

Minutes\*

**Faculty Consultative Committee  
October 4, 1990**

Present: Warren Ibele (chair), W. Andrew Collins, Paul Holm, Norman Kerr, J. Bruce Overmier, Thomas Scott, Burton Shapiro, Charlotte Striebel, James VanAlstine, Shirley Zimmerman

Guests: General Counsel Surell Brady, President Nils Hasselmo, Barbara Muesing (Regents' Office), Patricia Mullen (EEO Office), Maureen Smith (Brief)

**1. Report of the Chair**

Search Procedures Professor Ibele began the meeting by noting that the Committee would be discussing the proposed search procedures with the President and Ms. Mullen. Committee members spent a few moments reviewing the points they might wish to raise, which included:

- The length of time taken to conduct searches (which, it was pointed out, bear no relationship to the search guidelines established by the consent decree),
- The difference between searches for faculty positions and for administrative positions,
- Whether or not these procedures, seen by some as administrative minutiae rather than policy, should go to the Senate at all, and if so in what form (several did not think the Senate should act on this sort of document),
- Whether or not advertising had to await the appointment of the search committee and the extent to which the search committee plays a role in the development or modification of the position description.

Options in Athletics Next Professor Ibele drew the attention of Committee members to the revised list of options in athletics which might be presented to the Twin Cities Campus Assembly in order to obtain its guidance on what the Steering Committee should do. The options presented, in brief, were these:

- Implement the Page-Merwin recommendations but take no additional action with respect to faculty governance;
- Appoint an ad hoc faculty review group to take up concerns of the faculty which the Page-Merwin committee did not have time to address;
- Reconstitute the Committee on Athletics with a larger faculty majority;
- Permit the Assembly to vote on the abolition of intercollegiate athletics (recognizing such a vote would not lead to the elimination of the programs but would express faculty

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sentiment); and

- Permit the Assembly to vote on the termination of the involvement of the governance system in the oversight of athletics (even though the administration might then appoint a faculty/student body outside the structure of the Assembly).

The Committee discussed for a short while whether or not to present the alternative of voting to recommend the abolition of athletics; several argued that it would be pointless to present an option which could have no effect and inquired what the result would be if the Assembly voted by a large margin in favor of an action--to eliminate athletics--which will not happen. It would make the Assembly appear quixotic and it would not be responsible to place such an item on the agenda. Nor, it was pointed out, does the option permit discrimination among those sports which conduct themselves honorably and as most would desire. On other hand, it was contended, the Assembly should be given the opportunity to express its views through such a straw vote and that the Committee should not attempt to control in this way what the Assembly will do. The Committee toyed with several possible wordings of the option, then, on vote taken, the Faculty Steering Committee voted 1-4 (with one abstention) against placing the option of eliminating athletics on the list to be presented to the Assembly. It was noted that an Assembly member could introduce such a resolution and the Assembly could decide itself whether or not it wished to consider a vote on abolition.

It was pointed out that the twice-defeated bylaw amendment granting to ACIA authority over the eligibility of students to participate in athletics must, at some point, be restored if the Committee is to continue to exercise faculty control over intercollegiate athletics.

There appeared to be agreement that Assembly members should be presented, at the November 1 meeting, with a paper ballot upon which they could rank-order the options.

## **2. Discussion of Search Procedures**

Professor Ibele welcomed President Hasselmo and Ms. Patricia Mullen, Director of Equal Opportunity and Affirmative Action, to the Committee. He also introduced and welcomed General Counsel Surell Brady.

Ms. Mullen started by explaining the history behind the proposals, which include some changes in the existing procedures. The Senate Committee on Faculty Affairs and the Senate Committee on Equal Employment Opportunity for Women worked together, along with some P & A appointees and selected experts, on retaining what had been found to be effective under the consent decree and that which had been found as ineffective and to be altered. After a year's work the policy statement was prepared, which was adopted by the Senate and the Regents last year.

Next came a review of procedures, but only in the broad sense. There will be, in the near future, a handbook, very practical approach to searches which would be of use to search committees and their chairs. The elements of the handbook are not contained in the procedures being considered today. These procedures are intended to set out what the University wants to do when it hires people.

Professor Ibele raised with the President and Ms. Mullen the question of the role of the Senate with respect to these procedures; the President suggested that the Senate should act only on policy matters and

that these be presented for information and not for action. Changes might be necessary and are more readily made if the procedures have not been enshrined by Senate and Regental action. The Regents, he said, will also probably receive the procedures for information rather than action.

It is to be hoped, the President commented in response to an observation that these procedures should not increase the burdens on faculty members, that to the extent they are involved the existence of a very clear checklist should help. An educational effort may be required, he added; his experience tells him that it is not the policies which are a problem but rather how to conduct the searches--along with such things as the size of the search committees.

Full National Searches are for tenure and tenure-track faculty, probationary or continuous P & A positions, and administrative positions at higher levels (as defined by the Senate in 1980 and 1987). This section of the procedures represents little change from present practice. Professor Ibele pointed out that it may not be necessary to delay advertising until after the committee is appointed and the search plan approved; the appointing authority could develop the position description and begin advertising while the other steps are being taken. Running these activities concurrently could help to shorten the search process. Ms. Mullen agreed that it might be useful to include a statement that the steps in the process need not necessarily occur in precisely the order they appear in the procedures.

It was also pointed out to Ms. Mullen and the President that there are differences between how administrators are selected and how faculty are appointed. While it is true that the Regents have ultimate authority over all appointments, it is customarily the tenured faculty in a department who have the most important voice as to who will join their ranks. The document as worded makes no reference to any role for the faculty in the selection of their peers. In particular it does not recognize that the faculty, after interviewing and (presumably) with the approval of the dean, select one candidate to whom to make an offer. This is different from a search committee the President appoints, which interviews candidates and then submits a slate to him. The President agreed that the faculty should play a significant and perhaps dispositive role in the selection of their peers but that the procedures must recognize the administration as the final appointing authority. Ms. Mullen noted that the document as worded is purposefully vague on the question of appointing authority because the practices vary so widely across colleges; she suggested that this point may be a matter more for the governance system than for her office. The point could also be covered in the handbook rather than in the procedures.

It was agreed that the FCC would develop language concerning the role of the faculty in faculty searches.

Limited Searches is to be used in a variety of positions, those which do not require a national search--and there are a lot of such positions. The procedures are designed to provide the maximum flexibility for filling positions where the appointees are not the permanent continuing staff of the University. These include, for instance, a number of the P & A staff, those with annually-renewable appointments, temporary and interim appointments, and those on contracts. If one were very well organized one could conduct such a search in a week; in other cases a unit might choose to do a national search even though not required to do so.

The Committee discussed for some while the difficulties which often arise in hiring post-docs, or local scientists for one quarter. Depending on what one wishes to call them--which, Ms. Mullen observed, belongs with Academic Affairs, not her--they could either be hired without a search or with a

limited search. The point is to make the hiring as easy as possible.

Non-competitive Appointments, those without a search, were the most difficult to describe and set procedures for. There are two major categories of appointments without searches: spousal exemptions and the "extraordinary circumstance." The latter includes, for instance, hiring a minority scholar who happens to become available now but will not be in 3 weeks or a unique hiring opportunity to hire someone recognized as outstanding in professional or academic distinction that the University would benefit. These appointments, Ms. Mullen said, would be rare; requests for such an appointment can only be made on request of the President or a vice president and must be approved by a committee of three people (to be appointed by the Senior Vice President for Academic Affairs and the Director of Equal Opportunity).

Other categories of non-competitive appointments include those occasions when an individual comes to the University already selected by another agency (such as the Young Investigator Award recipients in the Medical School), students who hold graduate assistantships who graduate before the term of assistantship is fulfilled, visiting faculty who are permanently employed elsewhere, and individuals who will be appointed either full or part-time for no more than three continuous quarters (and these appointments will not be extended or renewed; such individuals should not, by transmutation, turn into some other kind of appointee). Those who will be appointed for only one quarter, but on a recurring basis, can be hired after a limited search.

It was suggested that identification of particular appointments with the kind of search needed would be of assistance, especially to faculty. Ms. Mullen said that her office and Academic Affairs are developing a very specific handbook that would, it is to be hoped, respond to as many questions as possible.

It was agreed that a summary report of the discussion and the status of the search procedures should be prepared for the Senate for its information and that copies of the procedures should be available to members of the Senate. It is to be emphasized that these procedures have all been constructed within the confines of the policy approved by the Senate and that they do not go into effect until January 1, 1991.

Committee members told Ms. Mullen they thought these procedures would prove to be very helpful and thanked her for joining the meeting.

### **3. Discussion with President Hasselmo**

The State of the University address Professor Ibele complimented the President on his State of the University address delivered the previous day, even though it sets forth an agenda which will not be without trouble. Other Committee members joined in Professor Ibele's remarks. President Hasselmo said he would like the assessment of FCC on whether or not the speech should become an annual event; many of those present were already familiar with the issues and the question of how to reach the larger University community is yet to be answered. Closed-circuit television should be considered in the future, the President was advised, so that the address can reach the coordinate campuses as well as St. Paul; another suggestion was that some be asked to serve as "chair," primarily to bring an end to the event. The format, the President agreed, will need examination.

The President also agreed to provide to the Committee a written version of the report. It should, he was told, include the personal reflections and anecdotes, which tended to make it more effective.

President Hasselmo said he would be speaking, at the Board of Regents meeting in Rochester, on the state of higher education generally in Minnesota; copies of that speech will also be provided to the Committee.

Reallocation What is important, he continued, is that the University follow up on its academic planning and that it look both at the negative and the positive elements of the reallocation process. The speech was given with the strong conviction that FCC supports a programmatic approach; the Committee, he recalled, has been insistent that there not be an erosion but that changes be made programmatically. Also serving as an inducement was the resolution adopted by the Board of Regents also calling for programmatic decisions--which, he said, came spontaneously from the Board and not from any prompting on the part of the administration.

The problem, of course, the President observed, is that everyone believes in principle that programmatic reallocation is wonderful--but that as soon as specifics are produced there is virulent opposition to the proposals. There must be information gathered and analysis and then a comprehensive approach to the matter. The administration is now doing this; the Committee, he said, would be involved in every important step. The critical step will be reached when specific recommendations must be made; it will be important to structure the step so that the most thoughtful discussion as possible can occur. The problem with the Campbell committee report, he noted, was that it was never able to be fully considered, in a legitimate way; the appropriate and systematic steps must be taken this time. The present approach, the President told the Committee, involves looking at hundreds of small programmatic changes rather than relying on two or three major changes.

The President said he expected to return to the Committee within the next few weeks with an outline of the steps which will be taken and the consultation which will occur prior to making final decisions. The process, he added, will be a continuing one; the focus now will be on decisions for 1991-92 and the reallocation of \$10 million. Longer-range decisions will also be involved, however, since current contract obligations will not be violated and obligations to students to complete their programs will not be abrogated.

The Committee agreed that the process should be clearly understood, and those who will be unhappy must have the opportunity to make their case. Some, however, will not like the final result--but the process must have integrity.

The President also clarified that the 2% reallocation is a minimum but that some units will not be taxed at all, in effect, while others may end up giving up more than 2%. Every college will have to make plans for at least a 2% reallocation; the burden will be on the college to make the case that it should not be reallocated. The administration, he added, will be hard to convince. It was suggested to the President that 2% reallocations at the department level are difficult to accomplish because the amount is so small; it is easier to do 20% over ten years. Otherwise the funds simply come out of TAs and the SEE budgets. The President concurred that the longer range must be considered.

Reallocation, moreover, will be used for programmatic improvement rather than faculty and staff salaries. The salary issue, however, is a severe one at the State level; in the worst situation, where the

State would contribute no salary increase funds, the decision not to use reallocated funds for salaries may have to be reconsidered.

It would be helpful, the President was told, if the faculty could see that the reallocated funds were helping to reach academic goals; presumably the Committee will hear further from Senior Vice President Kuhi on that element of the process. The President agreed that Academic Affairs would play the lead role and that stress must be placed on the positive outcomes of the process for the University. The faculty, it was said, would be unhappy if, after this "hunkering down," the reallocated funds were all to go into nicer recruiting brochures or more advisors or deferred maintenance on buildings. What the appropriate trade-offs will be is a tough problem. The President agreed and said that the basis of the decisions remains Academic Priorities unless there is an explicit decision to change them.

The President said that if the legislature were to consider providing additional funds a major question would be what they would be targeted for (as opposed to what reallocated funds would be used for). That is a difficult task; there are some extremely mundane but outrageously expensive problems, such as deferred maintenance. Everyone, he agreed, would dislike seeing reallocated funds used for these purposes, and said that the administration would not do so. But there will be some "unglamorous" expenditures which must be made. But the fundamental strategy must be to maintain the substantial strength which already exists at the University and at the same time selectively trying to strengthen areas which are weaker but which are judged to be essential to the future of the institution. The choices will be difficult. But reallocation is one means to achieve a number of good things for the University.

Professor Ibele thanked the President.

#### **4. Comments from the Chair**

The Committee on Committees, Professor Ibele reported, will make recommendations for membership on the Advisory Council on Sexual Violence.

There remains to be appointed an ad hoc committee to review the Academic Freedom statements. The Committee discussed the names of several individuals. There was also a question if the ad hoc committee would draft a document to replace the existing statements or would revise those which now exist; if the former, it was argued, the review would have to be very, very careful because it would be easy to inadvertently write something out of the revision without being aware of it, by accident. It was agreed that the ad hoc committee should first be asked to recommend whether or not replacement is necessary; if it is, then FCC should carefully consider the documents prior to commissioning replacement. Professor Ibele told the Committee members that each should consider it an assignment to review the documents in order to consider a charge to the ad hoc committee.

Professor Ibele solicited the views of Committee members on the proposed agenda items for the year distributed with the agenda. Barring any expressions of opinion, he and Professor Collins would use their best judgment to decide which items required attention.

The Committee adjourned at 12:15.

-- Gary Engstrand

