

Minutes*

**Faculty Consultative Committee
Thursday, November 17, 2011
1:00 – 3:00
238A Morrill Hall**

Present: Chris Cramer (chair), Linda Bearinger, Peter Bitterman, Elizabeth Boyle, Thomas Brothen, Carol Chomsky, Nancy Ehlke, Janet Erickson, Caroline Hayes, Walt Jacobs, Russell Luepker, Elaine Tyler May, James Pacala, Kathryn VandenBosch, Richard Ziegler

Absent: Avner Ben-Ner, Colin Campbell, Jan McCulloch, George Sheets

Guests: Professors Barbara Elliott and Christine Marran (co-chairs, Committee on Academic Freedom and Tenure)

Other: Ken Savary (Office of the Board of Regents)

[In these minutes: (1) report from the CIC faculty leaders meeting; (2) protocol on committee resolutions; (3) amendments to the procedure "Reviewing Candidates for Tenure and/or Promotion: Tenure-Track and Tenured Faculty"; (4) approval of Faculty Senate docket]

1. Report from the CIC Faculty Leaders Meeting

Professor Cramer convened the meeting and turned to Professor Ehlke for a report from the CIC Faculty Leaders meeting at Purdue.

Professor Ehlke reported that there was discussion of a digital repository, support for governance-committee chairs, the funding of graduate education, student demographics, relationships with branch campuses, and a science agreement between Purdue and Columbia. In response to a query from Professor Cramer, Professor Ehlke said she did not believe there were any topics taken up at the meeting that warranted any additional attention at Minnesota; there were no items that the University has not already thought about or is working on.

Professor Cramer thanked her for the report and for attending the meeting on behalf of the Committee.

2. Protocol on Committee Resolutions

Professor Cramer turned next to a revision of the protocol governing committee resolutions. The protocol currently provides that when a Senate committee issues a resolution on which it takes a vote, the resolution is to be forwarded to the appropriate senate for information (i.e., a committee of the Faculty Senate would forward the document to the Faculty Senate). The revision being proposed clarifies what is meant by a resolution (to include statements, letters, or anything else summarizing committee consensus

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and subject to vote), calls for committees to forward all such resolutions to the chair of the senate's consultative committee for information, and also for determination if the resolution should be reported to the appropriate senate for information. The presumption is that such documents will be reported to the senate, but there may be infrequent instances where either the originating or consultative committees judge this unnecessary.

3. Amendments to the Procedure "Reviewing Candidates for Tenure and/or Promotion: Tenure-Track and Tenured Faculty"

Professor Cramer stepped out for another meeting; Professor Jacobs welcomed Professors Elliott and Marran to review the proposed changes to the procedures for reviewing candidates for tenure and/or promotion.

Professor Marran began by extending thanks to Professors Chomsky and O'Loughlin (chair of the Senate Judicial Committee) and Vice Provost Carney for their thoughtful work in developing the proposed changes. The procedures are essential for the promotion-and-tenure process at the University, she said, and the proposed changes have been reviewed twice by the Committee on Academic Freedom and Tenure. They are bringing them to this Committee for information and for placement on the docket of the December 1 Faculty Senate meeting.

[According to subsections 7.4 and 7.61 of the tenure regulations, in taking action under the regulations academic units, collegiate units, and administrators must observe University procedures "established as provided in subsection 16.3." Subsection 16.3 provides that "the senior vice president for academic affairs and provost and the Tenure Committee may jointly adopt the procedures provided by subsections 7.4 and 7.61, and jointly approve the procedures proposed by the Judicial Committee under subsection 13.2. Such procedures must be reported to the Faculty Senate and the Board of Regents before they go into effect."] Once they have been reported to the Faculty Senate and to the Board of Regents (at the Board's December meeting), the revised procedures go into effect for all faculty members, irrespective of when they were appointed, except for those who are already in the promotion-and-tenure or promotion process this year.

Professor Chomsky noted that Vice Provost Carney had also sent the proposed revisions to the deans and to a group of department chairs for review. She also solicited comments from Professor Morrison.

Professors Chomsky and Marran summarized the nature of the changes to the document, which were also itemized in a handout (between the * * *; this is the final version of the list provided to the Faculty Senate):

* * *

1. To help regularize the process for faculty who do interdisciplinary work or who have joint appointments, new language is added specifying that each such faculty member should enter a memorandum of understanding (developed with his/her unit head, dean or chancellor, and the provost) specifying how the faculty member will be evaluated, including who other than the tenured faculty of the unit will participate in the tenure consideration. Such an MOU is mandated

- within one year for those with dual appointments and suggested by the fourth year of the appointment for those with interdisciplinary commitments. See Section II.B.
2. The questions to be voted upon in the P&T meeting are clarified, to ensure that a single vote is taken for both tenure and promotion of an assistant professor and to make clear that a termination vote may be taken in any year of a probationary appointment. See Section II.C.4.
 3. In several spots, it is clarified that a candidate may withdraw his/her candidacy for tenure (not just “request” that the file not be reviewed) at any time in the tenure review process, until the provost makes his or her decision. See Section I.F and II.C.8
 4. The procedures for reviewing tenured associate professors progress toward promotion are clarified, and a requirement is added that a unit must review each tenured associate professor’s progress toward promotion at least once every four years. See Section III.
 5. Extensions of the probationary period under section 5.5 of the tenure code are clarified (Section IV).
 - a. Extending the probationary period for birth or adoption of a child is triggered by written notice of the circumstances and is described as automatic. The written notice must be signed by the unit head and collegiate dean or chancellor to acknowledge that they know the candidate has extended the probationary period.
 - b. Extending the probationary period for illness or major caregiver responsibilities is triggered by filing a written request, which must be signed by the unit head and collegiate dean or chancellor to ensure they are aware of the request. The administrator designated by the provost to decide whether the circumstances justify an extension will consult with the candidate before deciding and may ask for documentation. The administrator may also, with the concurrence of the candidate, share information about the reason for the extension with the candidate’s unit head.
 6. Procedures for appointing faculty members with tenure (external hires) are included in Section V. The procedures describe an expedited tenure procedure (because full review usually cannot be carried out in the time frames applicable to tenured hires of faculty from other institutions). They also mandate a process to ensure that the individual receiving tenure at the University does not continue to maintain a tenured position elsewhere.
 7. The procedures for annual and special peer reviews are clarified in section VI, implementing section 7a of the tenure code. The provisions specify a requirement that a memorandum of understanding be entered if a faculty member’s allocation of responsibility is to be different than otherwise expected in the unit.
 8. Makes clear that only tenured faculty members may attend the meeting at which probationary faculty members are reviewed for tenure, and that only tenured faculty members may listen to or participate in the discussions of probationary faculty members. See Section II.C(1). Clarifies that only those senior in rank to the candidate may participate and vote in the consideration of a candidate’s promotion. See Section III.
 9. Clarifies aspects of the annual review when a candidate has extended the probationary period under section 5.5. See Sections II.E(3) and II.F(4). Specifies that during the continuation year, an annual review will be conducted but no additional progress toward tenure is to be expected.

* * *

Professor Luepker inquired about #4. Professor Chomsky said that they became aware that some tenured associate professors apparently never receive feedback about their performance with a view towards promotion. The review called for is not part of the annual review, it is to be a look at the file and

provision of feedback about progress to promotion to (full) professor. The review called for is also not consideration for promotion; as before, the candidate can ask to be reviewed but the decision whether to review is in the hands of the unit.

Professor Chomsky explained that a few years ago the procedures were rewritten to reflect the 2007 changes and to provide additional clarity. They have now rewritten the procedures again to reflect the 2011 changes in the tenure regulations, to further clarify, and to codify regularly-used procedures that haven't been previously recorded anywhere. The only real change is the call for the quadrennial review of tenured associate professors.

Professor May asked how the provision requiring quadrennial review of associate professors would be enforced. There is no report to the college; it is a feedback mechanism. Who will monitor it? Are there any teeth in it? Professor Chomsky said she assumed the Vice Provost for Faculty and Academic Affairs (Dr. Carney) would do so. If a candidate cannot get the unit to do a review, he or she can go to the Vice Provost. That assumes the candidate will know that the review is supposed to occur, Professor May observed. Professor Chomsky pointed out that the Vice Provost talks with newly-tenured faculty about their role and provides targeted information for them. Professor May said the provision is very important but that she could imagine chairs saying "you're doing fine, let us know when you want to come up for promotion." Part of the process would be explaining the requirement to department chairs, Professor Jacobs added. Professor May agreed that should occur and said the provision should be understood as a best practice and that chairs and candidates should take it seriously. Professor VandenBosch said that perhaps departments could be asked to report each year on the associate professors to whom they provided the four-year review.

Professor Luepker agreed that the requirement is a good idea, and said he is aware of associate professors who have been in rank for ten years or more—and who are happy there. That should cause the units to worry. The requirement can cut in two directions: It could hold associate professors back or it could allow them to stay in position too long. If an associate professor is provided with a document after review, it should be reasonable—it should say the person is doing fine or that he or she needs to do X in order to earn promotion.

Professor VandenBosch said that her unit put the requirements in its 7.12 statement; did others? A number of units have done so, Professor Chomsky said. In proposing revisions to the procedures, they tried to strike a balance between too few procedures and too many (because, in the latter case, they can cause procedural errors that lead to cases being brought to the Senate Judicial Committee). It may be that in the case of the four-year review of associate professors they did not include enough guidance and the procedures may need to indicate what a unit should do. They thought it best to put in the requirement and learn how it is implemented, and add more to the procedures later if needed.

Professor Jacobs asked if any units have a "Form 12b" for associate professors. Professor Pacala said the Medical School does. Professor VandenBosch said her department does not have a formal one but they do have a consensus document they prepare for associate professors who have been in rank for three years. Professor Ehlke said her department provides the information through its personnel committee. Professor Jacobs suggested the Committee should ask Vice Provost Carney what departments do and to develop a set of practices.

Professor Jacobs noted that the procedures make more explicit what has always been the rule: Junior faculty members are not allowed to observe or participate in the discussions about promotion and tenure. May they review the dossiers of the candidates if the candidates agree? They may, Professor Chomsky said; it has always been a violation of the tenure regulations to allow probationary faculty to be present at discussions of promotion and tenure, but any candidate may share his or her file. One hopes that they would not be pressured to do so, she said, but the dossiers can help junior faculty members by providing information about how a dossier should look.

Professor Jacobs asked about the case of the associate professor who decides to withdraw from consideration for promotion to full professor; must that person resign? Professor Chomsky said no, the person remains an associate professor. If a probationary faculty member withdraws in the decision year, the person must resign (but receives a terminal year). If an associate professor decides to go up for promotion and later withdraws, the person need not resign. Professor Jacobs suggested that the language in the procedures on that point be made clearer.

Professor Bearinger suggested a formatting change to make reference to the procedures easier, and went on to inquire if the University is discouraging new hires at the associate professor level without tenure. The two can be separated, Professor Chomsky responded; a unit can hire an associate professor without tenure, and that is clear in the tenure regulations. They did not propose any change to that provision. But if an assistant professor is up for promotion, the person must be given tenure when promoted.

What about a case where a faculty member is hired with tenure; does the dean decide the rank but the faculty decides whether to recommend tenure, Professor Bearinger asked? Professor Chomsky said the faculty in the unit must agree on the rank, so, for example, the full professors must agree on appointment as a full professor. Tenure and promotion are in the hands of the faculty, but the administration must agree with the recommendations before they are adopted. Professor Luepker said he is aware of spousal hires in which the dean simply made the appointment. Professor Bearinger said that the faculty could be asked to vote on tenure for a full professor, but the question is what criteria are to be used. Professor Chomsky said it is her understanding that there would need to be two votes; all the tenured faculty members would vote on whether to grant tenure, and all the tenured full professors would vote on whether the person should be given the rank of full professor, each according to the unit's standards on tenure and promotion.

Can the administration promise something to a prospective faculty member and try to get the faculty in the unit to go along, Professor Chomsky asked? Yes, but the faculty should control the outcome. Could a faculty member be given tenure or promoted without an affirmative vote of the faculty in the unit? That can happen in the usual case of tenure or promotion (if the provost overrules the faculty vote) but it is rare and the rules may be different for hiring with tenure rather than recommending tenure for someone already on the faculty.

Professor Chomsky affirmed what Professor Marran had said earlier: This Committee should concur in the changes to the procedures. Once changes are made as a result of this discussion, and the Committee on Academic Freedom and Tenure approves them, they will be forwarded to the Faculty Senate with a cover message explaining the process and providing an opportunity for questions and discussion. The Provost has seen the revisions; this is not a surprise to him, and they expect that he will approve them once the Committee on Academic and Freedom and Tenure forwards them to him.

Professor Bearinger asked about this language in the revised procedures, which relate to hiring (with tenure) someone from outside the University:

The college or campus writes an offer letter that specifies the rank of the position and the hiring details. The following suggested language should be used regarding tenure:

"You will have an appointment as [a(n) associate professor/professor] in the (unit). The conferral of tenure is contingent on the approval and recommendation of the senior vice president for academic affairs and provost and final decision by the Board of Regents."

This implies the hire is without a faculty vote, Professor Bearinger commented. This refers to action taken after a department vote, Professor Chomsky said. Professor Chomsky said she would review the language; it could say that the appointment is also contingent on a vote by the faculty in the unit, and the letter could either reflect that such a vote had already happened or would have to happen.

Professor Jacobs thanked Professors Chomsky, Elliott, and Marran for their work on the procedures.

4. Faculty Senate Docket

Professor Jacobs next reviewed the draft Faculty Senate docket for December 1. After brief discussion of time allocated to certain items and speaking responsibilities, the Committee approved the docket unanimously.

Professor Jacobs adjourned the meeting at 2:55.

-- Gary Engstrand

University of Minnesota