

university of minnesota memo

To David Klaasen

From Marilee Ward, Clerk of Senate

- For your information
- For your approval
- Per your request
- For your attention
- Note and file
- Note and return
- Note and forward
- Please advise
- Please reply
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These amendments
were handed out at
the Faculty Senate
meeting on May 3,
1984.

Date _____

University of Minnesota
BA Form 507

S92046

Amendments for consideration
May 3, 1984

Material to be deleted is ~~stricken out~~; material to be
added is PRINTED IN CAPITAL LETTERS.

The meeting is called to consider proposed revision of the University Regulations Concerning Faculty Tenure. At its April 26 meeting, the Faculty Senate voted to have Professor Paul Murphy serve as Acting Vice Chair of the May 3 meeting.

MOTION 57

The Tenure Committee will move to amend Section 7.11, page 8, line 26, as follows:

Page 8
26 ~~7.11 General Criteria. Indefinite tenure will be granted only to those~~
27 ~~persons who demonstrate (a) effectiveness in teaching and advising students, and~~
Page 9
1 ~~(b) professional distinction in research and writing or artistic production. The~~
2 ~~relative importance of these primary criteria may vary in different academic units~~
3 ~~but neither may be disregarded in any decision. Probationary appointments must~~
4 ~~be terminated whenever appointees fail to satisfy these criteria in their last year~~
5 ~~of maximum probation and may be terminated earlier if it appears that they are~~
6 ~~not making sufficient progress toward satisfying these criteria.~~

7 A probationary faculty member's service contributions to the University, the
8 community, the state and nation may also be relevant to a decision, though it
9 should not be expected that faculty members will have made significant
10 contributions of this kind during their probationary period. Performance as a
11 member of the academic unit may also be relevant.

12 Although the decision will be based primarily on the faculty member's
13 qualifications, it may also be based upon program area needs and priorities of the
14 academic unit.

14a 7.11 GENERAL CRITERIA. THE PRIMARY CRITERIA FOR AWARDING
14b INDEFINITE TENURE ARE EFFECTIVENESS IN TEACHING* AND
14c PROFESSIONAL DISTINCTION IN RESEARCH.** QUALITY DISCIPLINE-
14d RELATED SERVICE CONTRIBUTIONS*** MAY ALSO BE TAKEN INTO
14e ACCOUNT. THE RELATIVE IMPORTANCE OF THE CRITERIA MAY VARY IN
14f DIFFERENT ACADEMIC UNITS. BOTH OF THE TWO PRIMARY CRITERIA MUST
14g BE CONSIDERED IN EVERY DECISION,**** BUT IN SOME ACADEMIC UNITS, A
14h FACULTY MEMBER WILL NOT BE EXPECTED TO HAVE MADE SIGNIFICANT
14i SERVICE CONTRIBUTIONS DURING THE PROBATIONARY PERIOD.

14j THE INDIVIDUAL'S PARTICIPATION IN THE WORK OF THE ACADEMIC

n1 *"Teaching" is not limited to credit-producing classroom instruction. It
n2 encompasses other forms of communication of knowledge (both to students
n3 registered in the University and to other persons in the community) as well as the
n4 supervision or advising of individual graduate or undergraduate students.

n5 ** "Research" is not limited to the publication of scholarly articles. It
n6 encompasses other activities such as artistic production.

n7 *** "Service" means high quality performance within the faculty member's
n8 academic expertise and the mission of the academic unit rendered to the
n9 community at large. As a criterion for faculty tenure, it does not include the
n10 rendering of routine professional services, even if those are within the faculty
n11 member's job description. It also does not include service in quasi-administrative
n12 functions such as service on faculty or Senate committees; those activities are
n13 relevant only to the limited extent set forth in the following paragraph.

n14 **** Because of the special mission of the Crookston and Waseca faculty members
n15 these need show only effectiveness in teaching and disciplined inquiry in their
n16 fields of endeavor. (Other exceptions may be made only in exceptional
n17 circumstances by means of special contract, as provided in Section 3.6).

14k UNIT AND OTHER SERVICE CONTRIBUTIONS TO THE UNIVERSITY MAY ALSO
14l BE RELEVANT TO A DECISION, BUT ARE NOT IN THEMSELVES BASES FOR
14m AWARDING TENURE. ALTHOUGH THE DECISION WILL BE BASED PRIMARILY
14n UPON THE FACULTY MEMBER'S PERFORMANCE, THE PROGRAM AREA
14o NEEDS AND PRIORITIES OF THE ACADEMIC UNIT AT THE TIME OF THE
14p DECISION MAY BE CONSIDERED IN DECIDING WHETHER TO AWARD TENURE.

14q INDEFINITE TENURE MAY BE GRANTED AT ANY TIME WHEN THE
14r CANDIDATE HAS SATISFIED THE REQUIREMENTS. A PROBATIONARY
14s APPOINTMENT MUST BE TERMINATED WHEN THE APPOINTEE FAILS TO
14t SATISFY THE CRITERIA IN THE LAST YEAR OF PROBATIONARY SERVICE
14u AND MAY BE TERMINATED EARLIER IF IT APPEARS THAT THE APPOINTEE
14v WILL NOT SATISFY THE CRITERIA WITHIN THAT PERIOD.

MOTION 45

The Tenure Committee will move to amend section 11.2, page 18, line 5 as follows:

11.2 General Principles of Priority. The following general principles of
priority apply in any financial crisis:

-- First, the University must fully utilize all means CONSISTENT WITH
ITS CONTINUED EXISTENCE AS A QUALITY INSTITUTION to reduce expenses or
to increase income which do not involve the termination of faculty positions or the
impairment of faculty rights.

-- Second, the University may consider alternatives which involve only ~~the~~
~~postponement or temporary reduction~~ THE TEMPORARY OR PERMANENT
REDUCTION OR POSTPONEMENT of faculty compensation or other rights.

-- Only thereafter may the University suspend or terminate faculty
positions in accordance with this section.

MOTION 47

The Tenure Committee will move to amend Section 11.61(b), page 20, line 25 as follows:

Page 20

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11.61 General Principles.

*** * ***

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(b) A good faith effort should be made to use temporary suspensions or voluntary furloughs rather than terminations. IN THIS THIRD STAGE, THE BOARD OF REGENTS MAY IMPOSE THE TEMPORARY OR PERMANENT REDUCTION OR POSTPONEMENT OF FACULTY COMPENSATION OR OTHER RIGHTS, IN EXCESS OF THOSE APPROVED IN THE SECTION STAGE. Suspensions without pay for one quarter in any year may be ordered in accordance with objective criteria, provided that faculty members are given at least six months' notice.

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MOTION 48

The Tenure Committee will move to insert a new paragraph between paragraphs 11.61(b) and 11.61(c), page 20, after line 27 as follows:

11.61 General Principles.

(a) Savings achieved through resignations, retirements, renegotiation of contracts, inloading or other measures must be credited to the assigned shortfall before terminating or suspending faculty appointments.

(b) A good faith effort should be made to use temporary suspensions or voluntary furloughs rather than terminations. Suspensions without pay for one quarter in any year may be ordered in accordance with objective criteria, provided that faculty members are given at least six months' notice.

(B) TERMINATIONS MAY NOT BE USED IN CASE OF A SHORT-TERM FINANCIAL CRISIS, BUT ONLY IF THE CIRCUMSTANCES ARE SUCH THAT THE SHORTFALL IS REASONABLY EXPECTED TO CONTINUE OVER A SUBSTANTIAL NUMBER OF YEARS.

(c) A good faith effort must be made to cover as much of the shortfall as possible by allowing non-regular appointments to lapse and by giving notice to probationary faculty in accordance with the terms of their appointments.

(d) A good faith effort must be made to cover as much of the shortfall as possible by transferring faculty members to other positions for which they are qualified or by offering them retraining for available positions.

(e) The selection of faculty members within an academic unit for termination must be made on objective criteria and may not involve the reevaluation of the professional attributes of those individuals.

MOTION 49

The Tenure Committee will move to amend Section 11.62(b), page 21, line 18-23, as follows:

Page 21

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11.62 Priorities.

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(b) Care must be taken to protect the employment of women and

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minorities ENTITLED TO AFFIRMATIVE ACTION. The Vice President must insure

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that FOR THE UNIVERSITY AS A WHOLE the ~~final~~ plan WHICH IS SUBMITTED

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does not reduce the proportion of appointments with indefinite tenure held by

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women OR MINORITIES ENTITLED TO AFFIRMATIVE ACTION DOES NOT

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REDUCE, the proportion of probationary appointments held by women OR

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MINORITIES ENTITLED TO AFFIRMATIVE ACTION, DOES NOT REDUCE, ~~or~~ the

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proportion of non-regular appointments held by women OR MINORITIES ENTITLED

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TO AFFIRMATIVE ACTION, ~~in the University as a whole. Groups entitled to~~

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~~affirmative action must be similarly protected.~~

MOTION 50

The Tenure Committee will move to amend Section 12.2, page 22, line 27 as

follows:

Page 22

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12.2 Faculty Rights and Duties. In the event that programmatic change

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leads to discontinuation of a program in which a member of the faculty is

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employed, the University recognizes its obligation to continue the employment of

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regular faculty in accordance with the terms of their employment, and to continue

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the employment of non-regular faculty for the term of appointment. IN CASE OF

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FINANCIAL EMERGENCY, THE PROVISIONS OF SECTION 11 APPLY.

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Regular faculty members who are so retained have the responsibility to

Page 23

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accept teaching or other assignments for which they are qualified, and to accept

2 training to qualify them for assignment in other fields. The University has the
3 responsibility to assign such faculty members to responsibilities as closely related
4 to their original field of tenure as is practicable, to allow them time in which to
5 continue scholarship in their original field if they wish, and to recognize scholarly
6 contributions in that field as valuable in assessing their contribution to the
7 University for pay, promotion and other purposes.

8 The University has the right to offer inducements to faculty members
9 voluntarily to change fields of study or to change place of employment or to accept
10 early retirement.

MOTION 51

Harold Alexander, Home Economics, will move to amend Section 13A.2 (originally
printed as Section 10.4), page 15, lines 21-22 as following:

Page 15
19 13.A.2 Formal Action. After receiving the administrator's
20 recommendation ~~and the report of the faculty,~~ and giving the faculty member an
21 opportunity to comment, ~~the Vice President may initiate formal action by giving~~
21a ~~written notice to the faculty member.~~ THE VICE PRESIDENT WILL DECIDE
21b WHETHER TO PROCEED. IF THE VICE PRESIDENT DECIDES NOT TO
21c PROCEED, THE CHARGES ARE DROPPED AND THE FACULTY MEMBER AND
21d THE ACADEMIC UNIT ARE SO NOTIFIED IN WRITING. IF THE VICE PRESIDENT
21e DECIDES TO PROCEED WITH FORMAL ACTION, THE VICE PRESIDENT MUST
21f GIVE WRITTEN NOTICE TO THE FACULTY MEMBER. The notice must specify
22 the action proposed, identify the specific grounds upon which it has been taken, and
23 summarize the evidence in support. It must inform the faculty member of the
24 right to request a hearing before the Judicial Committee and advise the faculty

25 member of the applicable time limit for making such a request.

26 If the faculty member does not request a hearing within 30 days, the
27 President may take the action proposed in the Vice President's notice, without
28 further right to a hearing.

MOTION 52

Alfred Aeppli, Institute of Technology, will move to amend Section 14, page 25,
line 25 by adding a new Section 14.7, as follows, and by renumbering the
subsequence provisions:

Page 25

25a 14.7 THE FACULTY MEMBER MAY APPEAL TO THE BOARD OF
25b REGENTS. THE REQUEST MUST BE MADE TO THE SECRETARY OF THE
25c BOARD WITHIN 10 DAYS OF THE PRESIDENT'S DECISION.

MOTION 53

The Tenure Committee will move to amend Section 18, page 27 as follows:

Page 27

SECTION 18. AMENDMENT

3 Before any proposed amendment to these regulations is submitted to the
4 Board of Regents or adopted by the Board, it must be considered by the Tenure
5 Committee, the Faculty Affairs Committee and the Judicial Committee, or by
6 such committees which have succeeded to their functions. These Committees will
7 present their respective recommendations on each proposed amendment to the
8 Faculty Senate for its consideration. The Board of Regents will not take final
9 action on any proposed amendment until it has received the recommendation of the
9a Faculty Senate. THESE REGULATIONS ARE SUBJECT TO AMENDMENT BY THE
9b BOARD OF REGENTS. PROPOSED AMENDMENTS FROM ANY SOURCE WILL
9c BE SUBMITTED TO THE FACULTY SENATE FOR ITS ADVICE AND
9d RECOMMENDATION BEFORE FINAL ACTION BY THE BOARD OF REGENTS.

MOTION 54

Background:

At the February 21 meeting, the Faculty Senate adopted Motion 28, which added a new Section 13.4, relating to panels of the Judicial Committee. As adopted, that section provides:

Page 23

- 23a 13.4 Panels. The Judicial Committee may sit in panels to hear individual
- 23b cases. In cases under Section 10, the panels must consist of at least five members.
- 23c In all other cases, the panel must consist of at least three members.

The Judicial Committee will now move to amend the above language as follows:

Page 23

- 23a 13.4 Panels. The Judicial Committee may sit in panels to hear individual
- 23b cases. ~~In cases under Section 10, the panels must consist of at least five members.~~
- 23c ~~In all other cases, the~~ THE panel must consist of at least three members.

MOTION 59

Marcia Eaton, William H. Hanson, and Naomi Scheman, Philosophy, will move to amend Section 7.11, page 9, at lines 12-14 (Motion 59) as follows:

Page 8

26

7.11 General Criteria. Indefinite tenure will be granted only to those

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persons who demonstrate (a) effectiveness in teaching and advising students, and

Page 9

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(b) professional distinction in research and writing or artistic production. The

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relative importance of these primary criteria may vary in different academic units

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but neither may be disregarded in any decision. Probationary appointments must

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be terminated whenever appointees fail to satisfy these criteria in their last year

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of maximum probation and may be terminated earlier if it appears that they are

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not making sufficient progress toward satisfying these criteria.

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A probationary faculty member's service contributions to the University, the

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community, the state and nation may also be relevant to a decision, though it

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should not be expected that faculty members will have made significant

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contributions of this kind during their probationary period. ~~Performance~~ SERVICE

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as a member of the academic unit may also be relevant.

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~~Although the decision will be based primarily on the faculty member's~~

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~~qualifications, it may also be based upon program area needs and priorities of the~~

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~~academic unit.~~

MOTION 60 & 61

Stephen Sylvester, Crookston will move to amend Section 7.4, page 10, line 13 (Motion 60) and at line 19 (Motion 61) as follows:

Motion 60:

12 7.4 Procedures for Taking Formal Action. The academic unit must observe
13 procedures established by ~~the Vice President with the approval of~~ the Tenure
13a Committee IN CONSULTATION WITH THE VICE PRESIDENT, WITH THE
13b APPROVAL OF THE FACULTY SENATE . Those procedures will provide that:

Motion
60

14 (1) There is a good faith effort to gather all relevant information necessary
15 to the decision. The academic units have the primary obligation to assemble the
16 file, but the faculty member also has the right to add any material the faculty
17 member considers relevant.

18 (2) The decision is made by ~~vote, by written unsigned secret ballot,~~ ROLL
19 CALL VOTE, at a meeting of the regular faculty who have indefinite tenure in the
20 academic unit. The rules may provide for absentee ballots by informed absent
21 faculty members.

Motion
61

22 (3) Action is taken by majority vote.

23 (4) The unit reports the vote of the faculty, together with the reasons for
24 the action taken and any minority view which has substantial support. All
25 statements must be made without personal attribution. A preliminary draft is open
26 to members of the faculty eligible to vote so they may comment and suggest
27 changes. The final draft is sent to the affected faculty member and is open to the
28 faculty eligible to vote.

1 (5) In academic units which are widely scattered geographically so that
2 collegial deliberation is difficult, the rules may specify special procedures which,
3 to the maximum extent practicable, conform to the procedures generally required.

4 (6) Before submitting a formal recommendation for an appointment with
5 indefinite tenure or for termination of a probationary appointment, the head of the
6 academic unit informs the appointee of the recommendation and gives the
7 appointee a copy of the final report. The appointee may submit any comments
8 upon the report to the academic administrator who will review the report, with a
9 copy to the head of the academic unit.

MOTION 62

The Tenure Committee will move to amend Section 7.4, page 10, line 13-14 as follows:

12 7.4 Procedures for Taking Formal Action. The academic unit must observe
13 procedures established by the Vice President with the approval of the Tenure
13a ~~Committee.~~ UPON RECOMMENDATION OF THE TENURE COMMITTEE.
13b BEFORE GOING INTO EFFECT, THESE PROCEDURES MUST BE REPORTED TO
13c THE FACULTY SENATE. Those procedures will provide that:

MOTION 63

Walter Littman, Institute of Technology, will move to amend Section 11.4, page 18
line 26 as follows:

23 11.4 Second Stage: Reduction or Postponement of Compensation. If the
24 measures taken in the first stage are inadequate, the President may, after
25 consultation with the Faculty Consultative Committee, propose the temporary or
26 ~~permanent~~ reduction or postponement of faculty compensation FOR A
26a PREDETERMINED PERIOD NOT TO EXCEED ONE YEAR, according to a
27 mathematic formula or similar device. The Faculty Consultative Committee will
28 report on the adequacy of the steps taken in the first stage and make its
Page 19
1 recommendations on the proposal. If the Faculty Senate approves the proposed
2 action (or any modification of it) by an absolute majority of its membership or by a
3 two-thirds vote of the members present and voting (a quorum being present), the
4 Board of Regents may take that action (or any less stringent action) and, to that
5 extent, modify the terms of the appointments of all faculty members. The Board
6 of Regents may rescind the action at any time thereafter. SUCH ACTION MAY
6a BE REPEATED BY THE SAME PROCEDURE.

MOTION 64

Leon Green Institute of Technology, will move to amend Section 11.51, page 19,
line 17 as follows:

12 11.51 Preliminary Procedures. Before recommending to the Board of
13 Regents that it declare a fiscal emergency, the President must meet with the
14 Senate Consultative Committee to examine alternatives to and the consequences
15 of such a declaration. The President will provide the Committee access to all
16 available information. The President must provide a written report identifying the
17 dollar amount to be saved by reducing faculty positions. THIS REPORT MUST
17a ALSO IDENTIFY THE LEVEL OF APPOINTMENTS AFFECTED AND THE DOLLAR

17b AMOUNT PROPOSED TO BE SAVED BY ANY CONCURRENT REDUCTIONS IN
17c NON-FACULTY STAFF DURING THE EMERGENCY. The Faculty Consultative
18 Committee will prepare a written report on the President's proposal, to which the
19 Senate Consultative Committee may add additional comments. The Faculty Senate
20 will first consider and act on the proposal and reports. Thereafter, the University
21 Senate may consider them. The President must attend both Senate meetings to
22 explain the proposal and to answer questions. After receiving the President's
23 recommendation and the resolutions of the Senates, the Board of Regents may
24 declare a state of fiscal emergency. The Board of Regents' resolution states the
25 maximum amount to be realized from termination or suspension of faculty
26 appointments.

MOTION 65

Leon Green, Institute of Technology, will move to amend Section 11.61 (e), page 21
lines 6-8 as follows:

11.61 General Principles.

(a) Savings achieved through resignations, retirements, renegotiation of
contracts, inloading or other measures must be credited to the assigned shortfall
before terminating or suspending faculty appointments.

(b) A good faith effort should be made to use temporary suspensions or
voluntary furloughs rather than terminations. Suspensions without pay for one
quarter in any year may be ordered in accordance with objective criteria, provided
that faculty members are given at least six months' notice.

(c) A good faith effort must be made to cover as much of the shortfall as
possible by allowing non-regular appointments to lapse and by giving notice to
probationary faculty in accordance with the terms of their appointments.

3 (d) A good faith effort must be made to cover as much of the shortfall as
4 possible by transferring faculty members to other positions for which they are
5 qualified or by offering them retraining for available positions.

6 ~~(e) The selection of faculty members within an academic unit for~~
7 ~~termination must be made on objective criteria and may not involve the~~
8 ~~reevaluation of the professional attributes of those individuals.~~

8a (E) THE SELECTION OF FACULTY MEMBERS WITHIN AN ACADEMIC
8b UNIT FOR TERMINATION WILL BE MADE BY SENIORITY, WITH THE OLDEST
8c INDIVIDUALS FIRST REQUIRED TO RETIRE OR BE TERMINATED, PROVIDED
8d THE PRIORITIES OF SECTION 11.62 ARE OBSERVED.

MOTION 66

Leon Green, Institute of Technology, will move to refer Section 11.5 Third Stage:
Fiscal Emergency and 11.6 Principles Governing Termination or Suspension back to
the Tenure Committee with instructions to take into account the various proposals
and concerns expressed in the Faculty Affairs Committee's motion (Motion 22,
February 23), preserving, however, the principle that terminations are permitted.