



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee
164 Food Science and Nutrition
1334 Eckles Avenue
St. Paul, Minnesota 55108
Telephone (612)373-3226

DRAFT
MINUTES

FACULTY CONSULTATIVE COMMITTEE

February 24, 1983
10:00 a.m. to 12:00 noon

Present: V. Fredricks, P. Freier, J. Howe, M. Mattson, D. Pratt, P. Quie,
W. D. Spring, B. Sundquist, P. Swan (Chair), J. Turner.

Pat Swan convened the meeting in 1450 Social Sciences. A major portion of the meeting was devoted to discussion of the FCC's belief it must be able to have closed meetings with the President if it is to perform its consulting function effectively.

1. Report of the Chair, for information.

A. Erwin Marquit has been promoted to Professor. He is not Professor of Physics, but he will have teaching assignments in Physics and be expected to serve on committees and will have his office in that department.

B. Swan has requested President Magrath and Steve Dunham to provide FCC with a report on the University's costs to date on Rajender litigation and the categories of disposition, and also on the rate of new filings. She said it is important to understand what is going on now in the University and the number of new claims being generated.

C. ROTC. The Regents in January renewed the University's long-term, open-ended contract with the Air Force. Al Linck treated it as purely routine business. Swan later learned the matter had not been put through the University-ROTC Relations Committee. Swan asked Linck by message why Linck had not sent the item to the Assembly Committee; Linck then wrote Swan the letter which she circulated among the FCC. Swan checked orally with Paul Cashman, chair of the Assembly committee, about requesting a review of ROTC programs and then wrote him in the FCC's name officially making the request.

Turner commented that if Cashman thinks the ROTC contract is out of line in any way with Regents policy, he can note that in his report.

2. Closed meetings.

Jerry Kline telephoned Pat Swan to express concern on his part as an individual journalist and on behalf of the journalism students with regard to the FCC's closing its February 3 meeting. President Magrath has told Swan he was sending a copy of Daily Editor Chris Ison's protest letter (to Swan) to Steve Dunham for a legal opinion. Swan told the President the FCC voted on February 17, in the presence of a Daily reporter, to close the March 3 meeting. (Two FCC members were absent from that February 17 meeting.)

Swan said she thinks there is not a legal problem, that the law does not apply to these kinds of meetings. But there is a problem with the Senate bylaws which permit a vote to close a meeting only "when personnel matters are discussed, when quasi-judicial functions are carried out, or when closed sessions are required to protect the rights of individuals."

(January 1981) Spring recalled the thoughts and activity related to developing the open meeting section of the bylaws. There was good representation at the SCC's open forum on open meetings, including Don Gilmore of the Journalism faculty, the Editor of the Daily, and a representative of student government. The SCC struck a balance between the president's desire to conform to the spirit of the state law, and protecting the possibility of executive sessions. The exception was principally intended to protect the work of the All University Honors Committee and also sessions in which the SCC advises the president on hiring decisions.

Howe said he favors permitting closed meetings, although the bylaws clause does not seem to pertain to the FCC's situation. We presently have a problem because we are stretching the closed meeting provision.

Swan emphasized the problem of time in a meeting (as she had explained to Daily reporter Richard Ericson the day before) taken to have to justify and explain ourselves to ever new Daily reporters when we only have two hours with the President each month.

Turner said FCC is not performing its mandate in providing advice to the President unless we can meet in closed session with him. Sundquist recommended considering the matter with this approach: we are not a decision-making body, we make no administrative decisions. Our conversations are of a more intimate nature and hence the state law does not apply.

FCC members at this point began to raise the possibility of proposing an amendment to the bylaws.

Spring said it is perfectly appropriate for the President to extend to us, the FCC members, the same kinds of invitations he extends to vice presidents (for private meetings). Turner acknowledged that while law and executive prerogative permit it, the FCC needs an exception to the Senate's constitution by which it is bound. Swan specified the exception should be for when it is performing its consulting role, not a steering role.

Howe pointed out that we have had some meetings where we met without the intention of informing the reporter. Swan said that at an earlier meeting we referred to today's meeting in front of a reporter, but did not subsequently send a notice to the Daily.

Pratt agreed we are in trouble; we neither want the press upon us from all sides, nor do we want to engage in civil disobedience. Having been in both kinds of meetings, he said, he has seen the difference in quality. However, Pratt said, he does not want to attend the closed meetings in the current situation (where they are prohibited by the bylaws). Howe said he would prefer FCC seek to change the constitution to permit us to meet in closed session with the president. If we cannot make the case among the faculty of the value of this exception, then we shouldn't do it. Pratt expressed the same attitude.

Freier said open meetings are just a gesture. If we have to go back to

them, she said she would be ready to resign from the committee. We have to find a way for closed meetings; otherwise I can use my time better, she said.

Pratt remarked that the faculty feeling FCC is coopted by central administration may intensify if we continue closed meetings. Turner said he thinks we can make the case to the Senate, ^{there is lots that constrains us in open} meetings from talking freely, from naming names, from discussing legislative strategy. Swan added the president has made it very plain he won't say certain kinds of things in an open meeting.

Howe told FCC that if we have closed meetings, given our role as representatives of the faculty, we need some way of informing the faculty of the agenda. We could combine closed discussions with brief draft minutes and agenda. Swan said she has outlined the agenda of a closed meeting for Daily reporters when they have inquired.

Sundquist said that some of the meetings should be open.

Swan commented on the SCC's February 3rd meeting with the president and Vice President Keller. There wasn't an interchange by which the University community might have benefitted (as on Keller's report that he was asking deans to submit a plan assuming no constraints). Swan said she is concerned about (1) the flow of information and (2) the quality of the conversation. Because we are not perfect in our communication, errors and wrong assumptions creep into the accounts.

Fredricks remarked that she does not feel constrained by the presence of Maureen Smith.

Turner added that even if we were accurately reported, there are remarks made which, if they got out to the larger world, could hurt the University. We should make public our reasons for voting to close a particular meeting and we should publish the agenda and a summary.

Howe and Spring agreed to prepare a proposal for a constitutional amendment to come to SCC on March 31, with the intention of entering it in the May 5 Senate docket.

Spring noted that the FCC is described in the constitution as a subset of the SCC. The Student SCC might want to request the same privilege.

Pratt said that if we continue to have closed meetings we are not going to accomplish as much as we expect because of the furor that will come down around our heads through press reaction. There followed a short discussion of faculty perception of the effectiveness of faculty governance.

Swan said if the meetings can't be good meetings, each of us and the president shouldn't squander the time. Howe remarked that we as members are extraordinarily cautious and shy about speaking our minds regarding specific situations.

Members noted there had been no consultation with the Finance or Consultative Committees regarding the assignment of percentage cuts to the respective collegiate units. Sundquist said the whole package had caught him by surprise and shocked him. The assumption the Finance Committee had gotten from Keller had been that no units were judged so poor they should be eliminated. Assigning a 9-12% cut

to the College of Biological Sciences does not square with what Sundquist thought he had learned informally.

Spring said timing of consultation was a concern. Finance was being asked to give certain kinds of advice without seeing the priorities or knowing what was in the minds of the Budget Executive.

Freier said if we have one hundred percent agreement that meetings are better when they are closed then we as reasonable people should be able to find a way to get them closed.

Quie remarked that what we are really concerned with is the response from the administrators. We want to avoid the platitudes. He recommended holding the scheduled closed meeting on March 3.

Pratt informed the group that Daily reporters are all issued materials telling them how to deal with closed meetings. He and Quie agreed that the consequences of closing an FCC meeting on March 3 would probably include making it impossible to get an amendment passed. Fredricks recommended cancelling the FCC meeting and holding only the afternoon SCC meeting.

Swan said they hoped for a good conversation with Bohen on support services, in which there's widespread interest that non-academic cuts be taken as much as possible to spare the academic programs.

Sundquist said he would tell central administration that tagging crucial elements of the University with 9-12% cuts (such as CBS, Agriculture) strongly suggests we are labeling those units as being of less value. We are certainly going to affect their ability to function and we are going to worsen morale.

Fredricks moved, Freier seconded, cancelling the March 3 FCC meeting. Spring recommended a friendly amendment to add, "unless the president invites us." Freier objected to the proposed amendment, saying that should be left to the president.

Swan reported that Daily reporter Dick Ericson has asked for an hour of her time before each meeting to fill him in on background and significance, and that she was willing to give it.

Fredricks said it was inherently contradictory for the SCC, of all committees, to fly in the face of the Senate constitution. We would not be acting in our best interests to hold a closed meeting, she said.

The vote to cancel: 5 yes
2 no
1 abstention.

Spring noted that the constitution says the Senate Finance Committee shall serve "as a consulting body to the budget executive and to the vice president for finance."

Spring further commented to FCC: We had central administration's agreement, in advance of taking this constitution to the Senate, to include definitions of three consulting relationships besides SCC's: Planning Committee (with Vice President for Administration and Planning, and Finance Committee with both the

budget executive and the Vice President for Finance. Therefore, and since it is in the constitution, I think we can hold them to it, he said.

3. Agenda for March 3 SCC meeting with the President.

A. Inloading. Swan reported central administration finds large pockets of faculty resistance to inloading. The president wants to know if faculty can help persuade other faculty of the financial implications, notably of where the 12,000 FTE extension students are to be counted. (The Legislature is considering a new funding formula on a strict per capita basis which takes account of different costs of programs.) Swan asked if there is anything the Senate can do that would help reduce resistance to inloading, or whether the president is on his own in this matter.

Spring said inloading decisions have to be made on a college-by-college basis because of the tremendous variance in forms of implementation.

Sundquist spoke for its being time to take a University-wide stand for inloading. He thinks a push from central administration to put our house in order in that respect would be helpful. All who are practicing it are doing so on an ad hoc basis.

Freier said we should make the point to the president of giving departments monetary incentives to inload.

Fredricks said faculty resistance remains because they anticipate loss of extra income and of having off a quarter other than summer.

Howe observed that the SCC might have an interest in knowing how the administration intends to pursue inloading.

B. Leadership. Swan said the President had liked the first discussion and wants to hear more from SCC about how to get good leadership.

C. Tenure. This item can be delayed until a later meeting.

D. Mission. Howe asked for a broad discussion with the president and V. P. Keller on the nature of the University: the centrality of the liberal arts to the University versus the pattern of internal cuts, of items in the legislative request, and of all the huckstering. Centrality of the liberal arts is not even in the rhetoric anymore, he said.

Swan commented that she has asked President Magrath if he would be comfortable with having the SCC talk with Dean Lilly about the whole of Lilly's new portfolio.

Howe asked what is the full meaning of the relationship of the University to Minnesota's economy? It looks as if central administration has picked a very narrow agenda.

Swan remarked she did not mind internal reallocation to permit new things to be tried in certain parts of the University. If all the data weigh in for certain kinds of shifts, let's be up front about it, she said. There has in fact been no public discussion of how some of these decisions have been made.

Howe said attention is being paid to these considerations: leadership quality, faculty quality, workload, and faculty networking. But that list, taken just in itself, is appalling (in its incompleteness). There is nothing about what a University is, nothing of what we value.

The meeting adjourned at 12:00 noon.

Respectfully submitted,

Meredith Poppele

Meredith Poppele, SCC Executive Assistant

University
of
Minnesota
memo

date February 18 19 83

to Craig Swan

from Pat Swan

Attached is material V. P. Keller wrote for the legislature as audience to back up the faculty salary request . I'm sending you this copy in case you have not gotten it otherwise.



Academic Salary Request

Over the last decade, while the average per capita income in Minnesota has increased by almost 10%, our faculty has suffered a decrease of 20% in their purchasing power. This total loss of 30% relative to other citizens of the State is having a severe effect on the morale of the group most vital to the continued quality of our University. In addition, comparisons with academic peer groups for the faculty on each campus show that in each case our salary structure is lower than that at other academic institutions. In particular:

- a. Salaries on the Twin Cities campus are 2.8 % less than the average at other public AAU universities (the AAU is the association of the approximately 50 major research universities in the U.S.). Equalization with those universities would require an adjustment of \$3,942,590 in the Twin Cities salary base.
- b. To bring average salaries at Morris up to those at its peer institutions (T/C Model for assistant professors; selected AAUP Group III institutions for associate and full professor salaries) would require a base increase of \$155,370.
- c. To bring average salaries at Crookston up to those at similar two-year agricultural-technical colleges would require a base increase of \$134,728.
- d. By agreement with the UEA, the bargaining agent for our Duluth and Waseca faculty, the State University System is the appropriate comparative group for Duluth faculty and the Community College System is the appropriate comparative group for Waseca faculty. Furthermore, it has been agreed that the base adjustment to equalize salaries for these two groups of faculty with their comparative groups is \$430,000.

In addition to these general comparisons with university peer groups, comparisons have also been made with professional peers in non-university settings. These comparisons show a serious and widening gap for certain special groups, particularly those in engineering and science. For example, our engineering faculty salaries, on average, are only 60% of industrial salaries. The situation is all the more serious since: (1) Faculty are leaving academic positions for industrial positions; (2) Other universities are making special salary appropriations to these particular disciplinary groups, thus making it more difficult for us to recruit and retain even those committed to academic careers; (3) Our ability to aid economic development in the State rests heavily on retaining and recruiting the most talented people in these fields.

In consideration of these facts, the University has adopted a four-part plan for the salaries of its non-bargaining unit faculty:

1. Prevent further erosion in average faculty salaries by adding a cost-of-living increase to the salary base each year.
2. Begin a long-range process of salary improvement aimed at immediate and continuing equalization of faculty salaries with those at peer academic institutions and restoration of 1972 purchasing power by 1991.
3. Create an additional salary fund for special increases to groups whose market position has deteriorated badly and who have demonstrated through the quality of their contributions that they are important to the University and the State.
4. Create a special salary pool to reward individuals of special merit who either are being or are likely to be recruited by other institutions.

The components of this plan translate into the following percentage increase request for non-bargaining unit faculty in the next biennium:

	<u>FY84</u>	<u>FY85</u>
Projected inflation	5%	5%
Peer equalization and initial step in purchasing power restoration	1%	4%
Special groups and individuals	<u>2%</u> 8%	<u>--</u> 9%

For our bargaining unit faculty, as discussed above, peer equalization will require a \$430,000 adjustment in the base. Other components of the increase must be determined by collective bargaining negotiations yet to be held. If an attempt is made to prevent salary erosion through inflation then, as with non-bargaining unit faculty, an additional 5% adjustment will be required in each year. The calculations below use that as a working assumption.

The computation of total request follows:

	Operation and Maintenance Fund						Special Appropriations	
	Bargaining Unit		Non-Bargaining Unit		Total		FY84	FY85
	FY84	FY85	FY84	FY85	FY84	FY85		
FY83 Salary base	\$9,376.1	\$9,376.1	\$124,077.6	\$124,077.6	\$133,453.7	\$133,453.7	\$16,729.2	\$16,729.2
Cash salary rate	r5%		r8%				r8%	
Cash salary increase	468.8	468.8	9,926.2	9,926.2			1,338.3	1,338.3
Base Adjustment	430.0	430.0						
Associated Fr. Ben. (10.5%)	94.4		1,042.3				140.5	
FY84 Request	<u>\$ 993.2</u>		<u>\$ 10,968.5</u>			<u>\$ 11,961.7</u>	<u>\$ 1,478.8</u>	
Adjusted salary base		\$10,274.9		\$134,003.8				\$18,067.5
Cash salary rate		r5%		r9%				r9%
Cash salary increase		513.7		12,060.3				1,626.1
Associated Fr. Ben. (10.5%)		53.9		1,266.3				170.7
FY85 increase		567.6		13,326.6				1,796.8
Add: FY84 request		993.2		10,968.5				1,478.8
FY85 Request		<u>\$ 1,560.8</u>		<u>\$ 24,295.1</u>		<u>\$ 25,855.9</u>		<u>\$ 3,275.6</u>

	Summary	
	FY84	FY85
O & M	11,961.7	25,855.9
Specials	1,478.8	3,275.6
Total	<u>13,440.5</u>	<u>29,131.5</u>

minnesota daily

University of Minnesota
11 Murphy Hall
Minneapolis, Minnesota 55455
Telephone (612) 373-3381

*Received by Pat Swan
February 23, 1983*

Patricia Swan
Chair, Senate Consultative Committee
166 Food Science and Nutrition
St. Paul Campus
University of Minnesota

February 14, 1983

Dear Professor Swan:

On Thursday, February 3, 1983, a meeting of the Faculty Consultative Committee was closed in its entirety, and a Minnesota Daily reporter was told that he could not attend.

We find this a blatant violation of Minnesota law and University policy. The Daily has recognized and honored the right of public bodies within the University to close certain meetings, or portions thereof. Such meetings include:

hearings for the discharge, suspension, or termination of employment of tenured teachers, at the request of the teacher;

all quasi-judicial meetings, unless the person against whom charges are brought requests a public hearing;

a session convened for the express purpose of discussing with the governing body's attorney litigation "now pending" when the circumstances of the pending litigation call for confidentiality;

private discussions between one member of a public body and one member of another public body.

The February 3 meeting obviously did not fall within these criteria. According to your own response to a reporter's questions, the meeting concerned "matters that, broadly speaking, relate to the Legislature."

According to Burt Sundquist, another member present at the meeting, a significant portion of the meeting was devoted to "long-term priorities and making budget adjustments in line with them," and "letting the appropriate offices in the state and the University know priorities." Professor Sundquist added that the meeting involved "no individual personnel matter,

minnesota daily

University of Minnesota
11 Murphy Hall
Minneapolis, Minnesota 55455
Telephone (612) 373-3381

but a broad range."

We believe the decision to close the meeting was arbitrary and breached the University's legal and ethical commitment to discussing public business in an open forum. The meeting addressed issues fundamental to any University's operations. At the time of the meeting, the reporter received an inadequate explanation of why it was closed, and the reasons given later were totally inappropriate. One reason cited was to protect the rights of the individuals on the committee. That is clearly unacceptable, lacking both legal and ethical foundation.

Attending meetings of the SCC, FCC, and others is vital to fulfilling our obligation to cover the University and inform our readership of important public business. We intend to continue trying to meet those essential goals, and we would hope for your cooperation and that of others on the committees.

I would appreciate any response to this complaint that you find appropriate, as well as an affirmation stating your commitment to maintaining open meetings in the future.

Thank you very much for your time and consideration of this important matter.

Sincerely,



Christopher J. Ison
Editor, Minnesota Daily

cc. President C. Peter Magrath
Vice President Kenneth Keller
Vice President Frank Wilderson
Regents' Secretary Duane Wilson

encl: 1

Received by Pat Swan
February 23, 1983

FORM: OBJECTION TO CLOSED MEETING

The undersigned, a reporter for the Minnesota Daily, has been denied the right to attend an open meeting held on February 3, 1983 by the Faculty Consultative Committee.

The undersigned objects to the exclusion and requests:

1. to be given immediate access to the meeting;
2. this objection be entered in the records of the meeting;
3. the chairperson enter in the record the reasons for excluding the undersigned, the response to this objection, and the reasons for it;
4. to be given a complete transcript of the meeting held during his absence; and, that
5. if any of the above requests are denied, the undersigned be given as soon as possible a complete transcript of the record of the meeting reflecting the request of the undersigned and the response to it.

Dated: February 14 By: Richard Ericson

This objection was delivered to Patricia Swan
whose position is SCC and FCC Chair on Feb. 18, 1983
by mail, reporter for _____.

Signed: Richard Ericson