

Minutes*

Faculty Consultative Committee
Thursday, May 4, 1995
10:00 - 12:00
Room 238 Morrill Hall

Present: John Adams (chair), Carl Adams, Carole Bland, Victor Bloomfield, Thomas Burk, Sheila Corcoran-Perry, Lester Drewes, Dan Feeney, Virginia Gray, James Gremmels, Kenneth Heller, Roberta Humphreys, Robert Jones, Morris Kleiner, Geoffrey Maruyama, Michael Steffes, Gerhard Weiss

Regrets: Harvey Peterson

Guests: Acting Vice President Mark Brenner, President Nils Hasselmo

Others: Martha Kvanbeck (University Senate), Maureen Smith (University Relations)

[In these minutes: Discussion with President Hasselmo; Professional Commitment policy; approval of May 18 Faculty Senate docket]

1. Discussion with President Hasselmo

Professor Adams convened the meeting at 10:00, quickly reviewed the agenda, and welcomed President Hasselmo.

The President began by saying he wished to talk about where the University is and where it is going. Next year will be the fifth year of the 1991 Restructuring and Reallocation plan, which has been underneath U2000 and part of the agenda of the University. As that R&R is completed, an agenda for the future must be set that again places restructuring, reallocation, and change on the table. Such plans would not supersede U2000 but would be instrumentalities to achieve it.

A number of things have occurred as a result of the 1991 R&R plan, including a significant amount of programmatic change. The total reallocation was about \$60 million. He has received a report on the budget cuts and reallocations at the University over the last five years, he reported, and they amount to almost 30% of the state appropriation. That is a significant; he thanked the faculty and staff for dealing with that major change.

What is very important now is that change be driven by an even more coherent and consistent vision of what is to be achieved. One problem with the budget cuts that eroded the 1991 R&R plan is that so much has been driven by these terrible budget problems the University has been saddled with. One concern voiced by faculty, which he shares, is that decision-making has been seen as driven by the need to solve the immediate budget problems, rather than by the University's longer-term objectives.

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He said he is trying very hard to wrench the University out of that mode of decision-making; it must take a deep breath and be driven by a vision of what it is going to be. This has been said often, but it must be repeated until it catches on more widely with the faculty and staff. "We say that we want to be a global, leading, research and land-grant university of the 21st century, that we want to be national and international leaders in a whole spectrum of scientific and scholarly disciplines, and have graduate education and undergraduate education of the highest quality, in association with those centers, and that we also want to be much more effective in how we distribute and make learning opportunities available, drawing on those intellectual resources." That vision must continue to be made more concrete.

The President said he has discussed agendas with the provosts and chancellors that try to make the vision more specific. There will be an effort in the next few weeks to get at some of the specific issues to ensure the University moves in that direction. It is a way of becoming more cost-effective, and dealing with the financial situation, but the University is clearly saying it cannot cut itself to what it wants to be; it will have to deal with the fact that state and federal investments are going to be stable or erode. The University will have to draw on other resources in order to accomplish what it needs to do. This will be a great challenge.

All of this must be accomplished in a way that not only achieves institutional objectives but also in such a way that faculty and staff feel they are a part of an exciting agenda, and that they are working in order to provide resources that will compensate them fairly for their effort in a very competitive market.

They are trying to identify areas that the University needs to emphasize, and to determine what national leadership means. What are the University's responsibilities in research? What are the clusters of subdisciplines within broader areas in which MINNESOTA is going to invest? It probably cannot sustain the whole spectrum of present activities. What is the kind of graduate, professional, and undergraduate education the University is going to provide, in association with those clusters of excellence?

He said he is talking about areas such as the biological sciences, for example. He is not trying to drive the agenda by a meat axe approach that looks at reorganization and college mergers as some kind of panacea. That is not necessarily the solution; he said he starts with the question, the essence, of what the University wants to achieve in the biological sciences. Those objectives need to be stated. What does it mean to exercise national and international leadership in the biological sciences? What are the areas of the biological sciences where the University will achieve that leadership? How can it invest in research and education in the context of those specialties within the biological sciences that the University is going to strengthen? What kind of organizational structure should there be? Is the present one optimal? Or should there be some realignment at the college or department level? Should interdisciplinary mechanisms be established to achieve the objectives?

Now that they are all in place, he can put these issues squarely before the three provosts, with general directives that he wants the area investigated and a plan developed that can ensure the University exercises the leadership of which it is capable in the biological sciences. If that plan leads to collegiate or departmental reorganization, so be it, but the plan should be driven by the intellectual agenda, the need for consolidation, and the need to attract the resources necessary to sustain the enterprise. Including, he added, the resources for faculty and staff compensation that can attract the best.

There are many other areas, as well as sub-areas such as biomedical engineering, where the University has unique opportunities because there are 45 medical engineering companies in the state. A major part of the state's economy resides in that sector, derived from the University; the University has a major responsibility to sustain that capability for the future. The University has wonderful fund-raising and political support to sustain biomedical engineering; it is probably an area wherein a strategic investment will be made. But there are many other areas, he concluded, and he could not list them all. The administration is trying to identify, through the planning process, strategic investment areas for the University.

This is the essence of the agenda, he told the Committee: the continuation of what was started in 1991 and filling in the specifics of U2000. It will be difficult because the process involves a lot of choices, choices that have to be made with strong participation by the faculty. They will have to be engaged in the discussion that can sort these things out, and they will have to do so across vested interests, in order to drive the intellectual agenda of the institution forward.

The President reported that he is putting before the Board of Regents a memorandum that begins to outline some of these points; he emphasized the word "begin." This is a huge and complicated agenda, he observed, and he is laying on the table the basic issues. He will also be issuing a set of instructions to the chancellors and provosts to get going on this agenda, individually and, where, appropriate, in combination, especially on the Twin Cities campus, where the issues are intertwined among the provostal areas.

Compensation is critically important. The President noted the excellent report of the Compensation Working Group, chaired by Professor Carl Adams; certain principles are "crystal clear," he said, while implementation is "extraordinarily complex." Principle number one is that the University MUST pay competitive faculty and staff salaries; it will not go forward unless it does so. That is a fact of life. There is much idealism and dedication and commitment to the University on the part of faculty and staff; he told the Committee that he sees it every day and understands that some people would not be here were it not for that dedication. The University has not, however, been able to reward its faculty and staff in ways commensurate with their achievements.

This problem can only be corrected by undertaking an aggressive restructuring and finding new revenue sources, and by deploying resources even more effectively in serving students and in doing research. This is where the idea of Responsibility Center Management becomes important. The administration is putting together a group that can lay out a SPECIFIC approach to RCM, so that support and understanding of what it means can be obtained before it is implemented. It seems to be a way to engaging units in putting their resources to the best use and helping generate the additional revenues that will have to be part of the University's future. Simply badgering the state and federal governments for more public support will not get the University where it needs to go; it will have to look to other sources. In order to do that effectively, it cannot be done as a planned economy for the entire University; the creative energies of subsets of the University have to be unleashed--while being mindful of the expectations and missions of the units, so the effort does not become a mindless chasing of dollars that undermines the educational mission.

As far as compensation for the coming biennium is concerned, the legislature is still dealing with

the budget; the University continues to seek as much support as it can obtain. A significant portion of the partnership proposal is for badly needed compensation. What will come out of the legislative process is not known; the House and Senate proposals are going into conference committee now. The University is also trying to secure funding on a more permanent basis, rather than as a one-time appropriation. There is the usual biennial budget bind, in that the final budget will be completed on very short notice, when the Governor signs the bill. There is also the possibility that the bill may not meet the Governor's requirements, so there could be a veto; that would delay the budget until late May or early June. The administration plans to present the budget at the June Regents' meeting, so the schedule will be very tight.

The administration is also trying to stay with the issue of competitive compensation. That means that they will look at different segments of the institution for compensation patterns that are necessary in order to sustain them. This will require minimizing the across-the-board elements of compensation distribution. The President said he hoped that could be accomplished in a way that does not create misunderstandings. They will also have to use central resources selectively, in cooperation with segments of the University, in order to arrive at an approach appropriate to those segments.

Professor Adams then asked the President about the Academic Freedom and Responsibility policy; it has been suggested that the policy may need reworking so that when it goes to the Regents and the public, there will be little chance it will be scorned or modified. The Senate and Committee discussions about it have indicated people are quite pleased with it, but that is not the same as having it approved and on the books. The way that it has been put together may raise questions. Has he thought about the process or the substance of the statement?

The statement should be succinct and clear and at a high level of principle, the President said. The question of employment contracts and areas where tenure is appropriate and protection of academic freedom is necessary is something that needs to be evaluated, but the principles of tenure and academic freedom are inviolate as far as he is concerned, he said. The national debate on tenure seems to be ill-informed and even frightening; elimination of tenure is seen as some kind of panacea for solving the ills of higher education. The preservation of tenure and academic freedom is a sine qua non for academic excellence and must be preserved. But there is also an obligation to strip tenure of the misconceptions that attach to it, such as that it is protection for incompetence and that tenured faculty members can behave any way they wish. That is not true. The President said the statement as prepared seemed acceptable to him; Professor Adams said that if he were satisfied, they would take it to the Senate for action.

The provosts are now in place, commented one Committee member; now some chronic concerns must be addressed. One, on the educational front, was worry about the conversations between and among provostal units with respect to educational mission and the need for them to cooperate because so many activities cut across provostal areas. The second concern has to do with current thinking about the Vice President for Research idea and the Dean of the Graduate School idea, because how the University moves forward in research and education depends on how the provosts will work together. What are the principles he is talking with the provosts about in terms of education and research?

Those issues have come up, the President responded. Any concern about the provosts working together can be allayed; in the short period since the last appointment, it is most gratifying how they are

working together. They are coming to him and telling him what they believe needs to be addressed and "this is where we want to participate--_WE_ want to participate, not _I_ want to participate." The three have taken to heart working together.

They have talked about specific measures that are needed. There is probably a need for a Twin Cities curriculum committee, that takes a look at curricular issues across the campus. It seems appropriate that the provosts establish the format. This would not supersede collegiate committees, but would consider the undergraduate curriculum. The Council on Liberal Education already does that, but there is a need to look at parts of the curriculum.

To return to the example of the biological sciences, the President said, there are resources in all three provostal areas. How can the University optimize the use of those resources both in research and in the curriculum? They should not be compartmentalized within provostal areas; they are one place where a curricular committee that cuts across the areas could be helpful.

They have not had specific discussions about research. It is his intention to continue the position of Vice President for Research and Dean of the Graduate School function (hereinafter VPRDGS), he said, with some refinements and changes in responsibilities. The office will remain intact, with collaboration between it and the provosts. He is establishing a group to be called the Twin Cities Chancellors' council, to emphasize the fact that the President of the University is the Chancellor of the Twin Cities campus and that there is need for a group, including the three provosts, to deal with Twin Cities campus issues (just as the chancellors of the other campuses have their own councils). The VPRDGS and Vice President for Student Development, and others, will be part of the council; it will provide another opportunity to strengthen the ties between provostal areas.

One Committee member then inquired further about compensation. He alluded to targeting certain areas and minimizing across-the-board compensation. The University, however, has almost always had only a merit system, so the effect of using any other system will be to minimize the amounts distributed on the basis of merit. The President was asked to clarify this, as well as to comment on the possibility that salary increases might be non-recurring and how these would be consistent with his views about the need for competitive salaries.

The President said the University would continue to base salaries on merit; they have no intention of mandating across-the-board increases. The tradition has been that the central administration has distributed money across the board to units; merit was then to be the principle by which it was distributed within the units. He is holding out the possibility that there may be differential allocations even at the central level. If the administration distributes 2.89% (the amount identified in the partnership proposal) uniformly across units, that begins to become the norm. That is not necessarily the norm that is appropriate for all units, so they are considering a mechanism to make differential allocations to different segments from the salary pool.

Will it be differential on the basis of unit merit or on the basis of other criteria? Ultimately it would be differential on the basis of the relative competitiveness of the unit, of which merit is an aspect. Peers will be identified, as will be the qualifications of the people at the University, in terms of competition. This is one of the thorniest issues they face, he said; they do not want to be frozen into using the scarce salary resources indiscriminately, and perhaps putting more money than they should into

some areas. They are looking at ways to avoid distributing the funds across the board, EVEN if within units merit would be the principle guiding distribution. They have studied this issue, and the Compensation Working Group has also provided comparisons that can be a guide. There are also different sources of funding; in some areas the state funding is a very small part of the salary base. It may come from research grants; income from other sources is available in other units, and may become a determinant of salaries. They have no final answers, but believe they have to consider needs of different segments of the University rather than distribute money across the board.

The President made the point that the University is about to embark on another cycle of planning and reallocation. For reasons that are puzzling to him and many others, it was said, faculty involvement in U2000 planning did not work very well. It is important to continue to obtain that participation; does he have any ideas for new strategies to involved the University community? That is what he was trying to sketch, the President explained. They are trying to define the agenda and to get faculty involvement where they know the University will remain or become a national leader; those areas are being targeted, rather than the broad areas identified in cluster planning. They are also trying to be more specific about the purpose for it; there is no Machiavellian scheme to reorganize for the sake of reorganizing, nor is cost-effectiveness the driving force. The purpose is to move the University toward a definition of where it will be national and international leaders. Since the focus must be narrowed, faculty CERTAINLY must be engaged in the assessment, so an agenda can be set for the early part of the 21st century.

One Committee member recalled discussions about strengthening the unit heads and getting the deans more involved in the process. The linkages at the collegiate and departmental level have not been strong enough to bring about the kind of partnership initiatives that the President has referred. That will be one of the elements of working with the provosts: connecting with the leadership down to the individual faculty member.

The point needed to be made, it was said; the faculty down in the trenches really do not feel that their planning efforts are very effective, and feel disenfranchised. They are not bitter about it; they just believe it a waste of time.

The President agreed that this is a problem, and said that the faculty must be engaged. They are trying to do so, in the more specific areas, with the help of the provosts. There is no hidden agenda; it is an attempt to ensure excellence in the future by making choices and to ensure satisfactory compensation for faculty and staff in the future.

Apropos the biological sciences, one Committee member commended the President for raising questions. It was noted that many of these departments have been in place for 50 years. If the University were starting a school now, it probably would not have the array of departments it has now. If there is truly to be a cross-provostal challenge, it would be worthwhile to ask the question "what should the base departments be?" That is farther than many probably want to go, but the issue should be raised. How much quality is being dissipated by having two biochemistry departments? One can also ask if there should be a biochemistry department; does the University need a biochemistry and biophysics department instead? The issue of what departments should exist should be on the table.

The President agreed and said it IS on the table and will be pursued. He assured the Committee that they are raising these questions because they believe the biological sciences are one of the true

strengths of the University; the purpose is how to strengthen them.

One Committee member inquired of the President what his instructions to the provosts say about faculty involvement. The basic assumption of the enterprise, he said, is that this is an agenda for engaging the faculty. "I am thinking that that might not do it. . . , " responded the Committee member. Armed with the lessons of the last effort, the Committee could perhaps assist the President with language to provide the provosts with some direction about what the faculty thinks needs to be done in order to perceive that they were involved. And on the issue of reorganization, faculty can get excited about changes in departments; department heads are likely to resist. That is all the more reason to involve the faculty. The President said he only has a set of questions thus far, that need to be turned into instructions, and said he has noted the issue of need for broad faculty involvement.

What is also needed, added another Committee member, is that the provosts need to give instructions to the deans. There are instances where the communication stops with the deans. The President said he understood that the chain of communication works well in some areas and not in others. One of the justifications for the provostal system was to have an organization that was more manageable.

If he wants to involve faculty, said one Committee member, the problem is with the system of administration as it now exists, even with the provosts. The line from provost to dean to chair will not involve faculty, because it is too rigid. People defend their turf. Everyone is used to operating under a regime of retrenchment and reallocation. It probably just can't work that way, and maybe should not. There is a chain of information from department chair to dean to provost, and it is one way to communicate. The idea of clusters was to get information in a different way, to get more ground-up information, but probably cannot be organized by the deans or chairs. One way to do so might be through the Senate; rather than organize clusters through the administration chain, perhaps do it through joint sponsorship. Faculty would know they were not chosen by chairs or deans and are not to represent their own niches; they would be charged to think broadly about such things as restructuring the biological sciences.

The provosts and deans and department chairs have to be involved, the President said, but the administration wants the strongest possible participation by faculty. There also has to be some representation, or else there will be deadlocks and solutions will not be identified. He said the administration would welcome the involvement of the Senate and SCEP in the discussions.

The President spoke of the need for additional resources, and that it wishes to be one of the top institutions in the world in identified areas. Where will the lead for obtaining those additional resources come from? It is the research arena whence the reputation and accomplishments of the faculty come. In order to support that, and to obtain resources needed, who will lead the University's effort? His office? The VPRDGS?

This is not something new, the President replied, and there are hundreds if not thousands of activities already going on. There are mature models of what can be done; one example is the Center for Interfacial Engineering. A modest state investment made possible several grants, establishment of a federally-funded engineering center, and where three dozen companies participate in and fund research in the center. Both graduate and undergraduate education are supported by it. The answer to the question is that hundreds of people will be involved; many will be individual faculty who have links with industry.

Some will come through ORTTA. The idea is to shape the spectrum of activities in a broader University strategy, and to Responsibility Center Management (if it is adopted). There are many strands to this.

The Center for Interfacial Engineering is a good example of how one accomplishes significant change, agreed one Committee member, but it required a very strong individual entrepreneurial commitment and a willingness to challenge the existing system. That has been the way things have been accomplished at the University, which means it will be necessary to allow and encourage things that go at cross-purposes to many of the existing structures.

There will be a culture change in many parts of the University, the President said. He noted that the University already has good models for almost anything it wants to do in the future. This is true for teaching as well as research; the models just need to be used.

Professor Adams thanked the President for joining the meeting.

2. Professional Commitment Policy

Professor Adams next welcomed Acting Vice President Brenner to the meeting to discuss the most recent iteration of the professional commitment policy. He reminded Committee members that this proposed policy is an agenda item for the May 18 Faculty Senate meeting. It is in front of the Committee, of course, because it addresses important questions; he asked Dr. Brenner to review for the Committee the need for the policy and the principles that it would articulate. Some are not happy with the policy, he said, and it would be helpful to review the need for the policy.

The document is spawned by institutional experience with the policy on consulting. That experience has taught that there are some areas that are not being addressed, but that cause problems of perception in public views of the University's accountability. The consulting policy's limitations have also made management of these activities difficult; some department heads have almost thrown their hands up.

Professor Adams asked Dr. Brenner to itemize for the Committee examples of the kinds of activities that led to the development of the policy. One who has been around the University a long time knows of specific cases that would be covered, but for those who do not, it is hard to think about why such a policy would be necessary. In the mind of many, one's professional commitments are self-evident; why are they not? And what would constitute a violation of that commitment that would lead to accountability problems? Dr. Brenner provided a series of examples.

The document recognizes that many activities are beneficial to the University. Consulting is invaluable; it keeps faculty current and presents them with cutting edge problems that can affect their research and teaching. He said he is a strong advocate of consulting, with boundaries; to create an environment where faculty are not to consult undermines what a research university is all about.

One can also make a strong case that extra-professional teaching, having faculty involved in teaching at other institutions, within proper boundaries, provides exposure for the resources of the University. It is hoped that this would advertise what the University has and draw people to seek more of what they see. Asked what constitute appropriate teaching at another institution, Dr. Brenner said it

might be a course the University does not offer, or participation in a collaborative effort, such as a regional workshop. But teaching a course in their main area, he was asked? That would have to be a call by the department, Dr. Brenner replied; it may or may not be competing. The more he has thought about it, the more he has been inclined to streamline the teaching provisions of the policy. The Academic Integrity Committee spent a lot of time on this. There has to be coordination and dialogue between the faculty member and the department. Another point that has evolved is the overlay of this policy and the workload policy; the most important way to have comity within the institution is to have workload policies that match the specific responsibilities of the faculty, that they have worked out with their department. Whatever is beyond that would be covered by the professional commitment policy.

This policy, he noted, is entirely silent on the issue of level of compensation. It is concerned with issues of time and competition, not compensation.

One Committee recalled recently being at meeting that included a panel on how small, private schools keep high quality faculty so that they can attract students. One of the local colleges reported how they attract and pay their faculty well, and that they draw from institutions in the area (i.e., the University). When informed that this policy might not permit University faculty to do that, it was said that this would destroy the graduate program at the small institution. The audience reaction was that the big, bad public institution was raising the drawbridge and not sharing its resources with the larger community. This may be the reaction.

Dr. Brenner said he has been concerned about advertising from such institutions, which urge taking the course from them, taught by Professor X from the University of Minnesota. Why are people enrolling there, to take a course with the University's name on it? Something seems a little strange about that; at least one would like to know that the faculty member's department head agreed that the course should be taught at the other institution. They argue, it was said, that their niche is different, so it was not competition.

A different example, Dr. Brenner related, is the agreement the University is working out with St. Thomas to provide an engineering program. Their students will come to the University and pay tuition here; the University will pick up a part of the market niche that is not competitive, but a place where it should be offering coursework.

The policy is not supposed to be a bar to such teaching, but it is intended to provide administrative review to determine if it is consistent with University goals. The University SHOULD be reaching out, but should each faculty member be a free market entrepreneur? Should the University be staffing Walden University?

It is not clear how that decision would be made; the policy does not provide guidance on how to make it, said one Committee member. It is to be hoped that the department head represents the interest of the department, Dr. Brenner said, and that the department has some vision of where it is going. On this issue, the policy calls for appeals to go to the dean and the provost; it stops there. They did not believe it would be helpful to create another committee, because that could slow down the process. SCFA has made it clear that it believes the department head is the only one who should make the determination; the policy now reflects that concern.

One Committee member recalled that he has been consistently opposed to this policy from the outset, not because of specifics or because of an unwillingness to deal with the problems (some of which may be conflicts of interest). His opposition arises because the policy gets at the problem in the wrong way, in his view. It has a negative orientation that starts out saying the individual owes their body and soul and overtime to the University and that a set of regulations and prior approvals need to be put in place to be sure that commitment is honored. That seems to be a heavy-handed way to get at the problem.

The problem is that there are a variety of things in place, some new and better, that try to establish improved management of the workload. The workload policy, the conflict of interest policy, the academic freedom and responsibility statement--these all try to make clear the workload and the conflicts of interest. These are tools to manage the basic contract with the University.

Now there is another arena, things done above and beyond that basic contract; the University may have some level of interest in those activities. These are in the "extra pay for extra work" category. The policy on consulting is said to be inadequate to cover "extra work," and does not, for instance, cover teaching at another institution. That is extra work, however, and there should be a policy on extra work: where it gets into the interests of the University, there should be guidelines. The one guideline that all agree to, apparently, is that if someone does extra work more than one day a week, that's too much. Because all of this is difficult to measure, there has been an arbitrary decision that says anything in excess of one day per week is prohibited. There are a number of things in the policy--serving on editorial boards and so on--that ought to be put into the workload policy as part of the base contract; if a faculty member isn't doing that as part of the base contract with the University, there's no reason to do it.

Another issue he has raised seems odd. There is an internal activity, CEE. The University is displeased because CEE is doing things it does not like. There is no need for a POLICY on this; what is needed is a manager to get the situation straightened out. Whoever is doing CEE should be asking if the work is reasonable.

The final bothersome issue is that the policy calls for a fair amount of prior approval, such as for getting on a board of directors or teaching a class at another University. These are unnecessary regulations. What there SHOULD be is full disclosure; there should be an annual report that itemizes all the work a faculty member is doing--work under the base contract and the extra work. "If you think I'm doing something wrong in my extra work, then come and talk to me about it, but don't force me to have all this prior approval business." This seems, it was said, to be an onerous system to try get at the problems. This is not the time to be putting onerous systems on the faculty.

One wants to solve the problems that have caused concern, this Committee member concluded, but they could be addressed with some very "extra work" policies. It is correct that there are competition issues for the University. But competition itself is not bad; if the University says it is against competition, people say it is raising the drawbridge, and that is not appropriate. If one says the competition is UNFAIR, because the University has invested a substantial amount in someone, and they are giving the results of that investment to someone else, for their own benefit, that is an interesting point. The University needs to have a statement that says faculty should not do that, that faculty should be concerned about whether or not they are unfairly giving away things that the University invested in. If someone thinks there is an issue of that kind, it should be raised and determination made if there is

evidence that unfair competition exists. Otherwise the University does look like it is raising the drawbridge, both for the people inside the institution AND to those outside.

Dr. Brenner acknowledged that these are interesting questions. The timing of a redraft caught them off guard, he said; receiving it the night before this meeting, when the Academic Integrity Committee had worked on the policy for 15 months, was not helpful. It is, however, healthy to address the fundamental differences between the philosophy expounded by this Committee member and that evidenced in the draft policy.

What is being suggested, Dr. Brenner observed, is that there be a reaffirmation of extra work: outside professional activities should be limited to one day in seven. As one reads the draft, it seems to say that faculty members should understand the principles and then go do whatever is right--and at the end of the year they SHOULD report what they did. The redraft does not even require reporting. This undercuts even the existing policy, he noted, rather than strengthening it. There is a need for coordination of what faculty are doing that draws on the institutional resources used by the faculty member to develop expertise.

One Committee member recalled thinking of two different examples while reading the report. What if one is a lawyer working for a large downtown law firm, and another firm asks the individual to do something for them (which they would not, because they don't do that)? How does that differ in principle from two different schools who are in fact in competition? Or what if one works for General Motors in design, and Chrysler wants to hire the individual on a part-time basis to work on a design problem? General Motors would likely think that inappropriate, and if they found out the individual was doing it without telling them, they'd fire the individual. What's the principle that makes THAT inappropriate, but allows a professor teaching at the University to teach at another institution in the area?

In reaching for the principle at hand, it was said, it seems that one principle is whether the University is getting the effort it has a right to expect from its full-time employees. A second is the issue of competition; a third is the issue of disclosure. The principles seem pretty clear, but some apparently don't accept them.

Another Committee expressed support for the proposal. The problem with this discussion is that everyone here assumes they know what professionalism is. But a few weeks ago, another member of this Committee mentioned that more and more, people's attitude is that they can do whatever they please, as much as they can get away with, until someone says "no." That's a very different view. The mechanisms in place do not control people who have that attitude. A number of mechanisms were mentioned earlier, but there are still headlines in the paper. It is hard to argue that the University does not need to do something different: either it can re-socialize everyone or it can adopt a policy. It is legitimate to pursue the policy.

The policy seems fine but for the point requiring everything be reported to the department head. Is that an effective check? It is the department heads who should already have stopped the practices to which Dr. Brenner alluded earlier. Will they really stop things? Part of the problem is that they are not covered by existing rules, said another Committee member. Perhaps, it was rejoined, but they are covered by the faculty's sense of professionalism--and that is not enough. So one can worry that unless department heads are going to be fired if they don't do a good job on this, they will continue to let their

buddy teach wherever or consult however they wish and will NOT say "no, this is inappropriate and you can't do it." It is not easy, because they want to earn that money.

Dr. Brenner related that when he visited with department heads, a number felt that the current tools available to them to solve these problems are not adequate. It is an important issue of change in understanding about what their responsibilities are to the institution and what authority they have to act on their own. He has also been advised by counsel that the University's policies are not strong enough, and that if a faculty member were to challenge them, the University could not go as far as some department heads wish. But there is a need for balance, he said, between what is reasonable and what is too much "Big Brother." They have tried to address that balance, and have tried to make the policy more positive.

There are basic points, however, where they disagree with the points made by those who oppose the policy. Instead of laying it all out and report if you wish. . . . It was pointed out, at this juncture, that one source of the opposition is not to mandatory full disclosure, it is to prior approval mechanisms.

What happens when this policy conflicts with Regents' policy, asked one Committee member. An example was cited. That example has not been discussed, Dr. Brenner said, and needs to be. Generally, this policy is intended to supersede other related policies, he said, and there has been involvement of senior administration in each provostal area. The specific question will have to be raised.

Dr. Brenner said he wished to make additional points. In terms of editorial boards and similar activities, he said they are included because the policy makes a distinction between the existing consulting policy and this one; they are no longer considered consulting activities, they are a part of faculty workload. On this point there may be no disagreement.

Where they have toiled at length, and where there is new language, is in relation to business. The policy speaks to business activities unrelated to a faculty member's professional activities. The intent is NOT to encroach on things people do at night or on weekends that do not interfere with their job responsibilities. But there is some point when individuals go too far.

Another Committee member said that "we gotta get this thing out." It clarifies a lot of things. Many faculty have been out of compliance on the provisions concerning editorial boards and so on, and they should not be. "Let's get it done with it, get it out, these things always get revised anyway."

Consulting with business or government of less than 10 days, it was noted by the same Committee member, does not require prior approval. That is nice. This allows faculty to talk to organizations, do some work, without prior approval, but if it is anticipated the work will extend beyond 10 days, it would require approval. The negative side is that people who are abusing the policies now could simply roll the 10 days over with each new consultation. One of the recent distillations of the policy, Dr. Brenner said, led to lost language; the policy limit is on ten days in aggregate: 10 one-day activities, or some other combination. It should be 10 days, in aggregate, for the term of appointment. It was also intended that if an individual wishes to do five additional one-day consultations, the prior approval can cover the block of time. One should NOT be running to a department head for every little thing, he said, but there has to be something in between that is reasonable.

A lot of faculty have people call them up and ask for help right now, one Committee member observed. Faculty should be able to say "I can help you out right now, but if this is going to be permanent, or more than a day or so, I have to get permission."

The Medical School has had to collectively decide on the private practice arrangements. If one is a faculty member, all of the practice should come under the group practice agreement. There are a lot of the people coming out of the woodwork with problems that have to be addressed, such as on the question of inside versus outside practice. Other departments have the same issues. It is a big issue, and the Medical School practice may be more uniform, University-wide, than has been the case. And this is different from consulting; the two must be kept separate. Asked what the difference is, it was said that Medical School are trying to maintain a hospital, part of the educational institution, where the practice is part of the educational mission. If everyone is looking for the best opportunity to make money, that may conflict with the educational mission of the University. There has to be a stream of patient care to maintain an academic medical center. That is not the same as consulting with a corporation; such extra work is not central.

One Committee member expressed appreciation for the need to spell out what is not acceptable, but the document does not seem to fit the principles that Dr. Brenner has set out. There is no sense of encouragement or dialogue; one gets a sense of bureaucracy rather than colleagues talking about what would be good for the University and for faculty.

A number of people have also been concerned about the definition of academic employees in the policy. It includes part-time as well as non-salaried people. It does not make sense to say those people's principal allegiance is to the University. That language was included to keep it parallel with the conflict of interest policy, Dr. Brenner explained, and they did not want to create confusion by having two different definitions of academic employees. There are employees in units who will not be able to continue to work at the University if this policy applies to them, it was said. They have to moonlight because their salaries are low. This does not mean they cannot do that, Dr. Brenner replied. The problem, it was then said, is that the interpretation of the policy at some levels is that if someone is doing ANYTHING it has to be approved. That does not mean they cannot do it, Dr. Brenner pointed out.

There are people who want to do things that are perfectly legitimate, said another Committee member, who would have difficulty, or PERCEIVE they would have difficulty, getting them approved, for a variety of non-legitimate reasons. It can vary from "I don't like you" to a lot of other things. Anyone doing that should not be a department head, Dr. Brenner observed. Even so, it was said, why would a person be empowered to withhold approval if it is not needed?

One of the questions is why the person is here, Dr. Brenner said. But they are not here full time, it was said; they are not full-time, so their principal allegiance is not to the University. There is language that the time is proportionate, he said, and what someone does on their own time is their own time, he said. In the case of a 9-month (B) appointment, he said, the University has no claims on what the person does during the summer. If someone is on a 50%-time appointment, the University clearly has no claim on half the time in the week. The only policy implication for those less than 67% time is the issue of competition.

The interpretation has already become problematic, it was said. In the case of a 50%-time

appointment, is that 3.5 days or 2.5? Someone on a half-time appointment should not be allowed one day in seven to consult, Dr. Brenner said, on their 2.5 or 3.5 hours. What is done with the other half time is up to the individuals, but they should not receive one day in seven on top of that. It may be that people are misinterpreting the policy, and the language may need to be checked very carefully again, he agreed.

Another Committee member expressed support for the policy, and noted parallels with the sexual harassment policy, in that this policy spells things out for people in ways the other has not. It is a worthwhile document that is important to have.

One Committee member, acknowledging the variety of comments, said they demonstrate the seriousness of the issue. And there is a sociological problem that is going to get worse, in terms of the need to spell things out. But this policy is a band-aid; it treats some of the symptoms rather than getting at the problem. It is tightly coupled with a compensation policy and a workload policy, and a policy of what the University's commitment is to its faculty. Some could see this policy as saying the University owns them; they could ask what the institution's commitment is to them. This is the problem. People have been expected over time to work for less and less; the Compensation Working Group report called for more, but that is hard to achieve. Some accept that; others, where there is a lot of competition for their services, can do two jobs, and some say that is OK because the University does not pay people enough. Part of it may be that the University is not defining full-time employees; what is a full-time faculty member? Maybe NO ONE in some colleges is, or so it appears to those in other units. This policy sets up a lot of conflict within the faculty about who is doing what and who has commitment to the University. This policy is part of a piece; it isn't clear how to get all the pieces together, but there needs to be a look at the University's commitment to the faculty and a definition of full-time faculty.

One short answer might be, responded one Committee member, that when the University makes a tenure commitment to a faculty member, that is a kind of commitment that no one else in the country, working for a salary, gets. Judges do, pointed out another Committee member. True, it was agreed, but this is about a clash of cultures and who's going to decide these things. It will be decided by the University, the faculty, but it exists in the larger community. To the extent that the University doesn't address things that the community believes should be addressed, it will address them FOR the University. There is a balancing act involved.

Dr. Brenner commented that it is obvious that if the University had a workload policy that played the role some anticipate that it should, it would nicely supersede this policy. One hopes that in time that will occur, and perhaps the institution will evolve to it. He said he has no interest in perpetuating something bureaucratic. But there is a need for clear definition, and that clarity about what is reasonable is lacking right now.

He then distributed alternative, simplified language that could be considered for the section that deals with instruction. He asked for the Committee's advice. It may reflect the tone that Committee members have said is needed. It sets a basic principle, a guideline, which means there should be dialogue about it. Would this be better? There is no sense of anyone wishing to build cages around the faculty, he said, but he is worried about keeping the integrity and the credibility of the faculty in the public. At present the University, the administration, and a few faculty are getting "beaten up" in the media; he wants to avoid the public at large picking on the faculty and what they stand for. If that happens, the University is really undercut, and it is important to find ways to avoid that exposure.

One Committee member related a story about a company that had been embezzled of \$300,000; it hired six accountants permanently to make sure that never happened again, and the company almost went into bankruptcy as a result. This policy will be offensive to some people and the bureaucracy will not be worth the cost. There has been agreement on critical basic principles, in terms of competition, reporting, and expectations. But the mechanism for getting at them is wrong, it was said. The University will spend an enormous amount of energy that will not get it what it wants.

Those who have watched the evolution of the policy know that they are trying to respond to concerns, Dr. Brenner said. If there are words or phrases that are offensive rather than constructive, they want to know; that is not the point. The main difference between the present draft and the proposed redraft is on the question of prior approval; on most everything else there is agreement. He said he is willing to address issues of tone. He said he was not certain that prior approval could be negotiable issue, but there was no need "to get on the bus and buy a token each time." Conceptual agreements about what a faculty member is doing, in blocks of time, is the point, and is related to the workload policy. What is the plan?

The workload policy, said one Committee member, addresses what a faculty member does for the base appointment. Dr. Brenner agreed. This, it was said, is a necessary additional piece; does the University have anything to say about things BEYOND the base contract? The two are complementary, but should not be intermingled.

Professor Adams then inquired of his colleagues what they wished to do with the draft policy. It has been proposed for the Faculty Senate docket; should it remain on the docket, given Committee disagreement about it? After lengthy debate, the Committee concluded that it should be put on for discussion, with the understanding that (1) there could be adjustments in the policy between the May 18 and any subsequent Faculty Senate meeting at which the policy might be back on the agenda, and (2) no guarantee that it would be brought back for action on June 8, if the Faculty Senate is not ready to act.

Each revision of the professional commitment policy is available on Gopher, through ORTTA. Anyone wishing to track the development of the policy can do so.

Professor Adams thanked Professor Brenner for his presentation.

3. Faculty Senate Docket

After allowing his colleagues to get their lunches, Professor Adams quickly reviewed, while they ate, the docket of the Faculty Senate. He noted that this "has been the most somnolent Senate year" that he could recall. Perhaps it is because the committees are doing "such an outstanding job that people have no additional questions!" The docket was unanimously approved.

He then adjourned the meeting at 12:30.

-- Gary Engstrand