



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee
614 Social Sciences
267 19th Avenue South
Minneapolis, MN 55455
Telephone (612) 373-3226

FACULTY CONSULTATIVE COMMITTEE

December 15, 1983

10:15 - 11:45

300 Morrill Hall

TENTATIVE AGENDA

1. Report from the Ad Hoc Committee on Salary Money
(Howe, Freier, Sundquist).
2. The Presidential Review
(Howe, Stuthman, Turner).
3. Nomination of Nominating Committee for the
Committee on Committees.
4. Report from the Committee on Grievance Procedures*
(Freier, Pazandak).

* The Committee asks that FCC members review the grievance procedures document distributed in October.



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MINUTES
FACULTY CONSULTATIVE COMMITTEE
AND FCC DISCUSSION WITH THE PRESIDENT

December 15, 1983
300 Morrill Hall
10:15 - 12:40

Members present: V. Fredricks, P. Freier, J. Howe (Chr.), M. Mattson, J. Merwin, I. Rubenstein, D. Stuthman, B. Sundquist, J. Turner.

Guests: C. Pazandak, M. Smith; later, President Magrath and Vice President Keller.

1. Report of the Chair.

- Professor Sam Krislov of the Tenure Committee has reported that Tenure is moving its work along on schedule. Professor Howe anticipates a sharply revised version of the Tenure Code draft.

- Professor Howe circulated a sign-up sheet for FCC members to schedule themselves to monitor Winter Quarter Regents meetings.

- Professor Howe distributed copies of Professor Edward Ney's November 30 letter to Governor Perpich containing salary data for the State University System, the University of Minnesota, Twin Cities, and UMD.

3. Report from the ad hoc committee on salary money. (Freier, Howe, Sundquist).

The committee met with Vice President Keller on December 8 on allocating the fund to be used to meet market competition. The collegiate submissions and the criteria behind them differed widely.

The ad hoc committee agreed applicants needed to have followed the ground rules. Some arguments submitted were clearly cases of individual retention, and funds from the third \$300,000 pot, intended for that purpose, might be applied.

Vice President Keller indicated he would bring back to the salary committee a specific set of recommendations for distributing the market competition funds. Professor Howe commented that this pot of money will be targeted for a relatively small number of units and will overlap some of the other special distributions.

The salary committee has become aware of the problems inherent in making salary decisions at several different points in the year. They urge that in the future, when the University will have agreed upon the ground rules and will have determined the allocations once, the University try to make the decisions on all

categories at the same time.

The President or a vice president could ask the units to make their cases in advance of the legislative appropriation. However, we don't now know with any certainty what will be the special salary needs in the future. Professor Rubenstein said money for retention remains a reasonable item to request of the legislature since the University is uniquely subject to competition.

The salary committee also discussed the principle that faculty in units in the lowest salary percentile ought to have salaries raised; but they acknowledged there may be good reasons why those are at the bottom.

There was some FCC discussion as to whether calling attention to the units and individuals that get special increases, or hiding them in the annual raises, is more helpful to morale and collegiality. Distribution of the special funds blows up the differences that result from the merit raise system, Professor Merwin noted.

3. The Presidential Review.

Professor Howe reported on the meeting he and Professors Stuthman and Turner had December 9 with the Regents' special committee on the review, Regents Drake, Goldfine (Chr.), Hilke, and Moore. The faculty group presented the FCC concerns and recommendations; the Regents seemed receptive. Duane Wilson has asked FCC to put its proposal in writing.

Since that meeting the Regents have contracted with Mr. Kauffman to conduct this second review. They expressed good arguments to the faculty group for again employing Mr. Kauffman. Professor Turner encouraged them to communicate their reasons to the faculty generally as well.

The Regents favor FCC meeting with Mr. Kauffman early in the process to discuss faculty input. They think it important that the Regents make the invitation to all faculty to write regarding the review.

4. Nomination of five-person Nominating Committee for Committee on Committees.

FCC's special subcommittee of Professors Fredricks (Chr.), Merwin, and Stuthman will bring to the January 19 FCC meeting the names they propose.

5. Report of the Committee on Grievance Procedures. Prof. Freier and Dr. Pazandak.

The committee sent its draft procedures to Attorneys Dunham and Sindelir and to Professor Bognanno (Industrial Relations) for comment. The attorneys have indicated they like Sections II.2, "Complaints Concerning Administrative Matters" (other than appointment-related) and II.3, "Salary Issues," but ask who will pay for salary increases recommended by the proposed College Salary Advisory Committee. They recommend against a system of binding arbitration in administrative matters because that makes for petty argumentation.

Drs. Freier and Pazandak have talked at length with Professor Bognanno. One of his recommendations is to cluster all the grievance principles in a single sub-section (II.1.).

The Committee on Grievance Procedures will rewrite the draft before distributing it more widely for comment.

Drs. Pazandak and Freier told FCC that University administrators need to get training in such personnel matters as conflict resolution and leadership procedures. The goal should be to avoid wasting energies in disputes. Grievance procedures should be in place as the last resort, not the first.

ADDITIONAL FCC MEETING. The FCC will meet on the morning of January 5 to consider the draft document and the philosophical questions it has raised.

6. FCC leave of absence.

With a touch of envy the FCC bade Professor Sundquist farewell. He will spend January, February, and March in Canberra studying the economics of certain production systems.

7. Senate hook-ups to the coordinate University campuses.

Professor Mattson cautiously applauded the apparent current University efforts to improve the hook-ups for Senate meetings. Senators isolated in a distant room are at a major disadvantage; bad connections make for poor relations.

8. Task Force on International Education. Dr. Pazandak.

All the issues within this classification, on which the task force has gathered many reports and recommendations for study, do need to be looked at anew, contrary to what SCC had expected.

The task force's report is almost ready; Dr. Pazandak will show it soon to Professor Howe and send it to certain other Senate committees in January. She anticipates a motion to the Senate in the spring which will involve goals for faculty, for students, and for outreach.

FCC DISCUSSION WITH PRESIDENT MAGRATH AND VICE PRESIDENT KELLER.

1. Proposed organizational plan for the Office of Vice President for Planning.

The President requested Consultative Committee reactions before the Regents' meeting of January 12-13. Following that meeting he wants, in conjunction with the SCC, to name a search committee.

The search to find a successor to Nils Hasselmo will be internal. Fifty percent of the job will be devoted to the planning function-- to "stimulate, coordinate and lead the planning effort." The tentative job title is Vice President for Planning and Academic Services.

This vice president would be responsible for the day-to-day reporting of several units, probably encompassing

- Office of International Programs (its reorganization is under consideration)
- Center for Urban and Regional Affairs
- University Libraries (possibly)
- Concerts and Lectures
- University Gallery
- University Press
- Aerospace Studies, Military Science, Naval Science
- Office of Equal Employment Opportunity
- the handling of sexual harrassment cases.

This collection of academic and academic support services will make the position more attractive to people of the caliber of Nils Hasselmo. The other units that were previously attached to that position will remain where they have been reassigned. The successful candidate will need strong academic credentials and credibility and a devotion to the academic welfare of the University.

Academic Affairs would still have the penultimate responsibility for the above units and would have to sign off on major business. Anything concerning either budgeting or planning, noted Vice President Keller, has to go through the Budget Executive. Signing off is "an operational coordination" with centralized authority. Aside from the annual issues of planning and budget, the line vice president would be in charge. The President described the Budget Executive's role as conceptually that of an executive vice president.

Professor Sundquist cautioned that budget tensions could result if some of the above programs, which are rather central to Academic Affairs, were budgetarily moved out of Academic Affairs.

Vice President Keller described a mode of operation which would include the Vice President for Planning and Academic Services. Dr. Keller meets two to three times weekly with his Associate and Assistants, Linck, Robinett, and Wallace. The new vice president should join that group. Dr. Keller stated that since the new vice president will also be part of the President's weekly breakfast meetings, the units transferred in this reorganization would actually get more attention and prominence under the proposed plan than they do at present.

Professor Turner spoke in favor of the reorganization plan, particularly of assigning planning to a vice president, and remarked that the plan might do a great deal on the rationalization of central administration.

Professor Howe expressed skepticism regarding the equal standing of the proposed vice presidency, saying the description sounds more like an associate vice presidency (for example, the sitting in on the regular meetings of the Academic Affairs Vice President with his subordinates). He referred to the rather brief tenures of the occupants of the office under its recent, somewhat different, configuration. He asked if the portfolio is one that will attract and retain a good strong academic person with administrative credentials.

The President described his reflections upon distributing central responsibilities, including the proposal contained in the Lilly Task Force Report for a vice president for external relations, which he rejected. He told FCC he believes planning should be contained in a vice presidency.

The president said he wants and likes to be closely involved in the planning function, which is somewhat more easily accomplished by having planning in a vice presidency. One of its effects is to pull him inward to be useful internally, as contrasted with the many external pulls on the president.

President Magrath will write the FCC a letter regarding the position and the search and the FCC will write its response.

This part of the meeting concluded at 11:55 a.m. It was immediately followed by an executive session concerning a dismissal case.

Meredith Poppele,
Recorder



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December 19, 1983

Mr. Duane Wilson, Secretary
The Board of Regents
220 Morrill Hall

Dear Duane:

You have asked that I put in writing the Faculty Consultative Committee's suggestions concerning the Presidential review. I am happy to do so.

The members of F.C.C. appreciate the substantial effort that went into the first presidential review five years ago. In many ways, that was a path-breaking effort. We're eager now to join with you in determining how the process can be further improved this time around. The F.C.C. has held several discussions concerning the faculty's role in the review process. We have two general observations and several specific suggestions to offer.

First, we want to emphasize the importance that the faculty attach to the review and to their role in it. This derives from their personal and professional commitment to the University and from the fact that the faculty is in a unique position to comment upon the President's leadership. For these reasons, the F.C.C. is eager to work with the Regents to assure that the faculty's contribution is informed, constructive, and clearly heard.

Second, we think it important that the review is ultimately brought to a clear and definitive conclusion. That would seem to require a report of some kind to the University community at the end of the process, explaining the review's major findings and conclusions. We all, I think, agree that no one will be well served if things are left dangling and uncertain.

How then might the faculty's participation in the review be arranged? We think it would be helpful, first of all, if the Regents would announce that any faculty member wishing to offer direct, written comment to the Regents or to Mr. Kauffman is welcome to do so. We understand that such an invitation was extended five years ago. It might be done a bit more explicitly this time around, since a good many faculty apparently were not aware of that earlier opportunity. The Regents might either send a letter to the faculty or place several notices in the Daily. We suggest that the faculty be specifically invited to comment on questions 5 and 6 on the attached list, though of course they should be free to address other

Mr. Duane Wilson
December 19, 1983
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issues as well. The F.C.C. would appreciate access to the letters that come in, since they could help inform our own review activities.

For our part, the F.C.C. proposes to take responsibility for organizing and focusing faculty input into the review process. We propose to write to a select list of faculty leaders who have been significantly involved in faculty and university governance during the past five years for the purpose of soliciting their input and advice. This list would include the chairpersons and faculty members of the following University Senate committees: Faculty Consultative, Educational Policy, Judicial, Faculty Affairs, Finance, Equal Employment Opportunity for Women, and Planning. These are the groups most likely to have significant involvement with the President and with key issues of university governance. It would probably be desirable also to include a few other select individuals who have had direct faculty governance associations with the President, such as Professor Peter Robinson, who served as the faculty's representative at the legislature.

Our letter to these colleagues would ask them to focus their attention on the President's recent performance as administrator and as educational leader, since these would seem to be the areas on which faculty would be best able to comment. We would, however, also make it clear that people were free to address other issues as well. We would ask that all such communications be written and signed, and would forward copies of them to the Regents and Mr. Kauffman.

We propose that the F.C.C. then prepare a written statement of evaluation, summing up its own judgments and the judgments expressed in the letters it has received, and forward that statement to Mr. Kauffman. We would hope that that statement, in addition to whatever questions or issues he wishes to raise, would serve as a point of departure for our conference with him. We think that that conference should be carefully arranged and unhurried. We also think it desirable that the present members of F.C.C. be joined for that discussion by the four most recent, past chairpersons of the F.C.C.

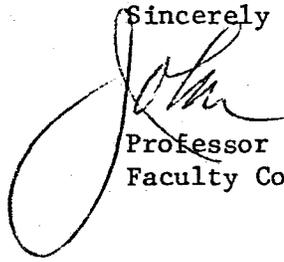
We would, of course, be pleased to meet with Mr. Kauffman early in the review to discuss the faculty's role in university governance and in the review process, and to receive his suggestions concerning issues on which faculty comment might be solicited. Such a meeting would be of considerable value to us, and we hope it would be to him as well.

Finally, let me mention a point that we failed to make when we met with the Regents' Special Committee. Because of the collective bargaining situation, we believe that we are constrained from communicating directly with the unionized faculty at Duluth and Waseca. (We will solicit communications from any faculty on those campuses who served on our targeted Senate committees before the advent of collective bargaining.) The Regents, however, may wish to devise other ways of providing for input from those faculties.

Mr. Duane Wilson
December 19, 1983
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My colleagues and I on F.C.C. want to thank the Regents for their willingness to undertake the presidential review and for their commitment to seeing that it is thorough and exemplary. We share that commitment and are eager to contribute.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "John Howe". The signature is written in dark ink and is positioned to the left of the typed name.

Professor John Howe, Chairperson
Faculty Consultative Committee

JH:mp



UNIVERSITY OF MINNESOTA

Board of Regents
Office of the Secretary
220 Morrill Hall
100 Church Street S.E.
Minneapolis, Minnesota 55455
(612) 373-0080

29 December 1983

Professor John Howe
Department of History
614 Social Sciences

Dear Professor Howe:

This will acknowledge your letter regarding the action of the Board of Regents in the appeal of the President's decision in the Professor George King matter. All letters received in this office by December 21 were duplicated and sent to each member of the Board. The additional letters will be sent at a later date.

President Magrath urged the Board of Regents to rescind the decision, citing a number of reasons. Chairman Krenik has called a special meeting of the Board at 10:00 a.m. on Thursday, January 12, 1984 at which time a resolution will be offered to rescind paragraphs three, four, and five of the Findings and Conclusions adopted by the Board on Thursday, December 8, 1983.

If the resolution should prevail, another hearing will be held immediately and the Board will have an opportunity to reconsider the matter.

Sincerely,

Duane A. Wilson
Secretary

/ck



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December 16, 1983

The Honorable Lauris Krenik, Chairperson
The Board of Regents
R. R. 1
Madison Lake, Minnesota 56063

Dear Regent Krenik:

At its meeting of December 15, the Faculty Consultative Committee held a thoughtful and lengthy discussion of the Board of Regents' recent decision to overturn the recommendation of the Judicial Committee and the President that Professor George King be removed from the faculty for cause. It is our unanimous belief that the Regents' action is inconsistent with the best interests of the University.

We are distressed that a case so carefully developed, involving a situation of such long duration, and representing the combined judgment of so many faculty and administrators should be set aside. And we are bewildered that this should be done even while the evidence and findings of the Judicial Committee Panel have been upheld.

We are alarmed, moreover, at the consequences of the decision for the University. We can hardly expect the faculty to be willing to assume responsibility for administering the Tenure Code, especially in difficult and demanding situations, if their efforts face such an uncertain outcome. And if the faculty's commitment to this crucial task of self-government is lost, so will be the possibility of creating the stronger University we have all been working so hard to build.

Regents and faculty alike have in recent years expressed their commitment to academic excellence within the University. In this instance, the faculty have demonstrated their readiness to make the kind of difficult decision that excellence often demands. Indeed they have made the most difficult decision of all--to recommend the removal of a tenured colleague from the University. The faculty now need the Regents' support in upholding that recommendation.

Both Regents and faculty have had the subject of academic tenure on their minds in recent weeks as we have begun the arduous process of revising the Tenure Code. As that process has unfolded, we have all agreed that the faculty must be responsible, and we have reminded ourselves that tenure involves meeting our academic responsibilities as well as enjoying the protection of academic freedom. How ironic it then seems that such an

Regent Lauris Krenik
December 16, 1983
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extraordinary demonstration of faculty responsibility as the recommendation to remove a faculty member for cause should be rejected.

The Regents' decision is causing deep concern among the members of the Afro-American Studies Department who were courageous enough to take a stand in defense of sound professional standards. Because of their dismay, the decision threatens to weaken that important department, perhaps irreparably. Moreover, we now face the prospect of having students continue to take courses from a professor who has been judged by his peers as performing below acceptable levels.

Though the decision affects the Afro-American Studies Department most immediately, it reaches directly to all the faculty. It has in fact generated disbelief and alarm throughout the University. It would be difficult to over-estimate the damage that will be done if the Regents' decision is sustained. How can we profess to maintain high standards of performance if we are incapable of enforcing even minimal standards upon each other?

Given all these considerations, we respectfully but urgently and unanimously call upon the Board of Regents to rescind its action and to uphold the faculty and administration's original recommendation.

Sincerely yours,

Professor John Howe, Department of History
Chairperson,
Faculty Consultative Committee

JH:mp

On behalf of the full committee:

cc:

The Honorable Charles H. Casey
The Honorable William B. Dosland
The Honorable Erwin L. Goldfine
The Honorable Willis K. Drake
The Honorable Wally Hilke
The Honorable David M. Lebedoff
The Honorable Verne E. Long
The Honorable Charles F. McGuiggan
The Honorable Wenda W. Moore
The Honorable David K. Roe
The Honorable Mary T. Schertler
Mr. Duane Wilson

Professor Virginia Fredricks (Theater Arts)
Professor Phyllis Freier (Physics)
Professor Marvin Mattson (Agriculture, UMC)
Professor Jack Merwin (Education)
Professor Irwin Rubenstein (Genetics and
Cell Biology)
Professor W. Donald Spring (English, UMM)
Professor Deon Stuthman (Agronomy)
Professor Wesley B. Sundquist (Agricultural
and Applied Economics)
Regents Professor John Turner (Political
Science)-- Vice Chair, University Senate

bc: President C. Peter Magrath
Vice President Kenneth Keller



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MEMORANDUM FOR SCC FILE

EXECUTIVE SESSION OF FACULTY CONSULTATIVE COMMITTEE WITH PRESIDENT MAGRATH
AND VICE PRESIDENT KELLER

December 15, 1983, 11:55 - 12:40, 300 Morrill Hall

1. The FCC convened in executive session with the President and Vice President to discuss the Regents' decision to overturn the recommendations of the Judicial Committee and the president that Professor George King be dismissed from the University for cause. (The Regents voted to give Professor King a year's probation and to have his status reconsidered at the end of that year.)

The President told FCC that the Regents take seriously their role as a final body of appeal which they believe the tenure code gives them. The president, however, sees the King dismissal as a personnel decision, and said that the Regents should never overturn the president's recommendation on a personnel decision.

Good, thoughtful letters to the Regents on the matter are appropriate, the President said. He encouraged the FCC to consider writing, either collectively or individually.

President Magrath then read to FCC his December 14 letter to the Regents in which he personally requested them to rescind their action. The Regents would have to vote in an open meeting, he noted, whether or not to rescind. The president hopes that vote would be followed immediately by a hearing; all the parties would be standing by ready for such a hearing; following the hearing the Regents would discuss the question and make their decision in executive session.

Professor Turner asked what documents on the case the Regents saw. The president said that the report of the Judicial Committee panel went to all Regents. In addition, the transcripts were available to them, and Attorneys Sindelir and Heiken put together briefs which each used to highlight evidence.

As to the president's own role, President Magrath said it is his understanding he is supposed to play a quasi-judicial role in such a matter. He has played by the rules, studied the case closely, and not discussed the case with either the dean or the Regents.

Professor Fredricks asked what are the conditions of probation the Regents intend, and the president said he thought that was very unclear. The Regents, he said, accepted the findings of the panel, but voted to give Professor King one more chance to perform satisfactorily. Attorney Tom Tinkam is drawing up

the statement of terms, reported Vice President Keller.

Professor Stuthman stated that if there is no recision and the term of probation is in fact granted, we should insist upon significant and major improvement in Professor King's performance, not just improvement up to a minimum standard.

The FCC members thought it unlikely that any faculty members would agree to serve on the panel of three the president is supposed to appoint to oversee the terms of the probation.

Professor Fredricks moved that Professor Howe prepare a letter to send to the Regents and check the text with some of the FCC membership. Professor Rubenstein seconded that motion.

Professor Turner read to the meeting a letter he had drafted and Professor Howe said he would take those paragraphs as a point of departure. He would circulate the text quickly to the FCC and send it as soon as possible. The president asked that the letter be addressed to Regents Chairperson Krenik with copies to the other Regents and to Duane Wilson. The letter should list the names of all the FCC members.

FCC agreed the letter should point out that it expresses the unanimous position of the Faculty Consultative Committee.

The FCC voted unanimously in favor of the motion.

During the course of the meeting FCC members expressed their grave concerns of implications among the faculty and for the University were the Regents current decision to stand.

2. Negotiations with UEA. President Magrath and Vice President Keller told FCC that the administration is back to trying to work for some accommodation within the principles the administration and the Consultative Committee have agreed upon.

The Regents, on a divided vote, elected not to accept binding arbitration.

Nothing seems to have happened so far to make a return to the bargaining table impossible.

Professor Mattson spoke to the need for the Crookston and Morris faculties to get accurate figures on salaries. Rumors abound, he told the group.

The meeting adjourned at 12:40 p.m.

Meredith Poppele,
Recorder