

Minutes*

**Senate Committee on Faculty Affairs
Tuesday, March 11, 2014
3:30 – 4:30
238A Morrill Hall**

Present: Peh Ng (chair pro tem), Randy Croce, Carl Flink, Sam Gill, Sophia Gladding, Heath Himstedt, Scott Lanyon, Theodor Litman, Monica Luciana, Nicholas Poggioli, Lori Rhudy, Daniel Skaar, Cathrine Wambach

Absent: Chris Bourland, Kathryn Brown, Teri Caraway, Arlene Carney, Dann Chapman, Joseph Konstan, Frank Kulacki, Karen Miksch, George Sell

Guests: Professor Jean Wyman (Faculty Consultative Committee)

[In these minutes: (1) Regents Scholarship program and required/recommended classes for grants; (2) resolution on faculty caregiver support; (3) draft shield amendment, Minnesota Government Data Practices Act]

1. Regents Scholarship Program and Required/Recommended Classes for Grants

Professor Ng convened the meeting at 3:30, reported that Professor Konstan was out of town, and welcomed Professor Wyman to present an issue related to the Regents Scholarship Program. [http://www.policy.umn.edu/Policies/hr/Benefits/REGENTSSCHOLARSHIP_FAQ.html]

Professor Wyman began by noting that the Regents Scholarship Program, due to a change made recently, now requires that employees who have a baccalaureate degree who wish to enroll for University courses must pay 25% of the tuition cost for the course. She said that over the last several years, during which she has been involved in several training grant programs, she has worked with junior faculty seeking to develop their careers. One way they can do so is to take courses related to their work, and has been helpful to be able to leverage University resources such as the Regents Scholarship Program to do so.

Before the recent change in the Scholarship program, faculty members could get a course paid for; when the University faced budget problems, the 25% charge was added. What they have found is that for training awards, where there frequently are funds available from the research stipend, the policy bars use of such funds, so the faculty member must pay out of pocket. Their training program, for example, had mandated coursework, but the participants balked at paying more tuition (because in many cases they already had significant debt from college and loan payments).

Professor Wyman said that she and her colleagues would like to see a change in the policy to allow training funds to be used to pay the 25% tuition charge for employees (in this case faculty members). It would be a wonderful way to leverage University resources and also make the institution

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more competitive in seeking training grants. She noted that a number of colleges have interpreted the policy in the way she explained—that faculty members must pay the 25% out of pocket.

Committee members made a number of points in the ensuing discussion.

-- Rather than say the employee must pay 25% of the tuition costs, perhaps the policy could simply say that the University will pay 75%, and leave open the source of the other 25%.

-- It is not known whether training grant and other funds were purposely excluded from being used or if they were not thought about when the policy was changed.

-- One possible reason for a prohibition on using other fund sources is that it is still University money, in some fashion, that is being used to pay the 25% (whether grant funds, departmental resources, or other funds), and that is what the policy sought to preclude. If that is the intent, the policy should be clear on the point.

-- It may be possible simply to change the interpretation of the policy rather than change the policy itself.

-- The policy provides that the 25% charge will be billed to the student's account; there is no requirement that such accounts be paid by the student (as parents of University students can attest).

-- The policy seems inequitable if a class is mandated as part of a training program. (Few actually require courses but many recommend them.)

-- There may be two categories of courses: those recommended as part of a training grant and those taken for one's own enrichment. But there may also be many other courses arguably related to a faculty member's work and for which the faculty member may have funds available to pay the 25% tuition; why would the policy bar the use of those funds? Any change in the policy or interpretation should not limit the use of other funds to training grants. Moreover, in a day of increasing inter- and trans-disciplinary research, faculty members should not be restricted in the courses they may find helpful.

-- There is one bit of irony: a faculty member may take a class from another institution and a department might pay for it. This policy drives people away from the University.

-- It is in the best interests of the University to have faculty members better trained.

It was agreed that Professor Ng would contact the Controller, Mr. Volna, to inquire about the policy intent and interpretation.

[Subsequent to the meeting, Professor Lanyon concluded that the issue "may be more complicated than we realized." He noted FAQ #3 in the policy document: "The Regents Scholarship Program is for development at the employee's option." While not in the policy itself, that may have been the original intent of the program. Thus an important question that the Committee didn't discuss yesterday is whether it believes that professional development that is required or strongly recommended by the employer should be eligible for support through the Regents Scholarship Program. The Committee thought that it was unfortunate that employees had to cover 25% of tuition costs out of their own pockets for courses required by their employer. Now one can ask whether it was inappropriate for the Regents Scholarship

program to cover 75%. Perhaps the question that should have been asked is why the employer wasn't covering 100% of tuition costs.]

2. Resolution on Faculty Caregiver Support

Professor Ng asked the Committee next to look at the resolution on faculty caregiver support, a statement it had seen and endorsed earlier in draft, subject to review by the Committee on Academic Freedom and Tenure (AF&T). AF&T had a couple of minor wording changes to suggest; she turned to Professor Flink for discussion. (The version approved unanimously by the Committee, following discussion and editorial changes, follows, between the * * *).

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The Senate Committee on Faculty Affairs is concerned that the University's support for faculty caregivers--particularly faculty parents but also faculty who are caregivers for dependent adults--is lacking in important ways that can result in disproportionate burdens and potential challenges in recruiting and retaining an excellent and diverse faculty. We are mindful of research that shows significant career disadvantages for women faculty with children--particularly in STEM disciplines where they are already underrepresented. Accordingly, we urge the administration to take the following actions:

- 1. Where applicable, address the shortage of on-campus or near-campus childcare.** Faculty parents need to know that they have available nearby high-quality childcare available on a regular schedule. Faculty parents also need access to drop-in emergency and short-notice childcare that includes off-hour options to support a variety of cases, including participation in occasional early-morning or late-evening activities, care for sick children or for children during school breaks and holidays, and other non-regularly scheduled uses. The committee encourages the administration to explore the full range of alternatives, including extending the services available through the UMN Child Development Center (which currently suffers from long waiting lists and limited flexibility) and exploring partnerships with commercial child care firms. The research and commentary available to the committee suggests that on-campus care is extremely important, especially to mothers of young children, and we urge that the possibility of sites on campus be given emphasis.
- 2. Raise awareness of unit-level practices that may adversely affect faculty caregivers.** Our review identified a range of issues and practices, including scheduling important meetings and events (seminars, faculty meetings, recruiting meetings, etc.) in the early morning, late afternoon, or evening. We are particularly concerned about the potential prejudicial effect on tenure and promotion of a faculty caregiver of the unspoken assumptions that failure to attend evening or early morning events may reflect a lack of seriousness and commitment rather than simply restrictions on available time. We are similarly concerned that not all faculty members voting on tenure cases have internalized the concept that extending the probationary period means just that. There is not an expectation that the faculty member must attain a higher level of performance or impact to meet the tenure criteria. In addition, work done during the extension period is counted as part of the cumulative body of work assessed for promotion and tenure. Of particular importance is ensuring that unit heads are well-trained and well-mentored on the University's goals and policies supporting faculty caregivers, and on how they can structure department activities and evaluation to support them.

3. Raise awareness of the availability of special contracts for faculty who have a temporary need to reduce their appointment. The university's flexibility in this area is significantly greater than most faculty are aware of. These possibilities should be better-promoted to allow those who have a temporary need to reduce their appointment below full-time to do so appropriately, rather than face the stress and uncertainty that otherwise may result. Questions about fringe benefits while holding such appointments would have to be addressed, as would options (if available) to move from (for example) 50% time to 100% time. We believe, however, that such appointments, if available more generally than by special arrangements, could, for example, make the University more attractive to faculty members with children who it wishes to recruit (or to faculty members who may be thinking about having children).

4. Provide clear guidance on mechanisms to permit financial support to offset additional expenses of faculty caregivers' professional activities. It is in the University's interest to support the professional development and advancement of its faculty. Accordingly, the University has policies and procedures under which University-managed funds -- including sponsored and non-sponsored funds -- can be used to support faculty travel to conferences and meetings, research travel, academic visits, and other professional activities. For faculty caregivers, such travel has additional burdens associated with alternative caregiving or in some cases co-travel (e.g., with a nursing child). Faculty members and units need clear guidance on how and when such additional expenses can be paid for by University-managed funds, and on how units can make such support available without adverse tax consequences for the University or for the traveling faculty member. To the extent that current policies do not permit such support, SCFA recommends that the administration revise such policies to explicitly permit such support, both at unit expense and through sponsored research funding, to the greatest extent possible.

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Professor Flink explained that one of the wording changes was to replace the phrase "stopping the tenure clock," which needs to be eliminated from the language when referring to extending the probationary period. What the statement says, and what extending the probationary period means, is that a probationary faculty member will have seven years (or eight, if a second extension is obtained) to complete the work normally expected in six years. Extending the probationary period does **not** mean the candidate is expected to complete more work or that he or she will be subject to a higher bar. The candidate is still to receive annual reviews.

The resolution does not call for faculty members to be able unilaterally to declare they are going on a reduced-time appointment, Professor Flink said in response to a question; it calls for exploration of the possibilities. It does not request an immediate change in policy.

The resolution also does not say that the University should provide or subsidize child care, Mr. Croce said in response to a question; it says there is not enough available, more providers are needed, and, Professor Lanyon added, that the University should invest time and effort to investigate the resources available to parents.

3. Draft Shield Amendment, Minnesota Government Data Practices Act

Professor Flink presented the draft shield amendment to the Minnesota Government Data Practices Act prepared by AF&T and supported by the Senate Research Committee. It is being presented to this Committee to give it the option of endorsing it. The main point, he said, is to protect faculty

research in progress, human subjects confidentiality, unpublished, unexamined, unreviewed research, and to forestall a quieting of research because of risks from use of information requests to harass researchers. The interest in protecting research must be balanced with the legitimate interest of government and the public in openness. The proposal tries to strike that balance. The strongest law on the books protecting faculty research is in Utah; there are laws in other states as well, and this proposal drew on some of the existing statutory language.

The language of the amendment to the statute read as follows:

The following data of an institution within the state system of higher education, which have been developed, discovered, created, disclosed to, or received by or on behalf of faculty, staff, or students of the institution are shielded:

- (i) unpublished notes and information relating to research, including, but not limited to, items under institutional review;
- (ii) unpublished notes and information related to a sponsor or sponsored research;
- (iii) confidential information contained in research proposals, including unfunded grant proposals;
- (iv) creative works in progress;
- (v) unpublished manuscripts; and
- (vi) scholarly correspondence.

Nothing in this section is intended to shield unethical or fraudulent practices.

Several points were raised in the discussion.

- If the proposal were approved by the Faculty Senate and accepted by the administration, presumably legislative sponsors would be sought to introduce a bill.
- The proposal does not mean that once research is published, the working papers and documents would then become available. The unpublished notes, etc., would remain private. If one believes that research was fraudulent, one should be able to request the data—but in many cases, the data should be included in the publication if it has been peer-reviewed. If there were a contest over research, it could be that a court would have to decide whether the working papers would be provided.
- What if the data are stored at a private company rather than at the University; could someone request it? [Committee members did not know the answer to the question.]
- This proposal does not cover information requests filed under federal law. AF&T was simply trying to cover one area; it will have to be another time for the federal law.
- It is not clear what "unpublished" means. If material is presented at a conference but not in a journal, for example, has it been "published"? It may be appropriate to use the public disclosure standards for intellectual property. On this point, it was agreed that Professor Flink would contact the Office of the General Counsel for a clarification.

Subject to consultation with the General Counsel on the meaning of "unpublished," the Committee voted unanimously to endorse the proposal.

Professor Ng adjourned the meeting at 4:30.

-- Gary Engstrand

University of Minnesota