

Minutes*

**Faculty Consultative Committee
September 21, 1989**

- Present: Warren Ibele (chair), W. Andrew Collins, Norman Kerr, J. Bruce Overmier, Ronald Phillips, M. Kathleen Price, Michael Steffes, Charlotte Striebel, James VanAlstine, Walter Weyhmann
- Guests: Associate Dean Mark Brenner, President Nils Hasselmo, Vice President Leonard V. Kuhi, Rita McConnell (Office of the General Counsel), Patricia Mullen, Kathy O'Brien (President's Office), Linda Seebach (Daily), Maureen Smith (Brief), Rabun Taylor (Footnote)

1. Report of the Chair

Professor Ibele convened the meeting at 10:00 and informed the Committee about several things:

- Rabun Taylor and Maureen Smith, from University Relations, will be filling in on a temporary basis for Gayle Grika, who resigned as editor of Footnote to accept a position in the College of Education.
- Professor Weyhmann will not be serving as chair of the Senate Committee on Finance and Planning because he has accepted a position as Associate Dean of the Graduate School; the workload and the possible conflict of interest led him to resign as chair. Professor Ibele and Professor Scott, chair of the Committee on Committees, are in the process of identifying a new chair for Finance and Planning.
- The first formal report of the chair of FCC to the Board of Regents will be at the November meeting; FCC will have lunch with the Board at its December meeting (on December 7th). The lunch will include a one-half hour discussion of an issue of importance to the faculty. Professor Ibele solicited suggestions both for his report to the Board in November as well as for the subject of discussion at the lunch in December.
- Professor Faras, chair of the Senate Research Committee, would like to discuss once again Indirect Cost Recovery funds; apparently there has arisen a question about the distribution of the money.
- The matter of ombudsman service for faculty requires attention; a previous report and recommendations appears to have died after they were acted on by the Senate Committee on Faculty Affairs. One Committee member explained that a presentation had been made two years ago; it was agreed in the meeting to send the question back to SCFA (but subsequent conversation led to the conclusion it should remain with FCC).

* 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.

It was noted that the new Academic Staff (Faculty) Assistance Officer has been appointed; it is Maurine Venters; she is located in 255 Nicholson and her number is 6-0889.

2. Overview of Sexual Harassment Policies and Practices

Professor Ibele welcomed Patricia Mullen, Director of Equal Opportunity and Affirmative Action, to the meeting. Ms. Mullen explained to the Committee that she has had responsibility for handling sexual harassment issues and complaints for the past five years and wished to discuss with a number of groups on campus the job that is being done and opinions about what might be changed.

Ms. Mullen explained to the Committee that the Senate had adopted a policy on sexual harassment in 1981 with a proviso that it should be re-examined in 3 years. One change made in 1984 was an admonition about consenting relationships--which put the University among a small group of institutions with such a policy. In 1985 the responsibility for dealing with complaints was moved from Academic Affairs to her office.

In the five years, there have been 112 complaints (including formal, informal, and those which did not reach her office but which required that she provide substantial assistance to a department). Ms. Mullen hastened to point out that that did not mean there were only 112 cases, or allegations, of sexual harassment; it meant there were 112 which reached her office. Of those 112: 90% were settled by written agreement (which is what her overriding goal is), 5% were dismissed (under her unilateral authority to do so, although the dismissal can be appealed to the Sexual Harassment Board), and 5% resulted in a sanction (imposed by Academic Affairs, not her office). In the last case, she sends recommendations to the Provost, who in turn can accept or amend them or send them to the Sexual Harassment Board for further review. In response to a question, Ms. Mullen confirmed that many of the written agreements may also have contained sanctions, although they were perhaps not so identified in the agreement. In the vast majority of cases, she said, the facts and the remedy are agreed upon, even though her office has no authority to impose sanctions.

Ms. Mullen said she believed that most of the written agreements resolved the problem in ways that were corrective, although, she informed the Committee, she takes pains to tell a complainant that the one thing she cannot ever accomplish is to undo the damage. Asked about the length of time from complaint to resolution, Ms. Mullen said it varied widely but that if there were no disagreement about the facts and there were no attorneys involved, it would normally be perhaps two months.

Her office tries to do as much prevention as possible; she has \$10,000 per year for publicity. She uses these funds for brochures, letters to the staff, and for training. Information is communicated to students through 50-60 advising offices as well as a flyer distributed at registration.

The Sexual Harassment Board has recently completed a survey on sexual harassment and is right now assembling the results; she will have a preliminary report available soon. Ms. Mullen said she would likely return to FCC with specific items which may require attention or action.

Ms. McConnell responded to a query about a possible class action suit. She informed the Committee that several individuals, with very different cases, have started civil cases against the University and may ask the court for certification as a class action (the class would be students). If the

court is asked, there will be a strong fight on the appropriateness of the request. The focus of a class action would be on the procedures and remedies afforded to students.

Ms. Mullen was asked to return to the Committee to explain what is done in the way of training; it was agreed that she would be scheduled at a future meeting.

3. Discussion with President Hasselmo

The President told the members of the Committee that he had three items which he wished to take up with them: Enrollment recommendations, responses to the M-SPAN report, and the status of vice presidential searches.

Enrollment President Hasselmo distributed a draft statement setting forth the University's position on enrollment and observed that this whole matter was an extremely important policy question for the University. We must do the right thing, he said, and we must say it in the right way; the statement contains no numbers and is only intended to set the context--and the final recommendation is that the 1987 limits agreed to with the legislature be reaffirmed. There are several elements to the recommendation.

First is the improvement of quality. That, charged the President, is what is driving the institution now. What is needed--in such areas as undergraduate education, class size, student-faculty interaction, numbers of advisors, instructional equipment, support for graduate students, opportunities for the faculty to do research--will be articulated so people can understand what is meant by improvement of quality. Enrollment is to be controlled only so that the University can ensure that the improvement will be accomplished.

Second is access; the University must serve as many as it can, but only with quality. There are special responsibilities to certain student populations; access is not determined by a single criterion. Completion of the preparation standards is one important part of defining what is required for entrance to the University (with a few exceptions). After that, the University must look to see what is needed to achieve the desirable student body size. Some professional programs will retain stringent admissions requirements; selectivity, however, carries with it a variety of concerns, including socio-economic factors which affect preparation.

The third element is resources, for which the University will continue to push. A major constraint is the formula which guides the setting of tuition: As the University receives more money for improving the quality of education, and as enrollment declines, there is tremendous upward pressure on tuition because of the State requirement that 1/3 of the cost of instruction be funded from tuition. There would likely be an adverse legislative reaction if the University were to unilaterally deviate from the 1/3-2/3 formula. There are two options available to lessen that pressure: Remove items from the computation of instructional costs (such as the libraries, which in part anyway are a general resource for the University and the public) and obtain a subsidy for professional school tuition so that students in low-cost programs do not subsidize them. The University has tried both (with mixed success) and will continue to try. Another approach is internal restructuring of tuition, which will be examined this Fall.

Committee members made several points: That University education is still a bargain, that if

increases in tuition from the 1950s are compared with increases in the Consumer Price Index, tuition has not changed very much, and that the Committee needs precisely that kind of background information and data before it can provide any intelligent advice. The President responded that responses to increases in tuition are as much driven by psychological and sociological factors as by economic; there is a point at which potential students simply decide they cannot afford the University even though they may not have explored the actual costs and the availability of financial aid. Although the University's tuition rates are now average, several Regents have made it clear this is one area where they wish to be below average. The financial aid system, the President asserted, must be as strong as possible; there can be no better investment for the state or nation.

The fourth element to the enrollment statement is the reconciliation of quality with access. President Hasselmo said he proposed to set forth a "base" budget, predicated on the existing programs plus the plans set forth in Academic Priorities--this base budget would inform the legislature what the University can do well, with how many students, with a stipulated amount of money. Then the University would set out other needs which cannot be accommodated within the base budget and present them for public debate: They could be picked up by the other higher education systems, they could be left unfulfilled because of a lack of resources, or the University could fulfill them if the funding were provided. This two-step presentation, the President said, would help to avoid mingling quality improvements with new programs.

It was pointed out to the President that there were certain risks in the strategy; the legislature might wish to put the decorations on the tree (the unfulfilled needs and less-than-central State Special appropriations) rather than fertilize the base. The President agreed that the legislature might turn to those rather than the base improvements. Discussion made clear that in the judgment of the University (and, likely, the legislature) several of the State Special appropriations are in fact central to the "base" budget of the institution, such as those in agriculture and extension. The President acknowledged that considerable work was still required to define what precisely was meant by "base" budget.

Some Committee members expressed concern about the "gate keeping" standards used in several programs (such as the 3.5 GPA required by the School of Management). All want to have excellent upper division programs, but if a like standard were used by every one the University would be too exclusive. If, however, some use these standards and some do not (CLA does not permit them), then some students are forced into certain majors if they do not meet the standards. While programs cannot accept unlimited numbers of students (without straining resources and endangering accreditation in some fields), there are other ways to limit enrollment, such as by lottery. Use of GPAs is widespread because it is an easy standard, it was argued, but those who come from disadvantaged backgrounds frequently cannot make up the lost ground and achieve the required GPA. Either a more complicated (and expensive) method of determining admission should be used or something like a lottery should be considered. Further, it is possible that use of a lottery might have positive political implications: It would send a message to the legislature that there are so few spaces and so many applicants that additional funding is very clearly needed.

An irony in the use of these higher standards, it was also pointed out, means that the descriptions which attach to course grades are inaccurate: If it requires a 3.5 to be admitted to Management, then obviously all Cs and Bs in lower division courses is not "satisfactory" academic work.

Contrarily, it was argued that the existence of upper division standards means that students need to compete for the spaces available; the improvement of advising and counseling should help eliminate the disadvantages of the ill-prepared. If a student wants more of a "safety net" in terms of likely access to a desired upper division program, he or she should perhaps attend a different institution. Another Committee member disputed the wisdom of the use of a lottery, saying that it would signal that the University does not know what it is doing and is throwing up its hands. One Committee member observed that education is a meritocracy in many ways, although we may not often say so very loudly.

President Hasselmo concurred with those who opposed a lottery; he told the Committee that while programs should not engage in a mindless application of standards based on a GPA, there are standards between a lottery and GPAs. He also mentioned that he had seen lotteries used and the results were demoralizing--students felt nothing depended on their work but rather that outcomes were in the hands of fate. Even though admissions cut-off points have risen as competition for spaces has increased--because funds have not permitted program expansion--and even though the faculty find these increased standards distasteful, the President concluded, the University could not return to the over-extension which had occurred in the past.

On the draft document generally, the President was advised to communicate a greater sense of urgency in the need to improve the quality of the core areas of the University, the arts, sciences, and humanities--and to emphasize how big a task this improvement would be. It was also suggested that there was no indication of what the University itself has done in terms of shifting around resources internally to improve quality. If the legislature and public are to be convinced of the needs, the University must demonstrate its commitment by its own activities; it was also noted that few if any are aware that much has been done along these lines. The pain and suffering must not be lost.

The President concurred, recalling that about \$20 million has already been, or will be, shifted around to meet planning priorities. He reflected, however, that many of the changes are hard to identify because they come by way of shifts in sub-programs rather than visible loppings off. These changes internal to the colleges are often hard to capture; the institution is becoming "leaner and meaner" but not in a highly public way.

The President concluded the discussion by reiterating his position that these are fundamental issues upon which there must be agreement: The University must provide a quality education and that the only reason to restrain access is to reach that goal.

M-SPAN On the M-SPAN report, the President informed the Committee that the University is considering the options presented. He has asked Dean Infante to examine the practitioner-oriented Master's degrees in engineering and the demand for them; he has asked Dean Miller to look at the 2+2 arrangements with community colleges; and he has asked Dean Holt to examine where additional enrollments or new programs might be possible in graduate education.

Searches The President said that all of the searches are progressing well and that he is working with the chairs of the committees to ensure that the appropriate pool of candidates is developed. In one search, interviews should begin in the next two to three weeks.

Vice Provost, Arts, Sciences, and Engineering President Hasselmo told the Committee that he has

been giving some thought to adding the vice presidential title to that of the new vice provost; he solicited the views of the faculty. The Committee seemed to be of the view that because there had been careful differentiation of titles (vice presidents having system-wide responsibilities and provosts having Twin Cities responsibilities only), there should be system responsibilities for the position if the title were to be changed. There appeared to be general accord that there could be system-wide responsibilities for liberal education requirements (with perhaps more a coordinating or oversight role vis-a-vis Duluth and Morris) and that addition of the title would give the vice provost more of a "voice among equals" when the vice presidents assemble. It was thought that Morris in particular would welcome a close working relationship with the new vice provost/(vice president). One reservation was that if the responsibilities were diluted with system tasks, the raison d'etre for the position--strengthening of the core arts and sciences--might be lost.

The President said it would probably be necessary to re-advertise the position if the change were made; several Committee members questioned this and expressed serious reservations about delaying the search for another 4 - 6 weeks after it was already so far along.

The President, during this discussion, was reminded that there is a campus perception that the two senior vice president positions had been very ably filled--made attractive by--internal acting appointees, both women, and that the University had then gone to outsiders for the permanent appointments--and chosen men. The President agreed that the administration of the University must include an appropriate configuration of individuals.

President Hasselmo agreed to return to the Committee to consult further on the possible title change.

Professor Ibele thanked the President for his comments and his time.

4. Policy on Fraud in Research

Professor Ibele welcomed former FCC colleague and Associate Dean Mark Brenner to the meeting. Dr. Brenner told the Committee that the overall issue was one of meeting an NIH requirement that there be in place by November 3 an interim policy on potential fraud in research. Such a policy had been developed by an ad hoc committee which had included Dean Brown, Associate Dean Pat Swan, and Professor Robert Bruininks; it had been reviewed and approved by the Senate Research Committee but had never been brought to the Consultative Committee or the Senate. Time would now not permit action by the Senate prior to the November 3 deadline.

A second document has also been drafted, Dean Brenner told the Committee, which consists of guidelines on good practice to avoid possible difficulties.

Several points were made in the discussion:

- While any investigation is to be coordinated at the level of the dean, there must be a central officer involved who can do the necessary reporting to NIH. (Any report to NIH is to take place when an investigation is undertaken, not merely an inquiry in response to an allegation or suspicion of possible fraud.)

- There are a number of due process considerations which are absent from the policy; it was agreed that the standards used should meet the level of procedures set out in the grievance procedures; there ought not be additions to those grievance procedures which provide less protection but which can carry severe sanctions.
- The references to "senior administrators" must be made specific.
- It would be acceptable to have colleges handle research fraud allegations differently, but it is essential that each college establish such procedures before an incident occurs ("so the dean doesn't have to punt"). If procedures are not in place, the investigation should default to a central administrator.
- Notification should not be required (to professional societies, journals, and so on) if an investigation is conducted and the researcher is found innocent of the charges; present wording requires notification of the existence of an investigation.
- The conduct of an investigation should take place within the procedures established by the new grievance procedures adopted last Spring. A copy of those procedures should perhaps also be sent to NIH with a note that they will be integrated with research fraud allegations.

There was debate about whether the name of the accuser should be made public if it turns out that the charge was groundless. Some thought imputation of maliciousness could be difficult; others suggested that hard decisions are made in research all the time and determining maliciousness would be no different.

There was unanimity of view that any final policy had to be approved by the Senate. Dean Brenner agreed; he said that suggestions from FCC would be brought to the ad hoc committee and that a revised policy would be brought back to the Senate Research Committee and then to FCC for submission to the Senate.

The Committee adjourned at 12:10.

-- Gary Engstrand

University of Minnesota