

Minutes*

**Faculty Consultative Committee
April 20, 1989**

Present: Mark Brenner (chair), Warren Ibele, Norman Kerr (new member elected for 1989-92), J. Bruce Overmier, Ronald Phillips, M. Kathleen Price, Burton Shapiro, Michael Steffes, Charlotte Striebel (new member elected for 1989-92), James VanAlstine

Guests: Vice President Shirley Clark, Gayle Grika (Footnote), Maureen Smith (Brief)

[Note: As has occasionally been the case in the past, these minutes run somewhat longer than normal because of the expected faculty interest in the subject of the use of marketplace data in setting academic salaries. These minutes reflect the full discussion which took place.]

1. Report of the Chair

New members Professor Brenner welcomed Professors Kerr and Striebel to the Committee.

IAFHE Vice President Search Committee Professor Brenner reviewed the contents of a conversation he had had with the chair of the Veterinary Medicine FCC, who was concerned that there was no professorial representation on the Agriculture vice presidential search committee from Vet Medicine. The Vet Medicine faculty feels it has an interest in agriculture and in cooperating with the college. Professor Brenner said he would contact the President's office to find out if they would consider adding another member to the search committee or somehow otherwise ensure that the Vet Medicine faculty could play a role in the selection of the new vice president.

Minutes Professor Brenner circulated a page of minutes reduced to small print. It was agreed that hereinafter the minutes of these meetings would be reproduced in this smaller print, thereby cutting duplicating costs substantially. The Committee agreed that this should begin immediately.

Support Services Task Force The report of the task force, Professor Brenner informed the Committee, will soon be presented; he has told Associate Vice President Foster that FCC would like to receive a preview of the report. He added that there may be a need for a special meeting of the Committee and that it may be necessary to close it because the report may deal with personnel matters.

2. Use of Marketplace Data in Setting Academic Salaries

Professor Brenner began the discussion by noting that the issue of the possible use of marketplace data in setting academic salaries was still very much alive and that it thus warranted further discussion by the Committee.

Professor Ibele told the Committee he wished to make a general comment on the issue before the opinions were joined. After re-reading Academic Priorities, reflecting on events, and taking the sense of

* 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 represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

the last Board of Regents meeting, he had concluded that all of them bear on how the Committee does its business and relates to the faculty and the central administration. He noted that he had also been present at the meeting of this Committee when Vice President Donhowe had presented the first cut at a salary plan; he had also listened to the discussions about tuition at the Regents meeting.

Vice President Donhowe, he observed, is a part of the team that President Hasselmo wants to assemble. FCC should bear in mind the context of what led to the salary plan and what went before it. As he looked at the plan, he said, he could not find very much wrong with it because it looked to be consistent with Academic Priorities. Deans, he said, will react in a variety of ways, but Vice President Donhowe provided the plan and quite appropriately left the matter of qualitative judgments to the Provost and the deans.

Further, Professor Ibele commented, subsequent reports of the FCC discussion had not been sufficiently clear on two major points. First, he said, one should have inferred from the exchanges with Vice President Donhowe that there was general support for the plan; the Committee seemed to be basically in accord with what he had proposed. Second, the Committee also generally supported the process; there is no need for the enervating ritual dance of retrenchment and reallocation because the culmination of the planning process, the Academic Priorities document, sets the stage for the steps which must be taken. It is within the context of that broad agreement that Committee members expressed some reservations about how marketplace data might be used in implementing the salary plan.

Usually, Professor Ibele continued, when there is a budget shortfall at the University, that ritual dance is performed--at the end of which the deans can fix responsibility on central administration for whatever happens. But it is the deans who know where the quality in their units exists and it is they who should make the judgments. If there are problems, we should have new deans, not pin responsibility for decisions solely on central administrators. If there are not sufficient dollars to implement Academic Priorities, we should simply just say so. There have, however, been no internal institutional judgments on what to keep and what should go--nothing has changed and we still have KUOM, the Art Gallery, South Asian Studies. If I were a legislator, he commented, I would see that there have been no hard decisions made at the University. There has been much brave talk but there has been no action so the public and the legislature could see that the University is serious.

Professor Ibele concluded by recalling that when Vice President Donhowe made a presentation to the Regents on the salary plan, one of the Board members said that the amount of money available is so small that market and merit should not be considered. Professor Ibele said he did not know how widespread that view was on the Board but if a vote were taken to endorse it many of the best faculty at the University would leave. If we cannot make the hard decisions, he warned, we cannot expect the taxpayers to pick up the tab.

There were a variety of reactions to Professor Ibele's statement.

- The points he made included considerably more than the matter of the use of marketplace data in salary-setting. One issue is the unequal distribution of salary money to units; another is the use of marketplace data in the distribution of those funds.
- One Committee member said he felt he was being chastised for his views but that he

accepted the idea of using salary money as a means to implement Academic Priorities; his complaints were about the context in which the distribution was couched and about the implications of the use of marketplace data.

- Another Committee member expressed the view that perhaps the biggest question was about the plan itself: There had been no opportunity to question it before the salary plan came out. It should have been preceded by notice that Academic Priorities would be followed and reaction should have been obtained; it may be that parts of the plan itself are flawed.
- Professor Brenner suggested that the Committee perhaps accepted the plan; albeit not comfortable with it, we recognize that with 85% of department budgets tied up in salaries, unequal delivery of salary funds is a rational way to implement the plan.

Professor Brenner also observed that Academic Priorities had been predicated on the assumption that there would be no draconian cuts in the University without additional money from the State to implement Academic Priorities; he asked Vice President Clark what the status of the request was. She reported that it was much better than it had been earlier and that the salary dollars were up; there would be, she added, an adjustment of the salary proposal in response to the changes because the it had been based on the assumption that very few dollars would be available for salary increases. She also pointed out that Academic Priorities is a five-year plan which could not have begun before 1989-90; it had appeared that one way to catch up would be to have the colleges absorb one-third of the financial changes in one year, even though such a step would not be very desirable. There could now be some adjustments to that plan.

It was suggested that Vice President Donhowe's point about needing to make a good start on Academic Priorities made sense and the plan was not irrational. Vice President Clark concurred with the additional observation that the deans would negotiate with central administration about the amount of the money involved and how it would be identified. They would have to look at the college plans as well the impact of the proposal on the units; also to be considered would be the capacity of the colleges to respond in 1989-90.

One Committee member wondered if the plan provided only for a net reduction in faculty positions at the University: For those units given sufficient salary monies, it was to be used for increases; for those which had to produce money internally, it was to be taken from line items--there seemed to be no allowance for additional positions in units targeted for extra funds. Vice President Clark replied that additional faculty positions were to come out of the Rank Funding Adjustment dollars (now be referred to as Instructional Improvement funds). Discussions with the two legislative committees have suggested that there will be several million dollars available under this rubric.

Vice President Clark was asked, apropos comments in the newspapers about a reduction in student numbers perhaps being a mistake, if the University was backing off its plan to reduce numbers. She said it was not; the University is committed to reductions and is actually a little bit ahead of schedule in achieving them. She also pointed out that if the University wishes to change its plans it will need legislative permission. There have been pressures to permit slight expansions at Duluth and Morris, but even these changes would be within the institutional targets for enrollment reduction.

The other systems, Vice President Clark went on to explain, have seen increasing enrollments--and the legislature responds positively to those numbers. It is not clear if the University's goal to reduce enrollment will be met--if, that is, the demographics of the State will permit it. There is a question about the strength of the University's political base on the size issue; the circumstances re-raise a matter that it was thought was closed a couple of years ago, because it had not been expected that the State University System would grow as much it has. One Committee member inquired why the two questions had to be linked and hoped there would be no knee-jerk reaction in order to obtain more money. There seemed to be general Committee approval that reduction in enrollment should not be abandoned.

One Committee member expressed nervousness about the apparent acceptance by the Committee of the tacit assumption that Commitment to Focus is alive and well and proceeding on schedule. The perception among legislators and the faculty is that it is coming apart at the seams. There will be a shakedown period, when parts of it will be accepted and parts will not; the Committee should not proceed as if all were going as planned.

Professor Brenner suggested that there was Committee accord on one major part of Vice President Donhowe's proposal, that budgeting should follow planning. He asked if there was also agreement on the use of marketplace data. It could, he observed, be used numerically with no accounting for quality. Only those units which are below market would be considered for increases from this portion of the salary funds; obviously those units which are at or above the average would not be considered. The plan seemed to have the following shortcomings: Strong departments may actually be behind their peer units while still above the average of the data set; weak departments may be below average but that may reflect their actual quality; there may be average departments which we wish to keep competitive or strengthen because of the centrality of their mission in the college. There may also be weak departments which are not seen as central to their collegiate mission. One should not, he concluded, use the same reasoning across the board. Based on comparative data for the Big Ten from MPIS, he said, it would take about \$2.7 million to move all departments up--but formulaic distribution of the money would not acknowledge strong departments which are only receiving average salaries. Several points were then made by Committee members:

- Using a marketplace factor without taking into account college plans, centrality to the mission, and quality of the department would be a Commitment to Mediocrity: Over the years all faculty will be paid an average salary and the University will have average quality--it will be unable to keep or recruit the best faculty.
- Unrestricted use of marketplace data will discriminate against women; this is a comparable worth issue because women in fields traditionally dominated by women are paid less. To tie salaries to the market is to tie them to historical patterns of discrimination.
- The Morris campus will also suffer, because commitment to a four-year teaching institution effectively takes most faculty out of the market; several sectors of the University will be disadvantaged if there is an exclusive reliance on the market.
- There are only a tiny percentage of the faculty who are actually "in the market"; the average length of service by the faculty at Minnesota is approximately 20 years, so there

are a lot of faculty who are not going or coming anywhere.

Professor Brenner inquired of the Committee if it wished to reject the use market data, or if it had a rational alternative, or if it acknowledged there were problems but accepted the principle anyway. After some discussion the Committee concluded it supported the use of the concept if it were adjusted for quality (including decisions on improving the quality of a department) and for centrality to the mission of the college. For example, if the University is committed to retaining a high quality Chemical Engineering department, Chemical Engineering should be compared with peer--top--departments, not the average. If not so committed, the University could withdraw funds. Conversely, if a department is ranked low, it should be compared with its peers--but if it is deemed to be central to the college, then it should be slated to receive additional funds. The market, in other words, would not be the same for each department.

It was proposed that each college should receive a proportionate amount of the salary increase funds and then make its own decisions about allocations to departments. This idea did not meet with support from the Committee, which appeared to be of the view that colleges are not similarly disadvantaged vis-a-vis the market and that such a distribution would defeat the purpose of the plan. The prevailing view seemed to be that the deans should make the case for their colleges and that central administration should divide the funds as it determines appropriate.

Committee members also deliberated over who would be responsible for identifying the appropriate peer departments. It was noted that there are a number of ratings and rankings available, although all of them are flawed in one way or another and for some departments none exist at all. It was agreed that the peer group is something that would have to be negotiated between the department and college and central administration and that there ought not be placid acceptance of the AAUDE data. The Committee appeared to accept the proposition that comparisons can be developed, where they do not now exist, and that most deans have a reasonably good idea about the relative rankings of their departments, even in such large units as CLA. One Committee member argued that relying on any ranking data would be better than using averages, which would be the wrong way to go.

It was also suggested that this process would require strong deans who could make decisions; it would also require that there be some process of checks on the decisions made.

The Committee also noted that it should not be assumed that high rank equals high salaries; it is often the newest departments which offer the highest salaries as they are trying to build. The best departments need not invariably pay the highest salaries. For the same reason, it was pointed out, it is dangerous to look only at where faculty go when they leave the University.

For Morris, it was observed, individual merit adjustments would be better than use of market data. The peer group for Morris is hard to define; they are typically compared to state schools but in fact are more comparable to the private four-year liberal arts colleges. For Morris it would be better to let retention dollars define the market.

Vice President Clark observed that what the Committee was seeking would constitute a considerable research project and she expressed reservations about how much could be accomplished in the short term. She was also asked why the University was compelled to use marketplace data now; would not it be better to do a good job rather than a fast job? She responded that the legislature was very

interested in why the University faculty were different from other faculties in the State and has been persuaded that it has national reference groups and its members are not interchangeable. The market analysis also serves to justify larger salary increases than the Governor recommended. There are, moreover, many units pressuring the administration to use the market factor, units which are in danger of losing faculty if they do not act. The number of these units, she added, is sufficiently large to warrant applying the general principle to the entire institution. As one reviews market-related issues over the last several years, she concluded, the applicability of the principle goes well beyond individual cases; the University's strategy in the past has responded to the individual cases but not to the problem itself--the symptoms have been addressed, but with a band-aid.

One Committee member, concurring with Vice President Clark, observed that the retention approach had created disjointed salary schedules; the use of market data would mean a department-wide adjustment and use of market data could certainly be justified. Unfortunately, there seems to be no sensible way to do the market comparisons--but if they could be done well, the principle makes sense. Another Committee member commented surreptitiously that market was like pornography [i.e., per Mr. Justice Brennan, I can't define it but I know it when I see it].

There was brief discussion of the percent of the salary increase money which should be used for market adjustments; the Committee concluded that it should not stipulate a number--in part because final legislative action on compensation and on cash salaries was not yet known--but that the general relationship among merit, equity, and market originally contained in Vice President Donhowe's proposal were acceptable.

The Committee's view, in summary (with some individual disagreement about certain parts), was that marketplace data should be used, subject to the following caveats:

- That the basis of comparison should be department-by-department peer comparisons and that quality must be a critical factor in allocation of funds;
- That the amounts to each college should be negotiated between the deans and central administration and the deans should make the hard decisions about allocation to the departments; and
- That centrality of the department to the mission of the college was a wholly separate factor--which could entail "another column on the table" and which required a very different judgment.

Vice President Clark was urged to be as realistic as possible, within the constraints of the time available, and to instruct the deans that they should be aware of the factors set forth by the Committee.

Professor Brenner concluded the discussion by recalling a recent conversation he had had with Vice President Donhowe in which he had expressed the reservations voiced by FCC about the use of market data in the absence of an adequate cost-of-living increase for the faculty. Vice President Donhowe's response, he reported, was that the need to factor in market comparisons was so great that it should be one of the first things the University does.

3. University Defense of Accused Faculty Members

Professor Brenner asked that the concerns of one Committee member about accusations of misbehavior against faculty members be aired. The Committee member explained that he had been asked repeatedly about the University's policy toward defending faculty members accused of improper behavior related to the exercise of their academic responsibilities. Faculty members, he noted, make a variety of judgmental and value decisions all the time (such as grades). The faculty members are told they should not consult with the University Attorney before their response is prepared, so they must obtain private attorneys. The general issue is whether or not the University will provide some minimal defense to such faculty, and how, or if it is left up the President to decide on a case-by-case basis. Some faculty cannot afford private attorneys and it is intolerable that they should have to bear this burden, especially if the allegations are frivolous.

Vice President Clark responded that the University can take steps if the behavior persists. In the case of allegations of sexual harassment, Patricia Mullen's office investigates and the University will not provide an attorney to protect the accused--and it should not do so. The goal is to protect everyone's rights; if the faculty member is provided an attorney, then a student must also obtain an attorney.

It was agreed that sexual harassment is a special case. But in other instances, it was argued, it is a serious matter to leave the charges dangling. Professor Striebel noted that when she served as Faculty Assistance Officer she helped a lot of faculty members, including those accused of sexual harassment. The University Attorney, she told the Committee, will not become involved if the proceedings are strictly internal, but will do so if the issue goes to court. The idea of faculty helping faculty is ideal and the position she previously occupied should be filled again. Thus far the appointment has simply been dropped.

The Committee concluded that the Faculty Assistance Officer had to be appointed, and soon, and directed Professor Brenner to contact the Senate Committee on Faculty Affairs to inform them that unless an appointment were made very soon FCC would make the choice. (The position has been open for 18 months.) It was also agreed that the procedure for appointing the individual should be reviewed--but that such a review should not hold up an appointment now.

4. Students on Search Committees

The Committee accepted the report of its ad hoc subcommittee. There was discussion of the recommendation that there be included a question on the Form 16 about whether or not the appointing authority had considered putting students on the search committee. The deans had objected because this mixed up functions; the Form 16 is intended to monitor issues of race and sex.

The Committee concluded, and Vice President Clark concurred, that it would be both appropriate and useful to include a column, where search committee members are listed, to indicate status (faculty, civil service, student, academic professional, external, etc.) While this did not fully respond to the recommendation of the ad hoc committee, which sought a statement which would cause administrators to consider the appointment of students, but it seemed to be the best solution available for the time being.

5. Faculty Legislative Liaison

Professor Brenner announced that Professor Geoffrey Maruyama has agreed to become the Faculty Legislative Liaison, succeeding Professor Irwin Rubenstein. President Hasselmo has indicated his assent to the choice.

6. Nominees for the Minority Affairs Task Force

After considering the names of several individuals, the Committee concluded that it was proceeding in a very orderly or organized fashion and decided to turn the matter over to its nominations subcommittee.

7. Membership on the Facilitative Committee

The Committee decided that all Senate and Assembly chairs should be included on the Facilitative Committee. There appeared to be no principle which could reasonably be followed to reduce the size of the group; it also appeared that most committee chairs found the group useful.

8. Lengthening of the Medical School Probationary Period

Professor Brenner noted that the Medical School has proposed that the probationary period for tenure-track faculty in the Medical School be extended from six to nine years. This proposal, he added, has engendered several split votes in the Senate Committee on Faculty Affairs.

Professor Steffes reported that this proposal was adopted by the Medical School in the spirit of resolving a problem in their unit and not with the thought that it should include anyone else. It is more a problem with the clinical side of the Medical School activities; there isn't sufficient time to get a research program going when one is seeing patients every day. The basic scientists, however, also endorsed the proposal.

It was observed that there was nothing in the proposal which could not be applied to the entire University--and that it would violate the spirit of AAUP documents. Perhaps, it was suggested, assistant professorial appointments were not appropriate, in some cases, or maybe individuals should be permitted to "opt out" of the tenure clock (and there are a variety of reasons faculty might do that, as in the case of mothers or fathers who wish to stay home with small children).

It was argued that it is essential for the University to use the same tenure system and the same tenure code. Would not the academic professional appointment be appropriate as an initial status, with a switch possible if a body of research and scholarship is built up?

The alternatives offered would be problematic for the Medical School. Other first rate institutions use a clinical track different from the normal tenure track, but it is the view of Dean Brown that faculty should be doing research even if they are seeing patients every day. If the School is to be competitive it must offer academic opportunities. One of the best things that happened to the Medical School was that it was brought formally under the Tenure Code in 1984 and the extensive use of "T" (temporary) appointments was curtailed. It was also pointed out that the Medical School does not use the

probationary period to string faculty members out; if one is good, he or she is usually granted tenure early. One Committee member noted that the mean time to Associate Professor in the Medical School was four years, which is shorter than CLA.

Although there is a large cohort of faculty who switched to a probationary appointment in 1984 who will now be coming up for tenure, the existence of this large cohort is not what caused the Medical School to propose the extension of the probationary period.

It was agreed that any further discussion should include Dean Brown of the Medical School and Vice President Perlmutter. Both will be invited to a future meeting of the Committee.

The Committee adjourned at 3:00.

Corrections to Previous Minutes

To the FCC Minutes of April 6, 1989: The purpose of the meeting of FCC members with Vice President Heydinger was not to discuss reorganization of his office; it was to seek the counsel of FCC members on a draft University Communication Plan. The Plan was subsequently presented to the Regents but remains a draft to be discussed further with members of the University community.

To the FCC Minutes of April 6, 1989: On the matter of the use of marketplace data, it was not fully accurate to note that "Committee members expressed considerable doubt that useful market comparisons could be done"; more accurately, some Committee members expressed. . . .

To the FCC Minutes of April 6, 1989: On the matter of central administrative substitution of different individuals from those designated by SCEP as Morse-Alumni Award winners, it should be noted that this practice occurred in the past; there was no implication that such substitutions are now being made.

-- Gary Engstrand

University of Minnesota