

Minutes*

Faculty Consultative Committee
Wednesday, July 12, 1995
9:00 - 12:00
Room 238 Morrill Hall

Present: Carl Adams (chair), John Adams, Carole Bland, Victor Bloomfield, Dan Feeney, Virginia Gray, James Gremmels, Roberta Humphreys, Robert Jones, Laura Coffin Koch, Geoffrey Maruyama, Michael Steffes

Guests: Associate Vice President Carol Carrier

Others: Martha Kvanbeck (University Senate)

[In these minutes: Governance issues and a proposed task force; human resource issues [administrative augmentation, search processes, administrative reviews]; FCC liaison activities; re-articulation of U2000]

1. Governance Task Force

Professor Adams convened the meeting at 9:00 and noted the report from Professor Weiss on behalf of the ad hoc committee asked to develop a charge for a governance task force. He noted that concerns have been expressed about even undertaking a review of governance and that changes in the system may not be in directions the faculty would find desirable. There are a number of constituent groups that may have agendas to substantially reposition their roles in the governance structure.

One Committee member said it was not surprising the ad hoc committee reached no conclusions, because the group was composed of intelligent and experienced people. The group was appointed because doing so was the next logical step after the report of the Transition Advisory Committee, in order to arrange the governance system to accommodate the new provostal structure. There is faculty concern about opening the question of the governance system too generally.

Use of the term "governance" has been sloppy, it was said. There are two activities occurring, governance and consultation. Governance, legally in the hands of the Board of Regents, has been delegated to the President, and to the faculty in various areas. Consultation is something else; it is not governance. Some faculty have suggested retaining what exists for governance and clarifying the difference between consultation and governance. It is possible to clarify the ways consultation with various groups takes place, and perhaps the matter should otherwise be left alone. This Committee might suggest to the provosts and chancellors that it is expected they will consult with different groups on various issues, but that on matters that are delegated to the Senate they must work with the governance system. The structure, however, would not be changed significantly.

There is the global, philosophical level on the one hand, responded one Committee member, and

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there is the operational level on the other. FCC could be active in promoting what the Transition Advisory Committee recommended with respect to the provostal areas, viz., development of a consultative structure. The existing structure could remain unchanged, with clarification of consultation and governance, but there could be significant change at the provostal level in terms of creating assemblies along the lines envisioned by the Transition Advisory Committee.

Another Committee member agreed that the distinction between consultation and governance should be clarified, suggested avoiding a "constitutional convention," and also suggested that Professor Adams appoint convenors of the senators in each provostal area and that, per the Transition Advisory Committee, the senators constitute provostal assemblies so governance and consultation get off the ground and meetings are scheduled. He agreed, saying that FCC has an interest in how consultation takes place in provostal areas.

Committee members made a number of additional points.

- The provosts may need a nudge from this Committee to make use of the Senate governance structure.
- The discussions with the provosts should be concrete, not abstract; the Committee should do its homework and make suggestions, not engage in pleasantries in meetings, and talk about the difficulties for the University if they do NOT use the mechanisms that are in place.
- Some existing Senate/Assembly committees appear to have responsibilities that overlap one provostal area almost exclusively (e.g., SCEP, the Council on Liberal Education); should those committees be delegated to act in provostal areas? The concern is the other way, that there are activities that have an impact in all areas and balkanization of the University should not be reinforced. Nor should the system confuse policy with implementation, which are quite different.

There was agreement that:

- There should not be a governance task force, and that the distinction between governance and consultation should be clarified.
- The recommendations of the Transition Advisory Committee should be continued and there should be provostal governance structures established.
- FCC should be active in getting those structures established and in making them effective.
- Faculty do not control--govern--a number of activities (e.g., ORTTA grant administration, classroom scheduling) but they must involve faculty consultation because it affects their work.
- The views of those in the Academic Health Center were discussed.
- The role of students in governance was discussed.

Professor (John) Adams agreed to write a reply to the Weiss ad hoc committee members, since

their report was directed to him, incorporating the comments made at this meeting and asking them for a reaction, if they wish to provide one. FCC will then consider the statement, Professor (Carl) Adams said, and will also take action on the question of provostal governance structures.

2. Human Resource Issues

Professor Adams next welcomed Associate Vice President Carrier to the meeting to discuss reviews of administrators, a protocol for searches for senior officers, and administrative augmentation.

ADMINISTRATION AUGMENTATION Regarding administrative augmentation, Dr. Carrier explained that there has been in place since October 1994 a policy calling for two salaries for a senior administrator who is new in a position or who has gone through a major review (central or campus positions; deans, vice presidents, and so on): a faculty portion and an administrative portion. The policy has been used six times. The policy is intended to address the situation where people return to the faculty, sometimes suddenly; the only strategy for dealing with salary has been the 9/11ths conversion, which provides a very high salary in some cases.

The tricky part is the faculty salary portion. For someone outside the University, the salaries in the department are considered. There are market concerns raised; if the department is under market, there can be problems in recruiting. This problem has not yet arisen, Dr. Carrier said, but it could. But the faculty portion of the salary is clear at the time of hire, should the individual return to the faculty later. The rate of increase is tied to the rate of increase in the unit.

Both portions of the salary are negotiable within limits, Dr. Carrier said in response to a query. In hiring academic leadership, the market concern is a serious one, said one Committee member, and the faculty portion of the salary could be set so it is appropriate for a peer group, not the salaries at Minnesota. The policy should allow the University to hire someone at a competitive faculty salary, or it will be a serious constraint. Internal equity and market are the two major concerns, Dr. Carrier responded. She also said that this policy is not in place at any other institution of which she is aware, but the University has not lost a candidate because of it.

Although the policy has been in place only since 1994, it will slowly cover all those already in administrative positions because the dual salary structure will be used with administrative reviews as well, Dr. Carrier affirmed.

Discussion turned to the possibility of augmented compensation for faculty members who take on major research or service work (e.g., responsibility for a major grant); some parts of the University provide extra compensation while others may believe they cannot. Is this an issue FCC has an opinion on, Professor Adams inquired?

Dr. Carrier agreed that the practice varies across units; some add a second title, such as program director, so the individual receives the augmentation for the duration of the grant. (Such a charge can probably not be a direct cost, but it likely can be overhead.) One college has tried to make this more consistent, Dr. Carrier reported, and has thought about chair versus research responsibility augmentation; others have a long-standing practice, while others do not offer it at all.

One Committee member questioned why such augmentation would be offered; another replied that he had declined to take on such responsibilities because of the lack of compensation. Another pointed out he could obtain \$100,000 per year in research support, and use it to hire an RA and for a summer appointment--or he could get a \$2 million grant and have to worry about staffing and so on. Why would anyone take the \$2 million? Because one wants to do research, rejoined one Committee member, and a research group would allow it with a large grant; many faculty have them. And presumably one gets a program manager.

One Committee member inquired if administrators are paid more because they are taken from their faculty job. Another said it is because they have more responsibilities at a different level, responsibilities they cannot escape. Administrators also give up their autonomy; if the president calls a meeting for Sunday morning, they show up. Faculty by contrast have a great deal of independence. The market for administrators is also different, it was noted.

These reasons do not apply in the case of a faculty member managing a grant, it was maintained. And some units reward faculty for bringing in grants by increasing their recurring salary.

But one becomes an administrator, it was said; faculty grant managers must spend time on budgets and personnel and so on. They become like a dean, and some grants are larger than some colleges. This is an important issue, it was said, and it should be settled.

FCC should want to know how policy is developed and should be given the chance to comment on it. It should also be known to faculty members. Professor Adams asked Dr. Carrier to think about developing a policy and return to FCC in perhaps six months to discuss it. If the practices vary widely, it would be helpful to have a University-wide perspective. She agreed it would be a useful conversation.

There is a question about the distribution of responsibility, one Committee member pointed out. If researchers are accountable for administrative details, then they are administrators. Most faculty, however, do not feel that way, and believe that that is why there is an administrative structure at the University. The normal concept of a hierarchy, said another, is that one may delegate responsibility, but the investigator cannot escape it. Then adding compensation for that responsibility would make it clear, it was said, and faculty should be involved in the discussion.

Another Committee member said faculty could not know all the federal regulations, but one hears there are plans afoot to put that responsibility on investigators; is that true? The issue is being discussed, it was said. Faculty will be very concerned, because they do not have the training or experience necessary. The investigators will be held responsible, said another Committee member; they do not need to know all the details, but they must assign the responsibility to someone who will. If things go awry, that individual can be held accountable. But that is not what happens at the University, exclaimed another Committee member; often the people are not hired by or accountable to the investigator.

This is exactly what the faculty must address, it was said, or the problems will end up in the President's lap. The effort is being made to reconfigure what is done, and meantime the University is spending millions of dollars on litigation. When it is said faculty cannot know, the fact is that they must know. SOMEONE must know, it was said; if it is the investigator, faculty will not do research. The faculty must deal with this, or the administration will tell them how they are going to function as faculty.

One part of the solution would be an accounting system that works, observed one Committee member.

If the faculty have the responsibility, they must have authority and support, said one Committee member. What has been a problem is that funds and support and not in the same place as responsibility and authority; they have to be attached. Faculty cannot be give responsibility without support, and faculty must say that. Many will say that if they cannot have the authority, they will not accept the responsibility; others will say that they have the responsibility, so the resources must be put in place for support.

This Committee must consider this issue, said one Committee member. The issue was raised in the grants management project, and it is not clear where things now stand. Discussions in central administration are taking place, now that the issue has been raised; the Committee needs to learn what is going on.

One Committee member said the grants management project was addressed as an administrative redesign issue, so that budgeting, accounting, use of facilities, and so on, are aligned in order that work can get done. It is not possible to know how much of a grant's funds have been spent, which is a tail from the disastrous decision to purchase CUFS. These things have to be fixed or the work will not get done. There are four or five parts to this issue and they should be discussed during the year.

It was suggested that the Senate Research Committee, the Senate Committee on Finance and Planning, and the Senate Committee on Faculty Affairs should ride herd on these issues; the Committee concurred. It may be that a special group should be formed, including faculty; if so, it was suggested, it should include faculty from the appropriate Senate committees so that consultation takes place along the way and the committees are not left dangling outside the process. Professor Adams agreed to follow up on these suggestions.

SEARCH PROCESSES Dr. Carrier noted for the Committee that there is a lengthy document setting out guidelines for conducting searches, although it does not solve all the problems. One is that they rely on volunteer help from the chair and members, who are busy people; they must in turn find staff support. None of these individuals may know how to conduct a search and candidates may not receive the amenities one would expect. In addition, search committees are huge, so scheduling is difficult. It would be ideal, she said, to have three or four people who staff searches, but that takes money that is not available--even though everyone seems to think it's a good idea. Without that staff support, there will be inconsistencies.

One Committee member recalled that this subject has been discussed for over a year, and the conclusion has been that it would be smart of the University to have staff trained to do searches. As Responsibility Center Management becomes the practice, who will have the responsibility to staff searches? For levels above faculty appointments, the University has an investment in doing well; the conduct of searches projects the institution across the nation and world, and running them well is important. It is true there will be a cost for staff, but the costs to the University of doing searches poorly is even greater--both in terms of the need to steal staff support and the impact on the University. One should not have problems with spending money for this purpose, and it should be in the budget

somewhere so searches are done right. Doing so will increase the likelihood the institution will work well and that it will be able to recruit top candidates. Moreover, search committees are absurdly large. The University should want to AVOID committee members who are advocates; in this respect, it has gone down the wrong path.

The last point is a good one in theory, Dr. Carrier observed, but when searches are conducted, advocacy groups raise questions.

These are separate issues, said one Committee member, and FCC can perhaps make a difference on the question of staffing. At the level of dean and above the searches should be consistent, and the proper place to locate the function is in Human Resources. They do have a relocation office, Dr. Carrier pointed out, that has been very successful; with 1.5 FTEs, they work with 80-90 people per year and have made a huge difference. If FCC believes a staff for searches is important, it might wish to say so, she said.

Another Committee member recalled having been on a search recently, and echoed the comment that the committees are much too large. In addition, the role of outsiders should be reconsidered; while those individuals can make a contribution, by and large they do not. It may be there are political reasons for appointing them, but they tend not to be able to attend meetings and contribute.

Another problem pointed out was that forms are often delayed; in some cases, candidates have been lost because of the delays. Moreover, the searches take a lot of time. Twice in five years, remembered one Committee member, the appointing administrator did not accept the first candidate recommended, which is unacceptable. How can an administrator know, with a half-hour interview, better than a search committee that did all the work? If this happens frequently, it will be difficult to get faculty to serve on committees. The search committee is only advisory, pointed out another Committee member, but refusal to appoint the preferred candidate can have an effect on motivation.

It was agreed that the Committee would go on record favoring as a high priority establishment of a staff to conduct searches in Human Resources (without making a judgment about tradeoffs that might be required to do so).

ADMINISTRATIVE REVIEWS Dr. Carrier reported that there is an administrative group and a SCFA subcommittee looking at procedures for reviews (primarily of high-level administrators, but the principles will apply elsewhere). There has been agreement with SCFA that the administrative team will draft a document that will outline how to get control of the process; that draft will be shared for discussion. The intent is to develop guidelines so that flexibility is not reduced, but also with the intent that all individuals being reviewed will be treated fairly. They will lay out the expectations for all those involved in a review--the individual being reviewed, the committee, the superior officer, and those who participate. There will be core performance criteria that should be addressed (leadership, management, interpersonal skills, diversity, functional competence) as well as characteristics appropriate to the position. The document will not prescribe HOW those criteria should be addressed, but will speak to the steps in the process and timelines. The intent, she said, is to have SCFA review the document by September 16 and then decide what to do next.

One question is about the consequences of a review, said one Committee member; the

consequences are often mysterious. The person to whom the individual reviewed reports sees the review, but no one else, and no review ever seems to lead to negative consequences. Dr. Carrier said it is likely they will suggest that a performance review summary be released to anyone interested after the review is completed; it would report on appointment status, strengths, weaknesses, and a work plan. She said it would be approximately a one-page public document. They will try to achieve a balance between information that is not public and providing something to those who are interested in the results.

Such communication would be highly desirable, said one Committee member; to the extent this proposal would work, it should be adopted. Ideally, Dr. Carrier said, the responsible administrator and the individual reviewed would agree on the statement, and that this would be the standard way to proceed.

Whose business is it to know of negative things that arise in a review, asked one Committee member? At maximum, the review committee's, it was said. What is important is not who reads the report; it is the consequences with respect to the person's boss. If a dean gets an inadequate review, but is always reappointed, there is a problem; it often appears that no one around here is so bad they cannot be reappointed.

There are two questions at hand, said one Committee member: whether people make good decisions in reappointments and whether there is adequate communication about a review. Dr. Carrier agreed that people have the right to know the result of a review.

Another Committee member took issue with the contention that only the review committee should see the report; it is important that there be closure, it was argued. If not, the faculty will say "so what? Nothing happened."

One Committee member drew an analogy with ratings of faculty teaching. In at least one college, the results are public--and there have not been the terrible ramifications that some thought would result from making them public. In addition, it was said, the annual review is very important; without them, there is insufficient information at the end-of-term review. The annual reports provide cumulative evidence about whether a change should be made, and they also help people change. Dr. Carrier said these efforts are only directed at the end-of-term reviews, and agreed that a companion document for annual reviews may be needed. She also concurred that a review committee should have access to the annual reviews--and if there are no annual reviews, the administrator should be taken to task, and the review committee should do so.

Their work says the annual reviews will be expected; one Committee member urged that Dr. Carrier be more specific about requiring them and how to conduct them. The policy is in place, and it will not do much good to just say "do it" in a louder voice.

Many people assume their viewpoints will be incorporated in a review, noted one Committee member; will there be a chance for a rejoinder? Dr. Carrier said they may need to add a caveat that not all views expressed will be represented in the review.

They have also not addressed the question of what must be recorded and retained. Dr. Carrier agreed that question needs to be clarified.

One Committee member noted that there are raw scores and standard deviations for teaching evaluations, and faculty must do them; could there be some similar measure for administrators? Dr. Carrier said it could be a part of making reviews more consistent, but there was a system like that in place that failed, and she said she is not willing to try it again. Some process must start, urged one Committee member; all administrators must be subject to periodic reviews.

Discussion turned to the question of waiving access to information provided in the review and the opinion provided to Dr. Carrier by General Counsel Mark Rotenberg. Mr. Rotenberg laid out the specific question in black and white terms--anonymous participation is not permitted. It was noted that there are strategies to gather information that are quasi-anonymous, strategies Mr. Rotenberg has not addressed. To require every comment to be signed will not provide reliable data, One Committee member asserted firmly.

Is this an item FCC wishes to take up, Professor Adams inquired? Should Mr. Rotenberg be asked for a refinement of his opinion? Several Committee members believed he should; one pointed out that he was not asked about the strategies for quasi-anonymous participation (e.g., have a discussion with several people, and the points made noted, but with no comments attributed to an individual). They should be in a policy and people assured they can use them. Mr. Rotenberg's position is too restrictive, said another.

One reason this arose, recalled one Committee member, is because in one case, the only opportunity to participate in the review of a senior administrator was to comment on performance in an open hearing. People at the time were told that anything else would be illegal. It should be understood that a public response is NOT representative of opinions. How to get around the public requirement is not clear, but there will be no effective administrative reviews if all comments must be open. There are two standards operating here, it was said; students can say anything anonymously in reviews of faculty and get away with it. And in the case of the quasi-anonymous testimony, even that can be divulged if ordered in court.

This should be thought of as an evaluation issue--a field for which the University is famous--rather than a legal issue, maintained one Committee member. There should be devised a fair way to evaluate people, and then the attorneys should be asked to make it legal. It also needs to be simple, safe, and fair. Those who participate must be protected against recriminations.

Whenever this is discussed, said one Committee member, one cannot be sure if the comments are about the process in theory or a response to specific situations. "I have no problem calling someone on doing things wrong," but there are civil service people who have a problem. Is this because they do not like the way a new boss, perhaps, is doing their job, or because someone is diverting funds? It must be assumed that everyone would blow the whistle on something illegal or unethical, said another Committee member; this is more complicated, and may be about such things as issues of competence. There is a need for candor, but if there is any indication that comments about deficiencies are attributed to an individual, candor will decline.

And if there is not information from a broad range of people, the administrator does not know how to deal with it. If it is broad based, the individual can give it serious thought.

Dr. Carrier said the comments were very helpful and that she would look carefully at the document they are preparing in light of the discussion.

She then noted a point of information for the Committee. The Board of Regents has asked that at its August retreat there begin a discussion with central administration about tenure. This will not all take place at one session. The administration is providing background materials on the history of tenure and also obtaining comparative information from other institutions. They will prepare an issues paper on the problems and benefits of tenure.

It was suggested by one Committee member that the Pew Roundtable discussion be incorporated in the materials; it was amazing, it was said, the number of current faculty who would have been afraid about their work were it not for tenure.

Professor Adams asked that materials prepared for the Board of Regents also be provided to the Committee in order that the discussion can be open. Dr. Carrier agreed to do so.

Professor Adams thanked Dr. Carrier for joining the Committee.

3. Liaison Activities

Professor Adams next raised with the Committee the possibility of setting up quarterly meetings with perhaps two FCC members, senators from a college or colleges, and the dean(s) of that college, preferably over lunch. The discussion would be about the issues at hand and problems the people are confronting. He noted that the FCC schedule for the year calls for additional meetings in order to have time to talk with department heads and deans; this would be an alternative way to accomplish the task. The same process could be used for meetings with department heads. The primary purpose of such meetings, he concluded, would be for FCC to be wiser, to be better in touch with colleagues, and to increase the credibility of the Committee and the Senate structure because it would be better in touch. It could also empower senators. If the result was also that the meetings served as an information conduit, that would be fine. But the main reason would be to preclude the marginalization of the Committee on the grounds that it does not represent the faculty. This proposal would mean that each Committee member would have 1-2 meetings with senators and deans each quarter and 1-2 meetings with senators and department chairs each quarter.

It was agreed after discussion that Professor Adams would set up a couple of these meetings, as a pilot project.

4. Retreat

Professor Adams suggested that the retreat, scheduled for the 19th, and the trip to Morris, scheduled for the 21st, be combined. This would mean the retreat would take place at Morris and would not include central officers. It was agreed that the Committee would be polled for their availability.

5. U2000

Professor Adams reported that President Hasselmo wishes to revisit soon U2000, and by

September 15 would like to have a re-articulation of it. He has asked for a small drafting group, plus an advisory group to help; there will also be a lot of consultation with larger groups. The President has asked him to chair the drafting group, he said; it would act on an urgent and intensive basis, and its members would receive compensation for summer work. The President is committed to doing this; the question is whether or not those who participate, if compensated, will be co-opted or have a conflict of interest.

The intention is to produce a document that would be the President's but that would have University support. He will take counsel from a number of groups on campus, and hopes to have an institutional statement that is accepted and seen to have meaning.

His own view is that if it exists, it can be handled in several ways. The work product can be evaluated by FCC, but those who aided in its preparation would not participate in the evaluation except on an information basis. The Committee would also rely on their colleagues' integrity and full disclosure. The President wants some FCC members, plus others. Is this a collegial venture or is it a compromise of FCC?

Committee members deliberated this question.

- Receipt of summer support for those on nine-month appointments was not a problem: the faculty's time is their own in the summer, and if the administration asks them to do something for pay, it does not compromise the faculty's commitment to their job. Someone on a 12-month appointment would simply have to make the decision whether or not to accept the assignment; presumably there would be no additional compensation.
- Faculty on the Committee could not be paid to do X and then be a representative of the faculty in dealing with it.
- The President works with Committee members all the time and asks their opinion; this is not a problem.
- The clusters were tried and failed; the President is trying another approach. The faculty should now put up (participate) or shut up.
- Any from the Committee who participate **MUST** take themselves out of the deliberation of the resulting document.

Professor Adams then noted a few additional items of business the Committee will need to take up at its next meetings, and adjourned the meeting at noon.

-- Gary Engstrand