

Minutes*

**Senate Committee on Faculty Affairs
Tuesday, November 29, 2011
2:30 – 4:30
238A Morrill Hall**

Present: George Sheets (chair), Ben Bornsztejn, Arlene Carney, Dann Chapman, Linda Chlan, Randy Croce, Jennifer Fillo, Kathryn Hanna, Joseph Konstan, Frank Kulacki, Theodor Litman, Christine Marran, Geoffrey Sirc, Pamela Stenhjem, James Wojtaszek

Absent: William Beeman, Kathryn Brown, Barbara Elliott, Benjamin Munson

Guests: Len Goldfine, John Kellogg (Institutional Research); Lynn Zentner (Compliance Office)

Other: Susan Rafferty (Human Resources); Jon Steadland (Office of the President)

[In these minutes: (1) update on sabbatical and leaves issue; (2) employment trends, categories of faculty; (3) Ureport]

1. Update on Sabbaticals and Leaves Issue

Professor Sheets convened the meeting at 2:35 and began by recalling that the Committee had discussed sabbaticals and leaves at an earlier meeting, an issue introduced by Professor Beeman. Vice Provost Carney had also provided the Committee copies of the various policies that create and govern leaves and sabbaticals. The question that the Committee zeroed in on is whether it would be possible to provide full-year sabbaticals every seven years at half pay (the current policy) or, in lieu of a full-year sabbatical, a one-semester sabbatical at full pay. Current policy allows single semester sabbaticals, but they are funded at half-pay in the same way as full-year sabbaticals. Professor Beeman asked if the Committee would recommend a change in policy to permit semester sabbaticals at full salary. The Committee has not discussed the question but will do so in the near future.

Were the Committee to recommend that such a change be adopted, it would have significant economic implications, Professor Sheets observed. It is reasonable to assume that if the full-pay semester sabbaticals were available to the faculty, almost everyone would take them when eligible. The half-pay sabbaticals (offered under current policy) are less attractive and not all who are eligible take them. Some would not see it as a problem that more people would take advantage of sabbaticals because the goal is to enhance a faculty member's research, and a full-pay semester sabbatical is not the same as a competitive semester leave with full pay (because a sabbatical is not competitive).

What information should the Committee seek, Professor Sheets asked? One hardship created by the current policy is that a half-pay sabbatical, whether for a full year or one semester, is often not feasible for single-earner households. One can seek a grant to supplement the sabbatical pay, but such grants are rare in many fields. Another problem is for the Morris campus, which reports that it is difficult to get replacements if they are not full time; there is no plan or budget for replacements. If the full-pay

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

semester sabbaticals were available, it would be more a policy in fact than in theory, Professor Sheets concluded.

Vice Provost Carney distributed a handout, table reporting all of the sabbaticals that have been taken since 2001-02 (including the number of semester sabbaticals) and also reporting the number of semester leaves (which are competitive) of which her office is aware. She also provided, on the same table, the number of regular faculty members each year and the percentage of regular faculty who took either a semester sabbatical or a semester leave. She noted that the University has a sabbatical-supplement program, about \$750,000 per year; the funds are provided to colleges for distribution to faculty members on sabbaticals; some colleges supplement the University funds. (The sabbatical salary supplement is 30% of salary up to a maximum of \$30,000, and probably about 75% of those who take sabbaticals receive a supplement).

An average of 111 faculty members take a sabbatical each year, and of those, anywhere between 9 and 21 are semester sabbaticals (since 2003-04). An average of 76 faculty members take semester leaves per year (with a caveat about the leave data, noted later). The number of regular faculty ranged from 2954 (in 2001-02) to 3112 in (2008-09) and is at 3052 for 2010-11. The percentage of regular faculty members taking either a leave or sabbatical varied between 6% and 8% over the ten-year span covered by the data.

Professor Sheets said that in his college, CLA, only about half of the applicants for a salary supplement receive them.

So someone could receive 70% of salary, Professor Bornsztein asked? It depends on the base salary, Dr. Carney pointed out; the higher the base salary, the lower the percentage that the \$30,000 amounts to.

Professor Hanna asked if someone who applies for a supplement but does not receive it may then withdraw the application for a sabbatical. Dr. Carney said that process is handled within the colleges.

Is the supplement available for single-semester sabbaticals, Professor Sheets asked? It is, Dr. Carney said.

Dr. Carney pointed out that the data on sabbaticals are accurate but that for semester leaves (which are at full salary) may not be because there is no change in payroll status for someone on a semester leave. These data could underestimate the number on semester leaves, and units have to take an additional step to input data indicating someone is on leave. The data on leaves are only as good as the data entered in PeopleSoft. (Just as when she and Mr. Kellogg report to the Committee on "who teaches what," they can never be certain about the data because some departments never enter an instructor's name for course.)

Professor Konstan inquired about the number of people on unpaid semester or year leaves, pointing out that a number of people on unpaid leave or sabbatical may be paid by a company, another university, or the government. Dr. Carney agreed and said that she did not have data on unpaid leaves at this meeting, they could compile it.

Professor Sheets asked if semester leaves are administratively the same as course releases. They are not, Dr. Carney said; course releases are handled at the department level.

Professor Konstan asked about the difference between a semester leave at full pay and a semester sabbatical at full pay. The semester leaves are competitive, Dr. Carney said; each college is told the number of semester leaves it may offer, and the colleges must pay for them. (The overall limit on the number of faculty who may be on leave is set by Regents' policy, 4% of the faculty; the total is apportioned to the colleges.) There are about 121-124 semester leaves per year, which is about 4% of the faculty. Clinical faculty members rarely take a leave, Dr. Carney added. The difference between the leave and sabbatical is that the latter is not competitive; one is eligible to take one every seven years. The policy provides that administrators do have some say—if a large number of faculty members in one department want to take a sabbatical, the chair can decline to approve them all the same year. People cannot just take off. Typically, when institutions have a sabbatical leave policy, they do not have semester leaves as well; the University has both. Moreover, the University allows probationary faculty members to take a semester leave after two years; if there were only semester sabbaticals, probationary faculty members would not be eligible. Plus faculty members are eligible for a semester leave every four years, rather than seven, Professor Sheets added.

Professor Sheets said that the utility of the data is that the Committee can try to get a sense of what a different program would cost. Professor Konstan did a rough calculation and concluded that perhaps 200 additional faculty members would take a full-salary semester sabbatical, which would cost, he estimated, about \$25 million per year.

In terms of the bigger picture, Professor Hanna said, one way to make sabbaticals more doable for many faculty members would be to adopt what was at least at once done in the UEA contract with the (unionized) Duluth faculty. A faculty member could opt to take 75% salary for a sabbatical year and 75% salary the following year, which is a salary level that some can handle (rather than a reduction to 50%, if there is no supplement). One works a normal full-time year after the sabbatical but is paid only 75%. That plan makes no financial difference to the University but it can make a difference to the faculty member. Such a choice could be added to the options available.

Mr. Croce noted that there are leaves available to P&A staff as well. Dr. Carney agreed, pointed out that they are leaves, not sabbaticals, and that funding for such leaves comes from a different source of funding. They are non-competitive, Dr. Carney said, but Ms. Stenhjem observed that very few P&A staff apply for leaves because most cannot afford to leave their jobs (many are specialty jobs) so do not bother to apply. Most department do not have the funds to pay a replacement for a P&A on leave and there is also the threat of non-renewal if they are gone, Mr. Croce said, so most P&A do not actually have the opportunity to take a leave. While not strictly competitive, the purpose and proposed academic work to be completed during a P&A leave must be approved by the department head and the dean.

Dr. Carney noted that some institutions are moving to set a fixed number of sabbaticals that will be available, and in some states sabbaticals have been on the budgetary chopping block.

Professor Sheets thanked Vice Provost Carney for the information and said the Committee would return to the topic in the near future.

2. Employment Trends, Categories of Faculty

Professor Sheets turned to Dr. Goldfine to discuss data on faculty and other academic appointments from 2003 to the present. The Committee had been provided (electronically) a 124-page

printout with the numbers for five categories of appointments: tenured faculty, tenure-track faculty, faculty not on tenure track, instructional P&A staff, and graduate assistants. The size of the file was so large because it included all of the administrative units, centers, and other units within each college, as well as the academic departments; it did not include data for non-academic units (e.g., Parking and Transportation, Admissions). Dr. Goldfine explained that many of the service/administrative units within the colleges have the occasional faculty or instructional P&A appointments and he did not want to try to make judgment calls about which units should be counted and which should not.

Professor Sheets reported that he and Dr. Goldfine had, before the meeting, exchanged messages about the data. He said that in CLA, for example, one can look at the individual academic departments, see the longitudinal data for each employment category, and draw conclusions. There are definitional questions in some cases, but they are not directly relevant to the Committee's questions.

Dr. Goldfine made three points. It seems straightforward to look at the data department by department, but his concern is that with small departments, a change in one person would be a large percentage increase or decrease in an employment category—and it may simply be because someone is on leave for some reason. In addition, if the non-academic departments are excluded, faculty members in a research center would not be included, which could create a misleading picture of a department if faculty members are paid through the research center rather than the department. Faculty members have a tenure home, Professor Sheets observed; they do, Dr. Goldfine agreed, but it may not match the financial system's information.

The big question is the overall trend toward replacing tenured and tenure-track faculty members with staff, Dr. Goldfine said. The data that can help answer the question depend on how one defines positions. There are a number of ways to ask the question and one can get a number of answers. The concern for faculty, Professor Kulacki said, is whether the number of faculty members in degree-granting units is going down; the main concern is around the "core" faculty. If one looks only at tenured and tenure-track faculty, Dr. Goldfine said, and creates a list of academic departments, they can look at the counts in the various employment categories over time. He noted that he has done no analysis of the data, he has simply provided the data to the Committee. The Committee needs to decide what its questions are and where it wishes to go next.

Professor Konstan observed that the data can also be aggregated at the college and University level. There are two questions at hand. One is whether traditional tenured and tenure-track positions are being replaced with contract faculty and other kinds of appointees—with people who do not have the protections of tenure. The second question is who is doing the teaching. The second question is not answered with these data. Why does the Committee care about departments? To see where the big changes are, not to see the averages. The data also make it possible to detect insidious, hard-to-detect trends; for example, is it the case that in 50% of departments with a small number of tenured and tenure-track faculty there has been a small increase in the number of non-tenured/tenure-track appointments? There might be no danger yet, but many small changes or a distributed trend would be cause for concern.

Vice Provost Carney observed that the data she presented on faculty sabbaticals shows that the number of tenured and tenure-track faculty is very stable over the ten-year period. They do not support the hypothesis that the University is cutting the number of tenured and tenure-track faculty. Another hypothesis might be that a dean has decided to shrink one department and grow another, so a department could show a decline in the number of tenured and tenure-track faculty but the numbers for the college as

a whole would be stable. But the average number of regular faculty over the ten years is very stable, she reiterated.

What about the number of students, Professor Bornsztein asked? That has also been stable, Dr. Carney said she believed; the University has not added a lot. She said she could provide the numbers to the Committee, and noted that President Kaler has recently talked about adding faculty positions along with increasing the number of students, unlike a number of the University's peer institutions.

Professor Sirc commented that the data show a remarkable downsizing of graduate education in CLA.

Committee members and Dr. Goldfine spent time discussing the data and how it might be reconfigured to answer questions of concern. Dr. Goldfine thought it would be possible to redefine the faculty positions by tenure home and reallocate the non-regular faculty and the P&A positions to different "buckets" so that the trend lines would make sense. Professor Konstan suggested that the data on graduate students is not at issue; he said he would like to know about the instructional staff—and if they are not paid by a degree-granting unit, put them in a separate "bucket" for separate consideration.

Professor Sheets said the Committee would return to the data and topic at an upcoming meeting and thanked Dr. Goldfine for his work in assembling the data.

3. Ureport

Professor Sheets welcomed Ms. Zentner to the meeting to discuss the reports received at Ureport.

Ms. Zentner began by explaining that Ureport is website/hotline for anyone at the University, outside the University, or students to report a concern. It is mostly for faculty and staff, however, to express concern about a possible violation of state, federal, or local law or a violation of University policy. Ureport (the vendor is EthicsPoint) has been in place for six years; they receive about 120 - 150 reports per year, most of them electronically.
[<https://secure.ethicspoint.com/domain/media/en/gui/9167/index.html>]

The categories into which the reports fall are financial, research, employment, property/facilities and equipment, health and safety, athletics, student concerns, and other. When a report is made, Ms. Zentner informed the Committee, she, her assistant Ms. Anema, and Associate Vice President Klatt (the University auditor) receive it, and the program is populated to also refer reports to the appropriate individual with the expertise needed to review the concerns raised, conduct any needed follow up, and resolve the matter. When a report does not fit into a particular area, the three of them decide who should be asked to consider it and that person will then follow up. In some cases reports can be dealt with in 2-3 hours; in others, six or seven people may be involved, including the General Counsel's office, and dealing with it could take two or three months. At the end of the day, they close out the report. An entry is made explaining the conclusions reached including whether there has been a violation of law or University policy. The report remains open for 30 to 60 days following the completion of the review, thereby giving the reporter the opportunity for further comment. After that it is closed—but no one is barred from returning to the system if he or she discovers new information.

There is an expectation of confidentiality in reporting, Ms. Zentner commented, and they try to ensure that, but in some cases they must tell the person making the report that they cannot bring an

investigation to closure without identifying the source of the report. Reporters often want anonymity because of a concern about retaliation, and the Compliance Office staff do all they can to protect anonymity. The University administrative policy titled *Reporting Misconduct* contains a provision prohibiting retaliation.

One statistic she reports about Ureport is one that she wants people to be careful about interpreting: They typically find that about 20% of the reports are substantiated and 80% are not, but that does NOT mean that Ureport is used for frivolous complaints. Most of the 80% are the result of a misunderstanding of law or policy or the facts. Ms. Rafferty agreed with Ms. Zentner and added that in some cases a person will have only part of the facts; they try to be forthright in their responses to reporters.

Ms. Zentner provided the Committee data on trends in reporting and data on categories in which reports fall. For the current calendar year through November 21, of the 120 reports received thus far, 41% of the reports were employment and human resources related, 18% raised financial concerns, 14% were about property/facilities and equipment, and all the other categories were under 10%. They do not see very much use of the system by faculty members but there have been a few matters that would have relevance for faculty. They include concerns raised about safety when a fire occurred in the Soudan Underground Mine, nepotism issues, faculty members expressing opinions on environmental issues who allegedly had conflicts of interest, authorship credit on a grant when a PI gave credit to a faculty member who was perceived to have done little on the grant, and one case where a graduate student raised issues about a PI who also had a business. The graduate student believed he was being pressured by the professor to spend significant amounts of time on work related to the professor's company which, from the student's perspective, interfered with the advancement of the student's graduate program. In this case, the graduate student was unwilling to come forward so it was not possible to achieve a thorough resolution. In the case of the alleged conflict of interest, they did not find any, Ms. Zentner reported, but did inform the faculty members about the University policy requiring disclaimers when one speaks on a matter beyond the scope of their University responsibilities so that it is clear that they are giving their opinions in their personal capacity and not on behalf of the University. In the case of the authorship credit, that is a difficult issue and the decision is one left to the discretion of the PI. There may have been contributions made by the individual that the reporter did not know about.

Mr. Croce inquired about the example of the faulty members charged with conflicts of interest and asked for clarification about the University's policy. Ms. Zentner explained that the policy requires that when one is speaking outside the University, and outside one's area of expertise, one can identify one's position at the University but must also indicate that the opinion one is expressing is personal and does not represent a University position. Professor Marran noted that the requirement is in the Academic Freedom and Responsibility policy and that the Academic Freedom and Tenure Committee white paper on academic freedom has language that one can use for a disclaimer. Professor Konstan recalled that the last set of minutes from the Faculty Consultative Committee indicated that one should issue a disclaimer when there is a reasonable probability that an audience could be confused about whether the opinion is personal or representing the University. Many of these questions arise in the context of outside consulting, whether or not compensated, Ms. Zentner commented. If one has expertise and is asked by an organization to provide information, one needs to indicate that the views are not those of the University.

In the case of an op-ed piece, the media organization may identify someone's affiliation with the University whether he or she wishes, so it is best to include the disclaimer, Professor Marran added, even

if it may get edited out. As a practical matter, the media organization may not pay attention to the disclaimer, Mr. Croce commented.

The bigger worry is likely when an outside organization is pushing an agenda and says it consulted with University of Minnesota experts who agreed with its view, Mr. Chapman surmised. The disclaimer puts an organization on notice; the organization may not be confused but it might slip a little in how it describes the information it receives from University experts.

Professor Bornsztejn asked about the company that manages Ureport. Ms. Zentner said that the University has used EthicsPoint's Ureport since it adopted a confidential reporting system. The company is widely used around the country at other institutions of higher education and has been very helpful in modifying the system as the University has requested for more effective implementation.

Professor Sheets asked if they find many malicious or frivolous complaints. They have not seen very many, Ms. Zentner replied—only on occasion.

When they find that there is a basis for a report, they deal with the repercussions, do they then deal with complaints that may fall just below the threshold of Ureport, Professor Konstan asked? Ms. Zentner reviewed an example of one person who raised ten different issues about one department; in that case, they had Internal Audit and the Controller's Office look at them. They found no violations but the reports did raise questions about the management of the department and the judgment being exercised. In that context, they could not require the department to change their approaches, but they could have a conversation around some of the issues and make recommendations about how improvements might be made. Ms. Rafferty does an excellent job of dealing with individuals who make reports and dealing with the issues raised.

Vice Provost Carney observed that it is rare that Ms. Zentner or others contact her about issues. There are not very many issues that come from the faculty.

Professor Bornsztejn said that in the big picture, 80% of the reports are not valid and 20% are. Of the 20%, how many end up with resolutions that satisfy the person who made the report? Ms. Zentner said they use the term "substantiated" to describe reports that lead to a finding of "no violation of law or policy." The reporter is not always satisfied. The Compliance Office may create a guidance letter for a department or unit or have a conversation with someone in a leadership position. The reporter may believe a particular individual should be fired. It may also be that a policy is confusing and needs amendment or that the individual misinterpreted the policy.

Professor Sheets thanked Ms. Zentner for her report and adjourned the meeting at 4:20.

-- Gary Engstrand