

university of minnesota memo

To David Klaasen

From Marilee Ward

- 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
- Send copy
- Please see me

These were the
proposed amendments
that were distributed
at the Faculty
Senate meeting on
May 24.

Date _____

University of Minnesota
BA Form 507

S92046

11881

Amendments for consideration
May 24, 1984

* * *

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

The Motions are printed below in numerical order. The Tenure Committee suggests that they be called up in the following order:

<u>Motion</u>	<u>Section</u>	<u>Topic</u>
47	11.61	Reduction in pay permissible in Stage 3.
48	11.61	No termination in short-term crisis.
49	11.62	Affirmative action.
63	11.63	Salary reductions limited to 1 year at a time.
64	11.51	Information in President's message.
65	11.61	Seniority basis for selection.
66	11.5 & 11.6	Recommit.
45	11.2	Summary of Section 11. (Depending on action on above motions, alteration may be necessary to make its summary accurate.)
50	12.2	Cross-reference.
68	13A.4 & 14.5	Legal advice to President
69	13A.4 & 13A.5	Differences between President and Judicial Committee
70	14.5	Differences between President and Judicial Committee
71	14.5	Report to Faculty Senate
53	18	Amendments.
67	13A.6	Procedures for temporary suspension

NOTE: The texts below incorporate amendments adopted to date. Accordingly, they do not necessarily track the December 1983 text.

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MOTION 45

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

Page 18
3 11.2 General Principles of Priority. The following general principles of
4 priority apply in any financial crisis:
5 -- First, the University must fully utilize all means CONSISTENT WITH
5a ITS CONTINUED EXISTENCE AS A QUALITY INSTITUTION to reduce expenses or
6 to increase income which do not involve the termination of faculty positions or the
7 impairment of faculty rights.

8 -- Second, the University may consider alternatives which involve only ~~the~~
8a ~~postponement of temporary reduction~~ THE TEMPORARY OR PERMANENT
8b REDUCTION OR POSTPONEMENT of faculty compensation or ~~other rights~~. THE
8c REDUCTION OF FRINGE BENEFITS.

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

MOTION 47 (Revised)

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

20 11.61 General Principles.

* * *

24 (b) A good faith effort should be made to use temporary suspensions or
25 voluntary furloughs rather than terminations. IN THIS THIRD STAGE, THE BOARD
25a OF REGENTS MAY IMPOSE THE TEMPORARY OR PERMANENT REDUCTION
25b OF FACULTY COMPENSATION OR THE REDUCTION OF FRINGE BENEFITS, IN
25c EXCESS OF THOSE APPROVED IN THE SECOND STAGE. Suspensions without
26 pay for one quarter in any year may be ordered in accordance with objective
27 criteria, provided that faculty members are given at least six months' notice.

* * *

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:

Page 20
20

11.61 General Principles.

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

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

27a (B') TERMINATIONS MAY NOT BE USED IN CASE OF A SHORT-TERM
27b FINANCIAL CRISIS, BUT ONLY IF THE CIRCUMSTANCES ARE SUCH THAT THE
27c SHORTFALL IS REASONABLY EXPECTED TO CONTINUE OVER A
27d SUBSTANTIAL NUMBER OF YEARS.

28 (c) A good faith effort must be made to cover as much of the shortfall as
Page 21
1 possible by allowing non-regular appointments to lapse and by giving notice to
2 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. It may not involve a comparative
8 evaluation of the relative merits of individuals or a repetition of the tenure-
9 granting process.

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, AND DOES NOT REDUCE ~~or~~

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

21a

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

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~~entitled to affirmative action must be similarly protected.~~

MOTION 50 (Revised)

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

27a

FISCAL 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

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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 53 (Revised)

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.
9e THE FACULTY SENATE WILL SOLICIT THE RECOMMENDATIONS OF THE
9f FACULTY AFFAIRS COMMITTEE, THE JUDICIAL COMMITTEE AND THE
9g TENURE COMMITTEE BEFORE GIVING ITS ADVICE AND RECOMMENDATIONS.

MOTION 63

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

Page 18

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11.4 Second Stage: Reduction or Postponement of Compensation. If the

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University has implemented all of the measures which are required to be

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considered in the first stage which are consistent with its continued operation as a

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quality institution and they are inadequate to meet the shortfall, the President

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may, after consultation with the Faculty Consultative Committee, propose the

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temporary ~~or permanent~~ reduction or postponement of faculty compensation FOR

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A PREDETERMINED PERIOD NOT TO EXCEED ONE YEAR, according to a

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mathematic formula or similar device. The Faculty Consultative Committee will

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report on the adequacy of the steps taken in the first stage and make its

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recommendations on the proposal. If the Faculty Senate approves the proposed

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action (or any modification of it) by an absolute majority of its membership or by a

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two-thirds vote of the members present and voting (a quorum being present), the

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Board of Regents may take that action (or any less stringent action) and, to that

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extent, modify the terms of the appointments of all faculty members. The Board

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of Regents may rescind the action at any time thereafter. SUCH ACTION MAY

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BE REPEATED BY THE SAME PROCEDURE.

MOTION 64 (Revised)

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

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11.51 Preliminary Procedures. Before recommending to the Board of

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Regents that it declare a fiscal emergency, the President must meet with the

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Senate Consultative Committee to examine alternatives to and the consequences

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of such a declaration. The President will provide the Committee access to all

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available information. The President must provide a written report identifying the

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dollar amount to be saved by reducing faculty positions. THIS REPORT MUST

16b ALSO IDENTIFY THE DOLLAR AMOUNT PROPOSED TO BE SAVED BY ANY
16c OTHER MEASURES TO BE TAKEN, INCLUDING THE LEVEL OF ANY
16d CONCURRENT REDUCTIONS IN NON-FACULTY STAFF DURING THE
17 EMERGENCY. The Faculty Consultative Committee will prepare a written report
18 on the President's proposal, to which the Senate Consultative Committee may add
19 additional comments. The Faculty Senate will first consider and act on the
20 proposal and reports. Thereafter, the University Senate may consider them. The
21 President must attend both Senate meetings to explain the proposal and to answer
22 questions. After receiving the President's recommendation and the resolutions of
23 the Senates, the Board of Regents may declare a state of fiscal emergency. Before
24 action contrary to the recommendation of the University Senate is subsequently
25 taken, the President must report in writing and in person the reasons for this
26 action to the Senate Consultative Committee. The Board of Regents' resolution
27 states the maximum amount to be realized from termination or suspension of
28 faculty appointments.

MOTION 65

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

Page 20

20 11.61 General Principles.

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

24 (b) A good faith effort should be made to use temporary suspensions or
25 voluntary furloughs rather than terminations. Suspensions without pay for one
26 quarter in any year may be ordered in accordance with objective criteria, provided
27 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.

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3 (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.

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6 (e) ~~The selection of faculty members within an academic unit for~~
7 ~~termination must be made on objective criteria. It may not involve a comparative~~
8 ~~evaluation of the relative merits of individuals or a repetition of the tenure~~
9 ~~granting process.~~

9a (E) THE SELECTION OF FACULTY MEMBERS WITHIN AN ACADEMIC
9b UNIT FOR TERMINATION WILL BE MADE BY SENIORITY, WITH THE OLDEST
9c INDIVIDUALS FIRST REQUIRED TO RETIRE OR BE TERMINATED, PROVIDED
9d 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.

MOTION 67

Phyllis Freier will move to amend Section 13A.6 (printed as 10.8), at page 17,
line 9 as follows:

Page 17

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14.6 Temporary Suspension During Proceedings. The Vice President may temporarily suspend a faculty member during the proceedings, but only if there is clear evidence that the faculty member is likely to cause serious harm or injury or is not available for work. The suspension will be with full pay, unless the faculty member is not available for work. Before ordering such suspension, the Vice President must present the evidence to a special panel of the ~~Judicial~~ FACULTY CONSULTATIVE Committee and receive their written report. The faculty member must be given the opportunity to contest the suspension before the panel. No member of the special panel may otherwise participate in the case.

MOTION 68

The Tenure Committee will move to amend the final paragraph of Section 13A.4 (printed as 10.6), at page 16, line 19 and the final paragraph of Section 14.5, at page 25, line 4 as follows:

(Note: Section 13A.4 deals with procedures in Removal for Cause cases; Section 14 deals with Tenure Denial and other Appeals.)

Page 16
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13A.4 Action by the President. The President must give the faculty member and the administrator the opportunity to submit written comments on the report and to make oral presentations. The President may not discuss the case with the Vice President or with any other academic officer, except in the presence of the faculty member or the faculty member's representative, BUT THE PRESIDENT MAY DISCUSS THE CASE WITH THE UNIVERSITY'S GENERAL COUNSEL, UNLESS THE GENERAL COUNSEL HAS PERSONALLY PARTICIPATED IN THE PRIOR PROCEEDINGS OR THE PREPARATION FOR THEM. The Vice President and other academic officers may communicate with the

22 President about the case in writing only if the full text of the communications is
23 given to the faculty member and the faculty member is given a reasonable
24 opportunity to respond to it.

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Page 25
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3 14.5 Action by the President. The President must give the faculty member
4 and the administrator the opportunity to submit written comments on the report.
5 The President may not discuss the case with the Vice President or with any other
6 academic officer, except in the presence of the faculty member or the faculty
6a member's representative, BUT THE PRESIDENT MAY DISCUSS THE CASE WITH
6b THE UNIVERSITY'S GENERAL COUNSEL, UNLESS THE GENERAL COUNSEL
6c HAS PERSONALLY PARTICIPATED IN THE PRIOR PROCEEDINGS OR THE
7 PREPARATION FOR THEM. The Vice President and other academic officers may
8 communicate with the President about the case in writing only if the full text of
9 the communications is given to the faculty member and the faculty member is
given a reasonable opportunity to respond to it.

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MOTION 69

The Tenure Committee will move to amend Section 13A.4 (printed as 10.6), at page
16 line 28 as follows: (Relates to Removal for cause)

Page 16
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18 14.4 Action by the President. The President must give the faculty member
19 and the administrator the opportunity to submit written comments on the report
20 and to make oral presentations. The President may not discuss the case with the
21 Vice President or with any other academic officer, except in the presence of the
22 faculty member or the faculty member's representative. The Vice President and
23 other academic officers may communicate with the President about the case in
24 writing only if the full text of the communications is given to the faculty member
and the faculty member is given a reasonable opportunity to respond to it.

22 The President may request the Judicial Committee to make further findings
23 of fact, to clarify its recommendation or to reconsider its interpretation. The
24 reconsideration will be made by those who have heard all of the evidence in the
25 case, but the full Judicial Committee may consult with them on questions of
26 general policy.

27 The President may impose the action recommended by the Committee, or any
28 lesser measure which appears to be appropriate. THE PRESIDENT MAY IMPOSE
28a ACTION LESS FAVORABLE TO THE FACULTY MEMBER ONLY FOR
28b COMPELLING REASONS, WHICH MUST BE STATED IN WRITING, WITH
28c SPECIFIC DETAILED REFERENCE TO THE REPORT OF THE JUDICIAL
28d COMMITTEE, THE EVIDENCE PRESENTED, AND THE POLICIES INVOLVED.
28e THE PRESIDENT'S WRITTEN STATEMENT MUST BE GIVEN TO THE FACULTY
28f MEMBER AND TO THE JUDICIAL COMMITTEE. UNLESS THE FACULTY
28g MEMBER REQUESTS CONFIDENTIALITY, ITS FULL TEXT MUST BE PUBLISHED
28h IN THE NEXT DOCKET OF THE FACULTY SENATE; IF THE FACULTY MEMBER
28i REQUESTS CONFIDENTIALITY, A SUMMARY OF THE RELEVANT
28j CONSIDERATIONS MUST BE SO PUBLISHED WITHOUT IDENTIFICATION OF
28k THE FACULTY MEMBER.

And to amend Section 13A.5 (printed as 10.7) at page 17, line 2 as follows:

Page 17
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13A.5 Appeal to the Board of Regents. If the action involves removal,
1a OR IF THE ACTION INVOLVES A SANCTION MORE SEVERE THAN THAT
1b RECOMMENDED BY THE JUDICIAL COMMITTEE, the faculty member may
2 appeal to the Board of Regents. IN CASES IN WHICH THE PRESIDENT IMPOSES
2a A SANCTION MORE SEVERE THAN THAT RECOMMENDED BY THE JUDICIAL
2b COMMITTEE, THE FACULTY MEMBER AND THE PRESIDENT MAY PRESENT TO
2c THE BOARD EVIDENCE WITH RESPECT TO ISSUES ON WHICH THE PRESIDENT

2d DIFFERS FROM THE RECOMMENDATION OF THE JUDICIAL COMMITTEE. The
3 request FOR A HEARING must be made to the Secretary of the Board within 10
4 days of the President's action.

MOTIONS 70 & 71

Motion 70

The Tenure Committee will move to amend Section 14.5 page 25, line 14 as follows:

Motion 71

The Tenure Committee will move to amend Section 14.5 at page 25, lines 16-19 as follows: (These motions relate to Tenure Denial and Other Appeals).

Page 25

2 14.5 Action by the President. The President must give the faculty member
3 and the administrator the opportunity to submit written comments on the report.
4 The President may not discuss the case with the Vice President or with any other
5 academic officer, except in the presence of the faculty member or the faculty
6 member's representative. The Vice President and other academic officers may
7 communicate with the President about the case in writing only if the full text of
8 the communications is given to the faculty member and the faculty member is
9 given a reasonable opportunity to respond to it.

10 The President may request the Judicial Committee to make further findings
11 of fact, to clarify its recommendation or to reconsider its interpretation. The
12 reconsideration will be made by those who have heard all of the evidence in the
13 case, but the full Judicial Committee may consult with them on questions of
14 general policy.

15 The President may impose the action recommended by the Committee or any
16 action more favorable to the faculty member. The President may impose action
17 less favorable to the faculty member only for ~~compelling~~ **IMPORTANT**
18 **SUBSTANTIVE** reasons, which must be stated in writing, with specific detailed

Motion
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19 reference to the report of the Committee, the evidence presented, and the policies
20 involved. The President's written statement must be given to the faculty member,
21 AND to the Judicial Committee, and to
21a the Faculty Senate. UNLESS THE FACULTY MEMBER REQUESTS
22 CONFIDENTIALITY, ITS full text must be published in the NEXT docket of the
23 Faculty Senate. IF THE FACULTY MEMBER REQUESTS CONFIDENTIALITY, A
23a SUMMARY OF THE RELEVANT CONSIDERATIONS MUST BE SO PUBLISHED
23b WITHOUT IDENTIFICATION OF THE FACULTY MEMBER.

Motion
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