

Minutes*

**Faculty Consultative Committee
May 30, 1991**

Present: Warren Ibele (chair), W. Andrew Collins, Amos Deinard, Paul Holm, Norman Kerr, Stanford Lehmborg, Karen Seashore Louis, Thomas Scott, Burton Shapiro, Charlotte Striebel, James VanAlstine, Shirley Zimmerman

Guests: Professor Avner Ben-Ner, Professor Carole Bland, Associate Dean Mark Brenner, Geoff Gorvin (Footnote), Maureen Smith (Brief)

[Summary: Judith Garrard (Public Health) elected to FCC; discussion of the budget plans and programmatic reductions; report on system of reviewing administrators; protections afforded faculty accused of scientific misconduct; changes in sabbatical compensation; discussion of a clinical track for Medical School clinical faculty]

1. Report of the Chair

Professor Ibele began the meeting by announcing that Professor Judith Garrard, School of Public Health, had accepted the invitation of the Committee to fill out the unexpired term of Professor Collins.

Professor Ibele also congratulated Professors Louis and VanAlstine on their promotion to full professor.

Professor Shapiro then reported on the most recent meeting of the Finance and Planning Committee. It met with Senior Vice Presidents Erickson and Kuhl, in closed session, to discuss the plans for responding to the budget reductions passed by the legislature. The proposed program reductions were read to the Committee, although not distributed; the best summary of it, Professor Shapiro said, is that it is a quasi-across-the-board cut. There are no "big hits" made on any unit. The reallocation plan is being kept separate from the new cuts, although some units will both receive reallocated funds and lose money in the new budget. Some units were not touched at all, but the general appearance was one of across-the-board cuts.

There seemed to be near-unanimity among committee members, Professor Shapiro reported, that this was not what was going to be done. This will look very bad, outside the University; it will appear that nothing substantial happened. The two vice presidents promised, however, that next year substantial changes would be made. It was suggested at the Finance meeting, he said, that there was not sufficient time; others, however, said that the administration could have had contingency plans.

Another issue which arose at the meeting, Professor Shapiro reported, was a possible hiring freeze. Senior Vice President Kuhl was alone in favoring a temporary freeze; Senior Vice President Erickson explained that all of the others opposed it because it falls randomly. Professor Shapiro said he had suggested that there be a temporary freeze, in part for appearances, and then let units make the case for exceptions; there was no response to the suggestion.

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It appears that it will be business as usual, he concluded. The Finance committee is concerned that the reaction of the legislature will be that "well, it was just some more fat." There will be no minutes from the meeting, he added.

Asked about salaries, Professor Shapiro said there will be zero increases for 1991-92 but that it will be a very, very important priority in the next budget.

Professor Scott, who had also attended the meeting, reported that there were a number of Finance committee members who had remained silent during the discussion, so it is difficult to tell if the committee was unanimous in its concern about the proposals. It is clear that there was a feeling that any big unit cut, on top of the elimination of Waseca, would be very difficult to deal with--at this time. There was also strong interest in the salary question; there appeared to be a commitment to do something about it for 1992-93.

Given the forewarning that the University had, observed one Committee member, given the size of the State shortfall, and given that the University knew more or less what the general dimensions of the outcome would be, it is surprising that the administration did not have more detailed plans for cuts at various levels. There were discussions among the units last Winter, responded another Committee member--what would be done with cuts of such and such a size--but they tended to be per unit rather than looking at eliminating whole units. The exercise was subsequently abandoned.

The matter of perception is also important, it was said; there must be some visible perception that a toll has been exacted. Faculty and staff salaries are one obvious toll, but the programmatic impact of budget reductions also needs to be made. The administration, it was reported, has emphasized the foregone income, which totals about \$24 million per year. There was also discussion of a "signature cut," some large unit cut, but no one could identify where such a cut should be made.

The problem with foregone faculty salaries, asserted another Committee member, is that while they may be raised with the legislature, they are "not an issue which makes the heart of the average Minnesotan throb with pain." It has no impact. Something needs to be cut which will make people realize the University has been hurt, such as the Extension Service. Professor Scott reported that among the \$13 million in cuts proposed, about \$2 million will come from the State Specials, including the Extension Service.

The administration is also discussing a 9-12% tuition increase, which would mean that students would make up half as much of the budget shortfall (approximately \$12 million) that faculty and staff are bearing by foregone salary increases (the \$24 million).

Professor Shapiro also told the Committee that the administration, beginning this Fall, will do an analysis of units at the departmental level. The central administration will oversee an analysis, and not at the collegiate level, of funding, activities, and expenditures. Professor Scott added that the level of information the administration receives from the colleges varies. What they are heading toward, at least conceptually, is a zero-based budgeting--which means instead of starting with a base and adding to it, one starts with the assumption that there is zero. This, he pointed out, is difficult to do in an organization

which has most of its costs tied up in tenured faculty--a point also discussed. In order to do this analysis effectively, he said, it has to start below the collegiate level.

Will the Committee receive any documentation on this plan, asked one Committee member, or will it again be asked for its opinion and be consulted about the plan for dealing with the shortfall without being told what the plan is? If it's written down, the Committee should be able to see it.

These are matters the full Committee should discuss, Professor Ibele averred; it was agreed that the Committee is very concerned and that there should be a special meeting with Senior Vice Presidents Erickson and Kuhi to discuss the plans.

2. Reviews of Administrators

Professor Ibele next welcomed Professor Bland to the meeting to discuss administrator reviews and recalled that the Committee had expressed concern, at an earlier meeting, about the selection process of individuals to participate in the reviews.

Professor Bland began by explaining that there is now in place a policy on administrator evaluation; she distributed copies to the Committee. The policy is a result of a year of consultation she conducted and the pilot studies. Administrators will be asked to prepare goal statements at the beginning of the year and ways that one might measure whether or not the goals have been met; these goals will be reviewed at the end of the year with the administrator's supervisor. Semi-annually administrators will be asked to collect information on the behaviors they used to accomplish the goals; both the goals and behaviors will be discussed at the end of these years.

The collection of data has been changed, she explained, as a result of Committee comments and the pilot study. Administrators will be asked to collect information from people who they identify as having observed them a lot and who can provide "meaningful feedback." The supervisor will also be asked to identify such individuals. In addition, others in the unit will be notified of the review and have the same opportunity to provide comments in the same format that the selected evaluators will use. The process is semi-anonymous, in that everyone who participates in the review will be known but no names will be attached to specific ratings or comments.

The hope is that this information will help in meeting both University-wide and unit goals, because administrators will be asked to write some of their goals to coincide with the President's goals. The President will be establishing University goals every year, so people will know what they are. The system should also help administrators learn where they are doing well and where they need improvement. The reviews will, in addition, provide a broader base of information for salary decisions.

These reviews do not take the place of end-of-term reviews which occur in most colleges for deans and department heads. The purpose of those reviews is to provide information for a decision on continuation of appointment; the reviews conducted annually should provide cumulative information for the end-of-term review.

One Committee member observed that the goals developed for administrators in his unit have never been shared with the members of the unit. Should they not be, he inquired? And should not the subordinates be able to comment on the importance or priority of the goals? Professor Bland agreed that

they should. Although written goals have been established for a long time, the University has paid little attention to ways that goals can be accomplished or how they can be adopted by a group--or how they are related to larger University goals. This will be an evolving system, she commented, and it will take time to figure out how to best establish goals and provide training and feedback. But the goals should include everyone in the unit and all should feel responsible for them.

Professor Bland was then asked if the reviews are oriented entirely to evaluating the person in the job--rather than evaluating the job itself: is it necessary?, should it be expanded or shrunk?, does the person need an assistant?, and so on. In view of the financial situation, and the comments by legislators that the University is top-heavy with administration, it might be useful to evaluate the jobs to determine if they are essential. Professor Bland explained that this is not one of the purposes of the reviews; they look only at the performance of the administrator and the unit.

When the individuals are writing their evaluation, will they be privy to stated goals of the administrator? There are two elements, it was said; the "boilerplate" that goes into the position description--and which the person works at for as long as the position is held--and a set of annual goals for the year. Presumably the evaluators are relying on this second element; "it would be nice to know what the person is trying to accomplish so you could find out whether or not they were doing it." Professor Bland said they would not have the goals, although the suggestion is a very good idea. The entire unit should know what the goals are and they should be attached to the reviews. At present, the system is designed such that whether or not unit goals are achieved is determined primarily by the evidence presented, as prepared by the administrator, in discussions with the supervisor. Goal achievement is separate from the efforts of the administrator in trying to accomplish them.

This will be an evolving system, Professor Bland emphasized; what is important is that something be put in place. Getting it in place is the next step. Implementing it in all the colleges will require meetings, workshops, and personnel time. There will also be a need for technology changes; individuals will be able to use electronic mail to participate. The system will probably not be fully in place until next Spring--although this project, like many others, is subject to delay because of the budget situation.

One Committee member noted, apropos end-of-term reviews, that there is rarely a response to people who participate and there is no idea of what has been said. The reviews would be more useful if administrators were to respond to them. Some administrators "have received lousy reviews. What happened? They were reappointed." This makes the reviewing participants feel that they have wasted their time. Another commented that the annual reviews--progress reports, as it were--will have to be used in the end-of-term reviews. If there is nothing in the system which builds on the reviews, it will not be very useful. Professor Bland agreed; these reviews are intended to provide additional information for the end-of-term review. Another Committee member suggested that the process should parallel what is done for probationary faculty: reports are made every year and the record is thereby established. If only to be fair, the same thing should be done for administrators; findings should be made part of the record so one can ascertain the grounds for reappointment or termination.

Professor Bland asked if the group who participate in the reviews--the people in the unit--is the appropriate one. It was suggested that in the case of a dean, for instance, other deans with whom the individual interacts should also be asked to participate. Anyone who works closely with the administrator should be included.

One Committee member cautioned that sufficient attention must be paid to the reviews, and actions based on them, to make the effort worthwhile. Many in the University are jaundiced about these reviews, which have used up reams of paper and a lot of time--with very little action resulting from them. Professor Bland agreed and observed that the system itself should be evaluated very carefully in two or three years; the outcome measure should be whether or not the reviews are being used and for what decisions.

Professor Bland asked that if Committee members have additional thoughts on the process that they let her know of them. She agreed to incorporate the administrator's goals in the review process.

3. Policy on Scientific Misconduct

Professor Ibele next welcomed Associate Dean Brenner to the meeting to continue the discussion of the policy on scientific misconduct. One Committee member recalled that a problem identified at the earlier discussion was the anonymity of the complainant; it is troublesome, under American law, not to be able to confront and cross-examine your accuser. One subtle difference, noted others, is that there is no "accuser"; it is more accurate to think of a "whistleblower."

Dr. Brenner agreed that a major question is the right to face the accuser. This is not, he reported, the protocol called for by the Office of Scientific Integrity or by NSF. At a recent meeting of the CIC Graduate Deans, he reported, they had a session on scientific misconduct; the other institutions do not permit cross-examination. They do provide the respondent the opportunity to make comment and provide questions. This does not mean that Minnesota must do the same, of course.

Dr. Brenner also reported that one Committee member had told him that after the steps of inquiry and investigation were completed, and if there were a finding of misconduct, the respondent could do a number of things--one of which would be to file a grievance. Altering the policy to address what a grievance could be about might solve one of the questions; it should perhaps address the entire case rather than only the process. If there is a need for the respondent to be able to cross-examine the complainant, it would be in that forum.

Experience here and elsewhere, Dr. Brenner told the Committee, suggests that about one in five complaints result in a finding of misconduct. People use this mechanism to make allegations for all kinds of other problems, such as personality conflicts. The inquiry and investigative proceedings do have a filtering effect, but before a final resolution is reached in the academic setting the issue could go to the grievance process. Dr. Brenner said he was not sure how many cases actually went through the full process, irrespective of the outcome--the entire process, nationally, is too new.

One Committee member said that the large number of capricious claims suggests individuals should be able to confront their accusers; another responded that the determination of scientific misconduct is extremely complicated and there are many shades of gray between complete exoneration and a clear finding of misconduct. Most cases that do not reach the end of the process fall in that middle category. Dr. Brenner agreed; in some cases the individual is simply involved in "sloppy science."

The other important issue, Dr. Brenner said, is that claims are about the product of the individual's activity--the publication of contrived or fabricated data or plagiarism, for example. One

investigates the information that has been prepared by the individual, so it is appropriate to have a panel which examines the data and the published report. Does this mean, Dr. Brenner was then asked, that it is not possible for someone to blow the whistle as it is occurring? Must one wait until results are published? What if one sees the scientist "painting the mice"? Dr. Brenner observed that it is not misconduct until the scientist tells people that the painted mice generated certain results; it could be strange art work or playing a joke. But this is a problem; one must be able to document that the individual intended to contrive the data.

One Committee member drew Dr. Brenner's attention to the definitions of scientific misconduct. The first two [falsification of data and plagiarism] are fine and represent a clear sense of what constitutes misconduct. The third, however, is troublesome ["other practices that seriously deviate from those that are commonly accepted in the scientific community for proposing, conducting, or reporting research"]. It is hard to think of anything that could not ultimately fall under "other practices . . .", it was argued. The issue is always "what is commonly accepted in the scientific community?" It is appalling that "what is commonly accepted in the scientific community" will be decided in a panel without any cross-examination. Who is the expert? This is highly debatable, and it is scary to have a three-person panel meet in a closed room to decide "what is commonly accepted in the scientific community."

Other Committee members agreed that this language could have a chilling effect on doing anything different from what has previously been done; it is "a recipe for orthodoxy," said one. Dr. Brenner said that this language was not of his creation; the directive from the Office of Scientific Integrity (OSI) calls for it to be included in the policy. The workshop in which he participated included concerned discussion about the vagueness of this language; the response from OSI was basically that "you'll know it when you see it." The question is how the University, as an institution, can comply with NIH requirements which have this language.

The real issue, it was said, is how much due process the University believes is appropriate. It is argued that these cases are somehow different, unlike real grievances, and that experts can look at them and decide their status. If so, one could believe in this system--and one could believe it with respect to the first two definitions of misconduct. The policy says we do not need due process and the usual kinds of protections provided in litigation models because these issues are scientific and different and scientists can decide them. That may not ever be true, although perhaps it is, but when the door is opened to the claims which might arise under the third definition--the more general and the vaguer the grievances get to be, the more one needs due process protections.

It was pointed out by another Committee member that there are models for this kind of process, such as the boards of ethics in medicine and law; one does not have the opportunity to cross-examine those who make the charges. There is a board of professionals which reviews the evidence; that is the model being used here. They do not necessarily unfairly prejudice the respondent. From a practical point of view, moreover, this is not a cause for great concern: scientists have not shown themselves eager to point fingers at their colleagues and try to get them thrown out of a university for misconduct. The suggestion that Dr. Brenner made is a good one: to afford the respondent the opportunity to review the process if he or she feels that the third definition was used because of the people on the panel or the narrowness with which the evidence was reviewed.

Dr. Brenner agreed that the language about ensuring that the respondent is informed as the panel is being assembled may be vague and that some revision may be possible. The respondent should have

the opportunity to respond at the inquiry level--before the proceedings have gone very far--to make a statement to set the record straight. It is also vague, but clearly intended, that the respondent should see a draft of the inquiry and investigative reports before they become final--again, so they have the opportunity to make comment. There should also be transcripts of interviews, although names may be removed, so that the statements are available to the respondent. Then at the grievance level there would be the opportunity for cross-examination.

Another Committee member expressed great unease with the third definition. It would allow anyone who wants to start an action against anyone on campus. In some units on the campus, the language would be a license for department chairs to weed out faculty they did not like--and the dean would support the chairs. In addition, allegations of misconduct would be all over the country within 24 hours--when the person has never had a chance to face the accuser.

Professor Ibele noted that the views expressed at this meeting represent expressions from about as balanced a group of faculty as exist on the campus; he urged Dr. Brenner to take very seriously the reservations, especially about the third definition of misconduct. Dr. Brenner told the Committee he didn't like the definition, either, and would try to find out if the University could avoid it.

One Committee member argued that the policy re-invented the wheel and that there is in place a grievance system which could be used for this purpose. There would need to be extra structure to deal with the inquiry level, which is basically a probable cause hearing. Beyond that, however, the grievance procedure could be used for the investigative process.

Committee members discussed with Dr. Brenner which version of the policy is now in effect; none of the "working drafts" are operational, Dr. Brenner said; the November, 1989, interim policy is the one which now controls.

If the all-University grievance procedure is used, it was pointed out by one Committee member, anyone who is concerned about possible scientific misconduct can report it anonymously to the Vice President for Academic Affairs. The Vice President must then decide whether or not to start a grievance; once started, he must file a complaint--and immediately the accused has the opportunity to make a response, with supporting data, which would be reviewed by the panel. There may be enough safeguards built into that process to reduce the number of frivolous cases more than would be the case under the proposed policy. Is this possible? Or does OSI insist that a separate policy and mechanism be created? That is not required, Dr. Brenner said, but there remains the issue of what, in the grievance procedure, would parallel the inquiry and investigative panels. Their role, he said, is specialized, in the sense that not only do they receive information, they are also fact-finding bodies which examine the data and put it in an orderly manner. How would that be accomplished in the grievance procedure? That function, he was told, would be separated; the panel would make the decision. The gathering and presentation of evidence would be done in the usual way, through witnesses and documents and expert testimony.

It is the panel, Dr. Brenner said, which is charged with assembling and analyzing the data; the inquiry/investigative process could be considered the activity which precedes a grievance. Is there a case? It is not clear a grievance accomplishes that end. These are difficult issues; you will not want to charge department heads or deans with the responsibility for fact-finding. This should be the responsibility of a panel of experts who are knowledgeable in the area. The concern is whether or not that

panel should be making a recommendation. In a sense, its recommendation--if there is a finding of misconduct--could then be the cause of a grievance.

The problem, it was said, is with the level of formality; the individual is being found guilty twice--before there is any due process at all. The concern is that there be a hearing, which means an impartial panel, as quickly as possible. Allegations can be enormously destructive; they need to be resolved quickly. This policy creates two more layers before there is any substantial due process.

The investigative group cannot collect the information it will need and maintain confidentiality, one Committee member maintained. Action must be taken as quickly as possible.

Who will assemble the information, Dr. Brenner inquired? If the existing procedure is used, and the Vice President decides he has heard enough to start a case, it will be his duty--as part of creating his complaint--to assemble information. The respondent would then have the opportunity to rebut every point in the complaint. The Vice President could, it was agreed, appoint a panel to collect this information. Dr. Brenner commented that one could look at the inquiry and investigative process as doing exactly that. But, it was said, they have 120 days to do so, which is too long.

This may all depend on what OSI may insist on versus what the University thinks it can live with, observed one Committee member. If there is a big disparity between the two, the federal rules will prevail. Perhaps a very short time limit could be set--a week or two--and discussion could be limited to the department or college. Enough information could be collected to determine whether or not there was reasonable cause to start a grievance; the respondent could rebut it and the panel could decide, on the basis of the evidence, that there is not sufficient information to warrant proceeding.

Is there any requirement that the panel, under the grievance procedure, be comprised of experts in the area? Or is it a generic faculty group? It consists of two faculty from the college and one from outside (who serves as chair), Dr. Brenner was told. The faculty, he said, may not have the right kind of expertise for a scientific misconduct inquiry.

One Committee member, acknowledging some confusion about this matter, said that generally creating dual procedures is not a good idea if it can be avoided. There are, however, a number of precedents for handling problems that are similar to the one proposed; it is to be hoped that the University can figure out some way to take advantage of what is already in place. What happens in very complicated civil matters? The usual way, it was said, is to rely on expert witnesses. In very complex scientific and other litigation, the court will appoint an expert to evaluate the evidence and make a report or recommendation to the judge. Juries, it was pointed out, are never selected because they are experts. The question is who, another said, evaluates whether they make the decision or if some other established group makes the decision, based on their testimony--it is on this point that the policy departs from the body of experience in the court system.

Dr. Brenner said he understood, unless one views the group of experts--the investigative panel--as producing a report and coming to a conclusion, which then provides the basis for a grievance. The grievance would then be in open session, under procedures already spelled out, which would remove the restrictions and provide for examination of the entire case. It may be necessary to accelerate the inquiry procedure.

Another Committee member questioned the desirability of having a separate procedure for the sciences, as opposed to any kind of academic inquiry. The same issues--plagiarism and inappropriate use of data--arise in the social sciences as well. Such instances have arisen in social science disciplines and ad hoc panels have been set up to deal with them. The only reason for a separate policy for the sciences would be a requirement of a government regulatory agency. Dr. Brenner confirmed that this is the reason for the policy.

Professor Ibele reviewed briefly the points that were raised and asked Dr. Brenner to take them into account in revising the policy. He agreed to explore the possibility of integrating the proposed policy into the existing grievance procedures in a way that would satisfy OSI. He assured the Committee that he is trying to get both the administration and governance bodies to accept a new policy; there is a need, in any event, to move away from the interim policy. This is an improvement over the existing policy but could perhaps be better integrated into the grievance procedure.

Another Committee member repeated the concerns about making the procedures more complicated than necessary, the problem of dual processes, and the point about which disciplines are included and which are not--people could end up using both procedures and stringing out the complaints for a long time.

4. Items from the Committee on Faculty Affairs

Professor Ibele next welcomed Professor Ben-Ner, chair of the Senate Committee on Faculty Affairs.

Sabbaticals Professor Ben-Ner began by presenting SCFA recommendations on sabbaticals. It is convinced that the current system of sabbaticals has several flaws, which result in under-utilization of the time allocated for them; only one-third of the faculty who are entitled to do so actually use sabbaticals. SCFA considered various proposals for change. Practices vary considerably across universities; many have the policies currently in place at Minnesota but have more attractive sabbaticals.

The gist of the proposal is to increase the salary to 2/3 of full salary for faculty who take a sabbatical for the entire academic year and to 3/4 of full salary for those who take a two-quarter leave. The rationale is simply that the higher salary will induce a larger number of faculty to take sabbaticals.

SCFA was not successful in developing a cost estimate for the proposal. Funding varies considerably across colleges and campuses, and it is not clear what effect the proposal will have on the number of faculty who take sabbaticals. There is a possibility that there will initially be a large number who wish to take sabbaticals--those who have deferred taking them because of the cost. That, however, would be a one-time effect.

The rule which limits sabbatical income to the regular salary prevents many faculty from taking sabbaticals, said one Committee member; there are dislocation costs involved in taking a sabbatical beyond salary. Professor Ben-Ner said SCFA dealt with this issue briefly, but decided to focus on the main issue of compensation. Many faculty, he observed, find sabbatical arrangements which include funding for dislocation costs and travel. SCFA was also unable to identify any institution which permits faculty to earn more than their regular salary while on sabbatical.

One Committee member asked if SCFA had considered the financial difficulties of departments and the problems they have in finding replacements for faculty who take sabbaticals. Professor Ben-Ner responded that SCFA recognized the concern but concluded it was beyond the purview of the committee to deal with the issue; it was not possible for SCFA to design ways for so many diverse departments to deal with the problem. It concluded that if the University was committed to increasing support for sabbaticals, it should make resources available to the departments.

Professor Ben-Ner told the Committee that the plan could be implemented in 1992-93. The Senior Vice President for Academic Affairs supports the proposal and sees no impediment to its implementation other than the financial considerations.

It was moved, seconded, and unanimously voted to endorse the proposal. One Committee member noted again the criticism that the proposal does not take into account dislocation costs, which acts as a considerable disincentive, especially for units which have lower than average salaries.

Bush Sabbaticals Professor Ben-Ner was asked why Bush grants are available only to those on 9-month appointments and whether or not they remain open only to faculty involved in undergraduate education. He said he was not aware of the restriction of the grants to 9-month faculty but affirmed that they remain limited to those involved in undergraduate education. It is true, as one Committee member observed, that the Bush funds no longer support the program, and the restriction limiting the grants to support of undergraduate education no longer need be observed. Professor Ben-Ner reported that SCFA supported the emphasis on undergraduate education but voted in favor of a change in the policy which would permit individuals to be eligible for the award more than once (although, given applications of similar merit, individuals who have not previously received the award should be given preference).

Clinical Track for Medical School Professor Ibele recalled for the Committee the proposal to permit a lengthened probationary period for clinical faculty on the tenure track and the recommendations from the ad hoc committee chaired by Professor Gerberich which recommended against the proposal. The ad hoc committee did, however, recommend exploration of other means to evaluate clinical faculty for tenured positions. The Medical School then recommended a separate clinical track; the SCFA subcommittee on tenure took up the proposal and recommended, on a divided vote, that it be adopted. SCFA, in turn, voted unanimously against it.

Professor Ben-Ner told the Committee that the Medical School had appointed a committee, chaired by Professor Shelley Chou, to investigate establishment of a new non-tenure clinical track. It reported to the Dean of the Medical School last Fall; the Medical School supported the proposal and forwarded it to the Senior Vice President for Academic Affairs. The proposal notes that it is difficult to hire and retain clinicians who have an established track of excellence but who do not engage in "bench" research. In order to attract and retain such individuals, primarily for the Hospital and the Medical School, the Medical School advises that they should be granted faculty status, but not on a tenure track. Most other universities have some form of a clinical track in their medical schools.

SCFA has considerable sympathy for this position but noted that the tenure code allows the Medical School to afford recognition to individuals who engage in discipline-related service other than "bench" research. SCFA concluded that the Medical School could recognize that service within the stipulations of the tenure code and could tenure them. Alternatively, if this is not acceptable, the Medical

School could opt for a P&A classification. Several SCFA members also noted that the problems faced by the Medical School are also faced in other units, such as Music (where performance is recognized).

One Committee member expressed concern that extension of the probationary period was explored, and not recommended, and now an alternative proposal has been forwarded and not received support. A major unit in the University should not be confronted with a Catch-22, making it unable to advance essential individuals who are performing according to an acceptable standard. The Medical School cannot be put into a box from which they cannot escape.

Each department, including the Medical School, is able to write its own interpretation of the pertinent provision (Section 7.11) of the tenure code, it was noted; did SCFA hear any testimony on this point when it was considering the clinical track proposal? Why have the departments not gone ahead and made use of this provision? Professor Ben-Ner reported that essence of the resistance to using this means is the fear that over time Medical School departments would come to be dominated by clinicians. SCFA members believed, however, that this would be under the control of Medical School departments; they can always control what kinds of assistant professors they will hire. The numbers of individuals, at the moment, who would be eligible for a clinical track is small. One Committee member argued, however, that a department cannot always clearly identify which faculty will succeed and which will not, and the resulting balance among clinical and research faculty will not be predictable.

There was discussion by Committee members of faculty who are now successfully appointed in Dentistry to a "clinical" track--without tenure, but not P&A. There was some confusion about what kind of appointment these individuals hold; it appears they are "T" appointments. It was noted that there are individuals, in the Medical School, who have risen to full professor--but who hold clinical appointments and whose primary job is with another organization.

The Committee deliberated about what it should do. Several individuals expressed support for the proposal for a clinical track. The problem with P&A appointments is image; individuals will not want to be at the University with that kind of appointment because it is viewed as second class citizenship (which may be a more general problem, it was observed by another Committee member). People want to be able to identify themselves as faculty members. Another suggestion was that there be a new title created, within the P&A classification, of "clinical professor."

Professor Ibele extended the thanks of the Committee to Professor Ben-Ner for the work of the Committee on Faculty Affairs. It was agreed that the Committee would return to the matter of the clinical track at its meeting on June 13.

5. Promotion and Tenure Reviews

The Committee discussed briefly a letter Professor Ibele had received. The letter suggested that recommendations from the Dean of the Graduate School, the Vice Provost, and the Associate Vice President for Academic Affairs on tenure candidates be considered staff advice to the Senior Vice President for Academic Affairs and not communicated to the candidate until the Vice President has made a decision. The letter provoked sharply critical reactions from several Committee members; the proposal, it was said, would reverse years of effort which finally resulted in such recommendations being included in the file. Everything which is now written about a candidate is put in the master file, in the department, and there should be no change in that practice.

It was agreed that Professor Ibele should draft a letter rejecting the recommendation and reviewing and calling for retention of the current practices.

The Committee adjourned at 12:00.

-- Gary Engstrand

University of Minnesota