31 After completing the hearing, the panel will prepare a draft written report, which will summarize the evidence and policies involved and will recommend appropriate action or affirm the actions taken. In its deliberations it may discuss aspects of the case with the full

college committee or with the University Grievance Officer, but only the panel members will vote on the final report.

The draft report will be circulated to the parties and to any administrators whose actions would be necessary to implement the recommendations. They will be given a time limit in which to respond in writing.

5.32 After the expiration of the time limits and consideration of timely responses, the panel will prepare a final written report, which it will send to the University Grievance Officer. The University Grievance Officer will send copies to the parties, to any administrator who is responsible for its implementation, and to the President and Provost.

5.4 Settlements. Parties are encouraged to reach voluntary settlements. An informal settlement between the parties results in dismissal of the grievance; this prevents any further proceedings with respect to the grievance at a later time. A formal settlement must be in writing, signed by the parties, and must be filed with the hearing panel (or the Grievance Officer, if there is no hearing panel). It has the effect of a final report under section 5.3, and may be implemented as provided in section 7.

SECTION 6. APPEALS.

6.1 Time Limit for Filing an Appeal. Any party to a grievance or any University administrator responsible for implementing a recommendation may appeal a decision of a hearing panel by filing a written appeal with the University Grievance Officer within 10 days of the mailing of the panel report. If no appeal is filed, the report is final and binding upon the parties and all University administrators to whom it is addressed.

6.2 Scope and Nature of the Appeal. The University Grievance Committee will review the report to determine whether the parties were afforded due process, whether the panel proceedings were conducted in accordance with these rules, and will review the interpretation and application of University policies. It will not review the evidence or the panel's findings of fact unless it determines that the panel denied due process or failed to follow these rules. Unless the Committee directs otherwise, the appeal will be conducted on the basis of written statements only.

6.3 Decision. The Committee will make a written report, deciding the appeal. The report will be filed with the University Grievance Officer, who will distribute it to the parties, affected administrators, the President and the Provost.

SECTION 7. IMPLEMENTATION.

7.1 Finality of Decision. The decision of the panel (or of the University Grievance Committee, in case of appeal) is a final recommendation to the University administration regarding the grievance. Those responsible for implementing the decision must notify the University Grievance Officer within 30 days of the steps taken to implement it.

7.2 Additional Review. Within the 30 day period, the President or Provost may request the University Grievance Committee to review a decision in light of its impact on University policy, setting forth reasons in writing. Other parties will be given an opportunity to comment. The additional review will be conducted in the same manner as an appeal. The Committee will prepare a final report and recommendation, which it will send to the President, Provost and the parties and file with the University Grievance Officer.

7.3 President's Final Decision. The President will implement the decision of the panel and will notify the University Grievance Officer and the Committee of the steps taken to do so, or, within 30 days will send all parties, the Committee and the University Grievance Officer a statement of the substantive reasons for not doing so. In the latter case, the University Grievance Committee will make a special written report, to be published in the next docket of the University Senate, setting forth its recommendations and the President's reasons for refusing to implement them. If the grievant requests confidentiality, a summary of the relevant considerations must be so published without identification of the individual.

7.4 Failure to Implement Decision. In any other case, if a responsible administrator fails to implement a final recommendation, a party may request the University Grievance Officer to reopen the case. The Officer will refer the case to the University Grievance Committee, which will give the administrator an opportunity to respond, but not to reargue the original

case. The Committee will report to the President and Provost. If the President fails to cause the recommendations to be implemented, the Committee will make a special written report to the University Senate, as provided in section 7.3.

SECTION 8. GENERAL PROVISIONS.

8.1 Time Limits.

8.11 These rules call upon the University Grievance Officer or the panel or Committee chair to establish time limits. It is the purpose of these rules to provide for the efficient conclusion of grievances. Parties must comply with the established time limits. If they fail to do so, sanctions may be imposed, including dismissal of the grievance, drawing conclusions adverse to the defaulting party, or the exclusion of certain evidence. The panel or committee may also report the failure to comply with rules and time limits to appropriate administrators and to the University Senate, naming the defaulting party.

8.12 The University Grievance Officer or the panel chair will follow the guidelines in section 8.13 in setting timetables. The Officer or chair will, however, bear in mind the fact that members of the University community are generally not available in examination week and quarter breaks, and may not be available during summer vacation.

8.13 The following are normal guidelines for time limits:

(a) Time limits set by the University Grievance Officer in preliminary proceedings:

To answer a grievance (§ 4.21)	10 days.
To provide a more detailed statement or answer (§ 4.22)	10 days.
To complete discovery	30-60 days
To respond to a dispute about discovery (§ 4.25)	3 working days
To respond to a request to dismiss a grievance, 10 days, but the University Grievance Officer may summarily refuse such a request, or refer the case to the hearing panel, without seeking a response	
To conduct a hearing and present a final report	60-90 days

(b) Time limits and guidelines for the panel chair and the panel:

To constitute a panel, notify parties, and schedule a date for hearing	10 days after receipt of the case
To challenge a member of the panel	10 days after notice of the composition of the panel
To begin the hearing	30-45 days after receipt of the case
To respond to a draft report	10 days
To reply to these responses	3 working days

(c) Time limits and guidelines for the Committee Chair and the Committee in cases of appeal and additional review:

For the appealing party to provide a full statement	10 days
For the other parties to reply	10 days
For all parties to respond to the draft report	10 days
To reply to these responses	3 days

(d) The University Grievance Officer will monitor compliance with these time limitations.

8.14 The officer setting the time limits may alter or extend them, but extensions should be brief and granted only for compelling reasons. The pendency of mediation efforts is not normally a basis for an extension of more than 30 days.

8.2 Discovery. Prompt and fair resolution of grievances that arise within the University community is necessary for the proper operation of University programs. It is University policy to comply with all reasonable requests for information made by parties to a formal grievance procedure. In order to comply with confidentiality obligations of the University, a party may be required to sign and abide by a confidentiality agreement before certain information may be released for the limited purpose of a grievance hearing.

8.3 Duty to Testify. Every member of the University community has an obligation to appear before a grievance panel to give testimony in matters pending before it. Assistance in this regard is an important part of academic responsibility. (Those who fail to fulfill this responsibility may be publicly censured.)

8.4 Confidentiality. The University Grievance Officer and the Grievance Committees to which a grievant is referred shall not disclose documents or any information concerning a formal grievance except as is necessary to comply with procedures for conducting the hearing or as is required by these rules or by law.

8.5 Representation. Parties in grievances may be represented by academic advisers/advocates or others. Representation does not excuse parties from participating in the proceedings.

8.6 Files. The University Grievance Officer will maintain the permanent files of all grievances, including those decided by college grievance committees.

8.7 Recommendations. In addition to the formal recommendations regarding a grievance, a grievance panel, the Grievance Officer, or a Grievance Committee may make public recommendations to clarify or improve University rules or policies. These recommendations will not affect the outcome of the case before the panel.

8.8 Appointment of Committee Members.

8.81 The Senate Committee on Committees is authorized to appoint members of the professional and administrative staff to the University and collegiate grievance committees. It will consult with the Professional and Administrative Staff Committee in making these appointments.

8.82 Each college grievance committee is established as provided in section 2.4, and includes "University delegates," appointed by the Senate Committee on Committees. In order to create a pool of individuals who can be appointed as "University delegates," each college is required to supply to the Committee on Committees the names of its own faculty members who are willing, able, and qualified to serve on the grievance committees of other colleges. Each college must provide at least as many names for this University-wide pool as it will have "University delegates" serving on its own committee. The Committee on Committees may specify the mix of faculty and staff, the standards for nomination, and the precise number to be nominated by each college.

8.9 Rules of Procedure. The University Grievance Committee and the University Grievance Officer may adopt rules of procedure and guidelines for hearing panels, consistent with these rules.

SECTION 9. UNIVERSITY POLICY.

This is a University policy. It supersedes the grievance policies of colleges and departments, including those contained in college constitutions.

MARK BRENNER
Chair

see abstract of the discussion

III. ALL-UNIVERSITY HONORS COMMITTEE

POLICY CHANGE
Information

The Committee on All-University Honors has completed its third revision of the Handbook Governing the Award of Honors for the University. A draft has been forwarded to the

subcommittee of the Regents concerned with this matter, Regents Schertler (chr.), Casey, and Craig.

The design of the proposed revision is to separate the policy concerns from the procedures. Accordingly, only the policy provisions are before the Regents for their consideration. If approved, this will become the Regents' policy statement.

The procedures will remain under the control of the Committee on All-University Honors. It is anticipated that this matter will come before the Regents at their next meeting on February 10.

LEO J. RASKIND
Chair

Accepted

IV. QUESTIONS TO THE PRESIDENT (15 minutes)

see abstract of the discussion

V. OLD BUSINESS

none

VI. NEW BUSINESS (15 minutes)

see abstract of the discussion

VII. TRIBUTE TO DECEASED FACULTY MEMBERS AND STUDENTS

FACULTY MEMBERS

RUTH F. HOVDE 1917-1989

Ruth F. Hovde, professor emeritus and former Director of the Division of Medical Technology, Department of Laboratory Medicine and Pathology, Medical School, died on February 9, 1989; her death was due to cancer.

A native of Devils Lake, North Dakota, Professor Hovde received her undergraduate and masters degrees in medical technology (1930) and anatomy (1949) from the University of Minnesota. Her career included positions as a medical technologist in Grand Forks; at Abbott Hospital in Minneapolis; Tacoma General Hospital in Tacoma; and Hay Laboratory in Seattle.

Ms. Hovde joined the staff of the University of Minnesota in 1945 as an administrative laboratory technologist and instructor in the Department of Laboratory Medicine. She was named an assistant professor of Laboratory Medicine in 1953, an associate professor in 1958, and professor and director of the Division of Medical Technology in 1964. She retired from the University of Minnesota in 1984. She was a member of a number of University committees, including the Council of Allied Health Program Directors, Senate Committee for Faculty Affairs, and the Registrars Committee.

During her career, Professor Hovde served as president of the Minnesota Society of Medical Technologists (1951-52) and as president of the American Society of Medical Technologists (1954-55). She was a member of Alpha Mu Tau, Gamma Phi Beta, the Society of Sigma Xi, the Academy of Clinical Laboratory Physicians & Scientists, the American Association of University Professors, and the American Society of Allied Health Professions. She published numerous scientific and educational articles, and served as an external consultant to other undergraduate and graduate programs in medical technology.

In 1983, Ruth Hovde became the first medical technologist in the nation to receive an honorary doctorate when she was awarded a doctor of science degree from Thomas Jefferson University, Philadelphia, Pennsylvania.

Professor Hovde was known for her gracious manner, her concern for faculty, staff, and students, her standards of excellence, and her unwavering loyalty to the University of Minnesota. During her distinguished career, she made many valuable contributions to both the Department of Laboratory Medicine and the profession of medical technology. According to Karen Karni, present director of the Medical Technology program at the University, "Ruth Hovde was one of those unique individuals who, through her many leadership roles, changed medical technology from a technical field to that of a profession. She had vision, marvelous organizational skills, and was a master of the spoken word. Many times at national meetings, she swayed an entire House of Delegates to her point of view, and she did it with grace, logic and her command of the language." She also chaired numerous important societal committees, such as the Bylaws and Judicial Committees of the American Society of Medical Technologists.

Survivors include her sister, Elaine Yarbrough, of Scottsdale, Arizona, and six nephews and nieces. Her late brother, Fred Hovde, served as president of Purdue University for many years.

LEON SINGER 1918-1988

Leon Singer, M.S., Ph.D., retired from the University of Minnesota June 30, 1988, after serving on the faculty in the Medical School and School of Dentistry since 1949. He died from a heart ailment September 19, 1988, at Methodist Hospital in St. Louis Park. A memorial service for Dr. Singer was held the following day at B'nai Emet Synagogue in St. Louis Park.

Dr. Singer was born in Gainesville, Florida, August 15, 1918, and attended the University of Florida, where he earned the degrees of B.S.A. and M.S. After receiving the M.S. degree in 1942, Dr. Singer was inducted into the U.S. Army as a private and was commissioned a second lieutenant in 1943 and rose to the rank of captain in the Corps of Engineers, being separated from the Army in 1946. He received the Bronze Star and three combat theater ribbon awards for service in Europe and the Pacific.

Dr. Singer earned a Ph.D. in biochemistry and nutrition from the University of Florida in 1949. There he pioneered some of the early research on radioisotopes and on the trace elements of copper and molybdenum in calcified tissue metabolism. Dr. Singer joined the faculty as an instructor in the Department of Physiological Chemistry at the University of Minnesota Medical School in September 1949 under the leadership of Dr. Wallace D. Armstrong. He was promoted to assistant professor in 1950 and associate professor in 1958. In 1960, Dr. Singer was named a Hill Professor for Basic Dental Research sponsored by the Hill Family Foundation. He then had his principal appointment in the School of Dentistry but also was on the faculty in the Department of Physiological Chemistry. Dr. Armstrong had been conducting research on fluorides for 20 years when Dr. Singer came to Minnesota. They collaborated on many fluoride research projects and between the two of them were involved in fluoride research for 59 years. As was true for Dr. Armstrong, Dr. Singer became an international authority on fluoride research.

Dr. Singer and his colleagues conducted a variety of research projects on fluorides including the examination of factors influencing the biochemical, physiological, and nutritional effects of fluoride as well as the forms and concentration of fluoride in body fluids, soft tissue, and calcified tissues. Projects were carried out on the fluoride intake of infants, toddlers, and adults through food and liquids, and studies were conducted on bone resorption during calcium deprivation and bone repletion. Dr. Singer investigated the relationship between dental caries and the fluoride content of tooth enamel and the effect of fluoride on cell growth in tissue culture. He collaborated in important investigations demonstrating a lack of effect of fluoride in producing cytogenetic or mutational effects in bacteria and animals. Drs. Singer and Armstrong worked collectively on the therapeutic effectiveness of fluorides in osteoporosis in animals. Dr. Singer received substantial funding for his research projects,

principally through grants from the United States Public Health Service. He received a USPHS grant for 1984-1988 totaling \$891,624, and throughout his career at Minnesota received over six million dollars in basic research grants.

Dr. Singer was the author or contributing author of 20 books and monographs, 136 research papers, and 88 abstracts. He gave scores of scientific presentations in Minnesota, many areas of the United States, and in Israel and Japan. In addition, Dr. Singer served on many committees organized to implement and monitor national health programs relating to the use of fluoride, including the Subcommittee of the National Research Council of Fluorosis (1970-1973), the American Dental Association National Fluoridation Committee (1978-1985), and the American Academy of Pediatrics Subcommittee on Fluoride Intake (1980). He also was an advisory editor to the *Journal of Dental Research* (1971-1973) and *Calcified Tissue Research* (1976-1982).

Dr. Singer was a gifted teacher as a lecturer or one-to-one with a graduate student in his research laboratories. Seventeen graduate students earned Ph.D. degrees under Dr. Singer's tutelage, and five were awarded master degrees. Dr. Singer was a key leader in the development and continuation of the Undergraduate Dental Student Summer Research Fellowship Program at the School of Dentistry. He gained funding for these fellowships from the National Institutes of Health, such as a \$100,000 training grant for 1985-1989. Dr. Singer received a number of special awards including being accorded in 1966 honorary membership in Omicron Kappa Upsilon, the national dental honor society; selected as the School of Dentistry Century Club Professor of the Year in 1970; and given the prestigious H. Trendley Dean Award in 1985 from the National Institute of Dental Research for his outstanding research accomplishments.

Dr. Singer is survived by his wife, Blanche; five children: Charles, Neal, Caryn, Joel, and Eileen; and ten grandchildren.

STUDENTS

Rick Guetter, U of M, Morris

David Kolstad, U of M, Morris

Pamela Lindow, U of M, Morris

Rachel Agnes Reddin, CLA

FACULTY SENATE MINUTES

The meeting of the Faculty Senate was convened in 125 Law Center, Minneapolis campus, following the University Senate meeting. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 124 voting members of the faculty. President Nils Hasselmo presided.

I. MINUTES FOR NOVEMBER 17

Action (2 minutes)

Approved

II. FACULTY RETIREMENT PLAN COMMITTEE

RETIREMENT PLAN CHANGE

Information

The Faculty Retirement Plan Committee reviewed the basic faculty retirement plan relative to recent changes in the law. Following consultation with the Employee Benefits Department and a tax specialist hired by the University, the committee recommended changing from the present 403 (b) plan to a 401 (a) plan. The University has already received an indication from the IRS that such a change would be approved.

There will essentially be no effect of these changes on the retirement plan for the vast majority of the participants. There will be a need for a formal trustee for the plan. Also, under the plan, individuals who elect at the start of employment not to participate in the plan could not enter later. It was therefore felt desirable to make the plan mandatory.

In order to have the plan in effect by summer 1989, which would be necessary to meet the changes in the IRS code, the Faculty Retirement Plan Committee recommendation went to the Senate Committee on Faculty Affairs and the Faculty Consultative Committee, both of which approved the recommended change.

RICHARD J. GOLDSTEIN
Chair

Accepted

III. JUDICIAL COMMITTEE

ANNUAL REPORT, 1987-88

The 1987-88 annual report of the Judicial Committee was distributed at the meeting. Because it is a lengthy document, it is not reprinted here. Copies are on file in the Office of the Clerk of the Senate.

The following is an outline of the sections:

Case Load

In-Service Orientation

Revision of Hearing Officers' Check List

Interpretation of Rule 7.61 of the Tenure Code

Professor Fred Morrison's Role in Panel Hearings

Use of Prior Panel Opinions as Precedent When Writing Final Findings
and Recommendations

Meetings with Interim President Sauer

Study of the Impact of Judicial Cases on Complainants and Respondents

Membership and Meetings of the Committee

AMOS DEINARD
Chair

Accepted

IV. ADJOURNMENT

ABSTRACT

The University Senate meeting was called to order by President Nils Hasselmo following the Twin Cities Campus Assembly meeting. The minutes of the last meeting were approved.

Grievance Procedures. Mark Brenner, professor of horticultural science and landscape architecture and chair of the Consultative Committee, recalled that about two years ago his committee had asked Professors Amos Deinard, Fred Morrison, and Charlotte Striebel to develop a more coherent grievance procedures document than was then available; the result was being presented for discussion. Deans, directors, and Senate committees had reviewed it, he said, and he hoped that an interchange could take place so that a modified (if necessary) version could be presented at the April meeting.

Fred Morrison, professor of law, proceeded to outline the principal features, which he hoped would simplify and expedite the grievance process. The first point was that sharp jurisdictional lines would be drawn. The Judicial Committee would hear tenure denial and re-

removal for cause cases only; the Academic Staff Professional Committee would hear similar cases; the civil service processes would be similarly restricted; and the Student Behavior Committee would hear student behavior cases only. Everything else would go to the centralized University Grievance Committee. His committee recommended that departmental procedures be informal. The appropriate place for grievances not settled at that level is usually the college level, he said.

Also provided was a central Grievance Officer to serve as a filing and processing center, to provide uniformity in the process, access to some mediation services, and encouragement for the parties to talk to one another, which may not have occurred before. It would also serve as a central repository of information that could indicate whether the University has many of the same types of problems recurring. Finally, the committee had set a series of timetables for action in an effort to eliminate cases dragging on and on, he said. He encouraged senators to write or call the committee with comments during the next two or three weeks, when the final version would be drafted.

Samuel Krislov, professor of political science, first thanked the committee for its effort, then asked why promotion to full professor, which would represent a relatively small number of cases, should not remain in the hands of the Judicial Committee. He also asked where student complaints would be handled. Deon Stuthman, professor of agronomy and plant genetics, said it was not clear to him whether faculty salary disputes were included. Chris Macosko, professor of chemical engineering and materials science, asked how a case such as one that had occurred in his department (a cheating case thought to be open and shut that was rejected through an appeal process) would be resolved.

Mr. Morrison then responded to the queries. Mr. Krislov's first concern would be considered by his committee. On student complaints, he emphasized that the policy relates only to violation of University rules or policies. Excluded from the jurisdiction of the Grievance Committee would be matters relating to student performance. For example, "I should get a B on a paper, not a C," is not one the committee would hear. Another example, where there were to be five examiners and only two showed up, would fall in their jurisdiction. On student cheating, he called attention to the section on exceptions where any matter arising under the Student Conduct Code is excluded, as are matters involving college or University procedures and rules regarding student performance. The cheating issue would, therefore, be heard at the college level. Where there are instances of cases overlapping, the University Grievance Officer may consolidate them and indicate the appropriate level for resolution. With regard to faculty salary grievances, he emphasized that it must be the process used that would be reviewed, not the salary level. He called attention to Section 3.7, Discretionary Issues, which says that the grievance process does not review the exercise of discretion.

Bruce Vandal, student, said that the Student Consultative Committee had dealt with the student grievance issue, and had collected information about the nature of student grievances. He suggested that there is not any kind of a process that students can use to get them adjudicated. A report was done by Student Development last year, he said, that pointed out the kinds of problems for students in the area of due process in an informal and formal process and the lack of general knowledge of procedures. He asked whether students would have any kind of a case if they had problems with the process. Mr. Morrison said the document was intended to be a *formal procedure of last resort and informal attempts to resolve problems* should be made first as well as use of some other informal guidance or mediation mechanisms, perhaps sponsored by the Student Consultative Committee. With regard to faculty cases, he said, his own experience with the tenure code was that at least one half of them could be resolved if people would sit down and talk about the matter in a calm way, with perhaps some advice from an assistance officer or ombudsman. With regard to Mr. Vandal's question, students have as much access to the process as anyone else, he said, but he hoped they would use the appropriate mechanisms. The process would not re-grade a paper; it would decide whether the grading process was violated.

Marianne Kennedy, student, asked whether the policy would affect sexual harassment grievance procedures. Mr. Morrison explained that, under the present policy, if there is a recommendation for the suspension or removal of a faculty member, there must be a Judicial Committee proceeding, and that would continue. If the recommendation is for some other sanction, the faculty member now may appeal to the Judicial Committee. Under the

proposed policy, the appeal would go to the Grievance Committee. The same change would take place with regard to professional staff grievances. If a removal recommendation is made, the case would go to the Professional Staff Committee as it does now. If for a lesser sanction, it would go to the Grievance Committee.

The allotted time having elapsed, the President reminded senators to submit written comments to the committee.

Rifles on campus. Robert Howe, professor of medicine, had submitted a question regarding the acquisition by the University Police Department of M16 rifles for use in major campus disturbances. He suggested that it would be more prudent to confine police activities to the everyday operation of the University, leaving the use of major weapons to specially trained city or state teams. The President reported from a reply he had received from the Acting Vice President for Student Development to the effect that the University police had for a long time maintained a "contingency resource" of officers qualified to use longer weapons in major incidents, such as the Texas tower shooting or a hostage situation, where someone armed with weapons superior to handguns is involved. The decision was made recently to purchase two rifles to increase tactical choices and to ensure that each officer would have a weapon during the training he or she must go through. It may seem alarming, the reply went on, but an incident of hostage or horror for which the campus would be under-prepared might well be deemed more unacceptable. The President said it is a regrettable feature of contemporary society. Use of such arms should be surrounded by very carefully drawn procedures and he assured the Senate that such would be the case.

Welcome. Mr. Brenner welcomed the President to his first meeting of the Senate. He acknowledged the strong leadership the President had provided, which, he said, was much appreciated by the faculty and the people of the state. His committee, the Senate Consultative Committee, had had several constructive discussions with the President concerning the organizational structure and other matters, he said, and it looks forward to further meetings with him. His remarks were followed by warm applause.

Governor's visit. Mr. Brenner went on to say that, during a meeting he and others had had with Governor Perpich regarding their grave concern for the Governor's proposed budget for the University, they had asked him to provide a message for the faculty to allay some of their fears. As a result, the Governor has agreed to come before a special meeting of the Faculty Senate on Thursday, February 23. Students would meet with the Governor at another time. He said that senators and other faculty were invited to join the meeting at all locations. Comments by the Governor would be followed by questions submitted in writing. He hoped that it would be a constructive interchange—a positive dialogue should work to the University's advantage, he concluded.

The President urged senators to attend, indicating he had just written the Governor fully informing him about positive developments taking place at the University, including the areas of financial management and physical plant as well as others. The Governor had expressed interest in the fact that the Board of Regents had considered and had adopted a statement concerning Board members' responsibilities which was developed by the candidates' selection committee. The President had also taken the opportunity on the basis of an excellent presentation on faculty salaries that Vice President Clark had made to the Board of reminding him how important the faculty-staff salary issue is, and he had sent him a summary of the information that she had used. The data were also used at a recent meeting with the state Senate Finance Committee. Faculty salaries are clearly the number one priority, he emphasized.

President response. President Hasselmo expressed delight at being back with his colleagues, students, and staff, and said he had a sense of continuity and of renewal as he looked at the faces before him. At the same time, he said, he had observed some turnover of the faculty, and he was delighted to see the young talent being brought into the institution. The University must maintain its excellent faculty and at the same time have a continuous flow of new talent. He went on to say that the new administration was laying out its agenda on the basis of the principles of A Commitment to Focus. He said he sees as a major task the work of making it politically possible to carry out its noble intentions. Unfortunately, the issue

has become clouded; there has been a lot of miscommunication, he said, but there is some understanding of it developing that he and others have noted as they tour the state. He interpreted Commitment to Focus as meaning that the University would provide quality research, teaching, and service, and in order to do that it must focus its activities in such a way that there are resources to maintain that quality. "The message is just that simple," he concluded.

Carrie Simenson, student, urged that, in discussion with the Governor, student concerns, such as teaching assistant training, advising, and instructional equipment needs, not be overlooked, in case his meeting with students fails to materialize.

The Senate rose in silent tribute to deceased faculty members and students, and the meeting was adjourned at 4:45 p.m.

The Faculty Senate was called to order; November minutes were approved. W. Phillips Shively, professor of political science, announced that his department was sponsoring, with Gertrude Lippincott, a memorial service at the Campus Club on February 22 for colleague Ben Lippincott, who died during the winter.

MARILEE WARD
Abstractor