

**Senate Committee on Faculty Affairs (SCFA)
February 9, 2016
Minutes of the Meeting**

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

[In these minutes: Advancing Diversity Hiring Practices at the University; Unionization Information; Agenda Planning for Remainder of the 2015 – 2016 Academic Year]

PRESENT: Scott Lanyon (chair), Christina Bourland, Kathy Brown, Phil Buhlmann, Theodor Litman, Rebecca Ropers-Huilman, Christine Blue, Sophia Gladding, Tabitha Grier-Reed, Joseph Konstan, Robert Kudrle, Peh Ng, Lori Rhudy, Juanjuan Wu, Aks Zaheer, Geoff Rojas, Leah Reinert, Sam Stern

REGRETS: Joe Price, Teresa Kimberley, Monica Luciana

ABSENT: Ken Horstman, Ruth Okediji

GUESTS: Virajita Singh, assistant vice provost, Office for Equity and Diversity

OTHERS ATTENDING: Ole Gram, assistant vice provost, Office of the Vice Provost for Faculty and Academic Affairs; Ben Intoy, postdoctoral associate

1. **Call to order:** Professor Lanyon convened the meeting and called for a round of introductions.

2. **Advancing diversity hiring practices at the University:** Professor Lanyon welcomed Virajita Singh, assistant vice provost, Office for Equity and Diversity, who was invited to share information about the Office for Equity and Diversity's efforts to advance diversity hiring practices. Assistant Vice Provost Singh distributed a handout containing information about the Office for Equity and Diversity (OED) and walked members through it starting with the office's definition for diversity. Diversity includes:

- People of color, including underrepresented groups and new immigrant populations.
- People with both visible and invisible disabilities.
- Women.
- People of various gender and sexual identities and expressions.
- First-generation students from economically disadvantaged backgrounds.

While the definition is quite broad, said Assistant Vice Provost Singh, often the focus tends to be on race and ethnicity because they are more visible. It is important to remember this is a constantly expanding, inclusive definition.

Assistant Vice Provost Singh then listed the various units under OED and said each unit does a number of targeted things. Next, she highlighted three of OED's strategic priorities:

- Increasing representation of diversity.

- Improving campus climate.
- Strategic partnerships and initiatives.

Assistant Vice Provost Singh said sometimes people are surprised to learn that OED has 125 staff, but it is important to remember the office serves more than 60,000 people on the Twin Cities campus alone and is also a system wide office.

Assistant Vice Provost Singh then turned members' attention to a second handout that contained information about the Institute for Diversity, Equity, and Advocacy (IDEA), which serves as a hub for OED's diversity hiring initiatives. Initiatives include:

- CLEAR – a faculty of color hiring initiative that supports the University's Strategic Plan to prioritize the recruitment and retention of the best diverse field shapers and researchers.
- Workshops on identifying and challenging implicit bias in faculty search committees.
- Bridge funding for faculty of color hires (<https://diversity.umn.edu/idea/bridgefunding>).
- IDEA Multicultural Research Awards (<https://diversity.umn.edu/idea/multiculturalresearchawards>).
- IDEA Faculty of Color Initiative (FOCI) – IDEA offers community-building events through the FOCI initiative, which includes promotion and tenure workshops, small group writing sessions, curriculum building workshops and larger social gatherings.
- The Diversity Community of Practice (DCoP) – A grassroots community of faculty and staff from collegiate units across the Twin Cities campus. Its purpose is to develop and leverage personal, professional, and technical expertise, thereby creating innovative strategies that ensure successful implementation of equity and diversity goals at the University.
- College-MADE (Multicultural Access, Diversity and Equity) – An initiative that extends and emphasizes OED's philosophy that equity and diversity is everyone's every day work. College-MADE engenders college ownership of equity and diversity visioning and encourages accountability in realizing that vision.
- Keeping Our Faculty Symposium VII – A biannual, two-day national symposium addressing the development, recruitment and retention of faculty of color.
- Gallery of Excellence – Highlights faculty scholarly work around equity and diversity issues and is part of the annual OED Equity & Diversity Breakfast.

After highlighting the various initiatives, Assistant Vice Provost Singh opened the floor for questions/comments from members.

Professor Ng asked about the implicit bias training and whether she and Michael Goh, associate vice provost, Office for Equity and Diversity, would be open to training faculty to help put on these workshops given the high demand. Assistant Vice Provost Singh said Anne Phibbs, director of education, Office for Equity and Diversity, leads OED's education efforts. Currently, said Assistant Vice Provost Singh, the core team presenting this training is Dr. Phibbs, Kimberly Hewitt, director, Equal Opportunity and Affirmative Action (EOAA), Dr. Goh and herself. At present, they are trying to deliver this training on their own, however, they have started to think about how they may be able to build capacity, including inviting other faculty to be involved in the delivery of this information. Thought has also been given to delivering some of the content

online, but not all, because parts of the training really benefit from a discussion. At this point, OED has launched and is learning from this effort, and eventually plan to evolve it. Train the trainer is a great suggestion, said Assistant Vice Provost Singh.

Regarding bridge funding, would OED entertain requests for spousal hiring accommodations, asked Professor Lanyon. Assistant Vice Provost Singh said she believes there is a bridge funding category related to spousal accommodations, and said Dr. Goh would have more information. It would be great to get this information, said Professor Lanyon, because this is one of the areas people are struggling to figure out how to accommodate spousal hires.

Professor Konstan noted that another area where bridge funding could be useful is in cases where a hire is approved, and although the top candidate is not in an underrepresented category, the second and/or third candidates are. Searches can often turn up more than one good candidate, and diversity would be a wonderful way to make the second hire. Another issue raised by Professor Konstan was the fact that OED does not support hiring women in fields where they are underrepresented such as science and engineering. Assistant Vice Provost Singh said she would bring this feedback back to Dr. Goh because the overall goal is to advance diversity, and, as Professor Konstan points out, diversity is contextual.

Are any of OED's initiatives directed toward postdoctoral students, asked Geoff Rojas? Spousal hires are incredibly important to a number of postdocs. Postdocs are in transient positions, which can make it difficult for their spouse or partner to find a job given they will likely only be around for a couple years or so. Assistant Vice Provost Singh said there are initiatives targeted at postdocs, and added that the institution is also interested in postdocs that can be retained. She suggested Mr. Rojas speak with Dr. Goh about these initiatives.

Professor Blue commented that she occasionally attends meetings of the Women's Faculty Cabinet (WFC), and they are concerned about not only the hiring of women into the male dominated fields such as science, engineering, dentistry, but also the advancement of women within these disciplines. When women are hired into male dominated disciplines and they see no other women in leadership positions, often they think there are no opportunities for advancement. Assistant Vice Provost Singh thanked Professor Blue for this observation and volunteered to look into additional resources for her to explore. Vice Provost Ropers-Huilman added that the WFC will be having a retreat targeted at women's leadership this spring. This year's retreat will be on May 17, 2016 from 9:00 – 2:00 and is titled *Well-Being in Academia: Cultivating Life Balance*. More information and a save the date will be sent out soon. Professor Blue noted that if this issue is not a part of the culture, and not on a dean's radar, it usually will not happen. There needs to be sustained support for the advancement of women in male dominated fields. Ms. Reinhart, a graduate student member of the committee, said some disciplines have a steeper climb than others. For example, in the Math Department, there are roughly 60 men and 3 women. Many of the science, engineering, and biological sciences departments have a low women to men ratio. Professor Wu noted that skewed ratios are often discipline-based because some disciplines have the opposite problem, far more women than men.

Sometimes at institutions that have equity and diversity offices, other offices within the institution do not think they have to worry about or work on equity and diversity because there is

already an office working on it, said Professor Lanyon. What is the relationship between OED and the various colleges? How much ownership do the colleges have, etc.? Assistant Vice Provost Singh noted that this is exactly right - addressing equity and diversity should be part of everyone's every day work. In fact, the Office for Equity and Diversity emphasizes this motto - 'equity and diversity is everyone's everyday work.' She said the work being done in this area varies from unit to unit, and, the institution as a whole, is far from having this as a day-to-day priority. With that said, there are people in every unit for whom this issue is a priority on some level and they are working to advance it. In addition, the institution as a whole is faced with competing priorities and so diversity becomes one more thing to address. Therefore, there needs to be a shift from seeing diversity as an add-on, to having it being a central priority. Given communities outside the University are changing, as is the whole world, in Assistant Vice Provost Singh's opinion, this shift of awareness is still a longtime coming.

In terms of diversity, Professor Lanyon said there exists a huge opportunity to improve how faculty searches are conducted. Unfortunately, searches are often conducted by faculty who have little experience with running searches. This seems like an opportunity to train search committees on how to do a better job in recruiting diverse faculty. Assistant Vice Provost Singh said that based on her observations, search committees are not always clear about what they are looking for in a candidate and this is problematic. She agrees that more front-end work can be done to improve this process.

Are workshops offered for women transitioning from graduate school postdoc positions to faculty positions, asked Mr. Rojas? Based on data from the hard sciences women make up about half of the postdocs and postdoc associates and there are actually more female fellows than there are male fellows. Yet, when looking at the faculty in the hard sciences, one does not see many female faculty. Are there workshops for postdocs and faculty that address the effect that gender or ethnicity have on the transition? The Office for Diversity in Graduate Education, noted Assistant Vice Provost Singh, does quite a bit in this area (<http://www.grad.umn.edu/about/diversity>). She also mentioned the Community of Scholars Program (<https://diversity.umn.edu/gradeducation/cosp>) through OED as another resource. While some of the programs help graduate students transition to teaching careers, it is difficult to know the level of awareness by graduate students of these programs. She said she would look into this and provide the committee with additional possible resources around this and women faculty career development.

Professor Lanyon thanked Assistant Vice Provost Singh for her presentation. Assistant Vice Provost Singh thanked the committee for their time and said for anyone interested in learning more about diversity, OED offers a free series of diversity workshops. People who attend all the workshops in the series receive a certificate of completion.

3. Unionization information: Professor Lanyon welcomed Vice President of Human Resources Kathy Brown. He explained that he decided to cancel the January 26, 2016 SCFA meeting because it was unclear to him what governance could talk about given the Maintenance of Status Quo Order and the unionization efforts that are underway. It is really important that governance be seen as a place where people can bring ideas and that it is not biased. Professor Lanyon reported that at the request of a faculty member he wrote to the Bureau of Mediation

Services (BMS) and asked for guidance on what governance committees can and can't do. Unfortunately, he said to date he has not received a response. With that said, the committee would like to hear from VP Brown not about what unionization is all about, but how does the Maintenance of Status Quo Order effect governance business given that so much of what this committee deals with has to do with terms and conditions of employment.

VP Brown began by saying that as faculty and staff of the University that employees, whether they are unionized or not, should always feel comfortable coming to the Office of Human Resources to ask questions and to get reliable information about employment, benefits, retirement, the status of employment issues on campus, etc. As to the question of the BMS and their role, VP Brown explained that the State of Minnesota has a Public Employment Labor Relations Act (PELRA) that governs the ability of all public employees to organize. The State of Minnesota and the University of Minnesota under this law have very specific provisions designating the bargaining units for the University. There are 13 designated bargaining units at the University. If a union is interested in representing one of these groups, they decide what unit(s) they want to organize and then file a petition for representation.

On January 20, 2016, reported VP Brown, the Service Employee International Union (SEIU) Local 284 filed to represent the Twin Cities instructional unit established in Minnesota Statute Section 179A.11 (<https://www.revisor.mn.gov/statutes/?id=179a&view=chapter#stat.179A.11>) Subdivision 1 (8), otherwise known as Unit 8 at the University. This unit clearly specifies who is included in it and who is not. Those in Unit 8 include all instructional employees with the rank of professor, associate professor, assistant professor, research associate or instructor, and research fellow located on the Twin Cities campuses (job classifications 94xx, 9406 and 9407). Apparently, some P&A staff thought they were included, but according to the document issued by BMS there has not been an effort to represent P&A staff at this time. The official filing to date does not include these individuals nor can it because these individuals are not covered in the statutory definition.

The BMS is the state agency that oversees the administration of PELRA, and helps sort out issues and make them clear. The next step is to make a list of eligible voters. Next week, the University will take the list of the people included in the job classifications she mentioned and SEIU will either agree or disagree with the list and explain why. The BMS will then sort out any issues of disagreement, which could potentially include the addition of other classes of employees the SEIU may want to represent, but who are not currently included in the statutory language.

Professor Zaheer asked whether adjunct faculty are included in Unit 8. Secondly, he asked what is the timeline for adding additional employee classes to the list of eligible voters. There is not a statutory process to add employees, said VP Brown. Regarding adjunct faculty, said VP Brown, they are not on the list she mentioned earlier. The University's definition of 'adjunct' as used on campus is not really an employee class. The University considers adjunct faculty people who have full-time jobs on or off campus that come in and teach a class in their area of expertise. Often these people are part-time employees. In order to be eligible to vote, faculty have to have an appointment that is 36% or greater. A 35% or less appointment is considered part-time and these people are not eligible to vote. She said she is being very careful about her word choices

because the term ‘contingent’ faculty has been thrown around a bit, and the University does not have an employee group called ‘contingent’ faculty nor does the University have a job classification called ‘contingent’ faculty. In terms of a timeline, there is no specific time that the list of eligible voters needs to be determined by. If there are not many issues to resolve, the eligible voter list could be determined fairly quickly and an election could ensue possibly by the end of the semester; however, if there are a lot of issues to sort out that would take more time. Also, in response to Professor Zaheer’s question about additional employee classes filing a petition for representation, VP Brown said that this would start a parallel process.

Is it true that the Medical School is exempt from this process, asked Professor Gladding? This is true, said VP Brown, and noted that all the Academic Health Center schools and the Law School voted to be excluded from this bargaining unit.

What will be the process for voting, asked Professor Kudrle? In the past, elections were held on campus, said VP Brown, but more recently the BMS has been encouraging the use of mail ballots. The BMS will determine the method for voting.

Many people in the employee classes that were mentioned earlier are supervisors, e.g., department heads, noted Professor Konstan. Does PELRA permit these faculty to be represented, or will this be negotiated and a ruling issued? VP Brown said the statute provides a definition of a supervisory employee and these people are excluded from the bargaining units. With that said, sometimes there are differences of opinion as to what constitutes a supervisory employee, and this would be an issue for discussion.

Professor Konstan asked whether the colleges and units within them have been given direction as to whether such processes as annual tenure and promotion reviews are to go forward as usual. The BMS has issued a ruling, which is the Maintenance of Status Quo Order, noted VP Brown, and this order says that wages, hours and all existing conditions of employment shall not be changed as of the date of the order (January 20, 2016). The order goes on to say that negotiations shall not be carried on, threats or promises as to changes in wages, hours, and conditions of employment are prohibited, employees are not to be questioned by the employer with respect to membership in a labor organization and employees are not to be discriminated against as a result of filing a petition. Having said that, there are open-ended questions about whether processes such as promotion and tenure can go forward. In her opinion, moving forward with promotion and tenure would not be a change but a matter of exercising an existing process. There are several nuances related to the Maintenance of Status Quo Order that will need to be discussed between the University and SEIU at the BMS. The Office of Human Resources has not issued a written directive as of now to the colleges or units, but has received a number of questions, some of which they have answered and some of which have been put on hold.

Professor Wu asked whether there will be any opportunities for public discussions about the pros and cons of unionizing. VP Brown replied that the election will be decided by a majority of those who vote. She said she cannot emphasize enough the importance of voting. In terms of getting information, with time more information will be available, but in the meantime VP Brown suggested faculty talk with their colleagues and go on websites and read about what is

going on. In the past, for example, conversations have taken place at department meetings, etc. Professor Lanyon said this was discussed at the last Faculty Consultative Committee meeting, and the plan is that FCC will host a campus-wide forum that will provide faculty with information (pros and cons of unionization) so they can make an informed decision on how they want to vote.

To clarify, asked Mr. Rojas, are research associates in Unit 8? VP Brown replied that both research associates (9406) and research fellows (9407) are by definition in the law. Mr. Rojas said it was his understanding that research associates and research fellows are in Unit 11. VP Brown said there is another class of employees in the research job family (9706, 9707, and 9708) that are in Unit 11. Mr. Rojas said the reason he is confused is because research associates and fellows are classified as being in Unit 11 on the OHR website. VP Brown said she will go back and check on this because it should be clear on the OHR website. She added that OHR will pull the list of employees eligible to vote based on their job code from the system. Then, this information will be sent to the collegiate HR leads for review to make sure it is consistent with their information.

Vice Provost for Faculty and Academic Affairs Ropers-Huilman asked VP Brown to talk about the faculty election website that OHR is developing. VP Brown noted that OHR is developing a website that will contain frequently asked questions, etc. [NOTE: Since this meeting, the OHR website has been launched and is available at <http://www1.umn.edu/ohr/er/facultyelection/index.html>.]

Professor Ng from the Morris campus asked about the broader ramifications for system campuses that are not unionized if the Twin Cities faculty vote to unionize. VP Brown said UMD faculty with the exception of the Medical School and the College of Pharmacy are represented by the University Education Association (UEA) as are Crookston faculty.

In response to a question from Professor Zaheer about the last time there was a vote to unionize Twin Cities faculty, VP Brown said while she does not recall the name of that union (it was not SEIU), there was a vote of Unit 8 in 1996, and the vote was not to unionize. Professor Konstan added that the vote was 692 opposing unionization and 666 in favor of unionizing. VP Brown said there was a contentious issue at that time.

Hearing no further questions, VP Brown reminded members that OHR is a resource for general employment information and they happy to answer any questions or redirect questions as appropriate.

4. Agenda planning for spring semester: The remainder of the agenda, said Professor Lanyon, will be spent planning the committee's agenda for spring semester. Before doing that, however, Professor Lanyon welcomed Professor Ropers-Huilman in her new capacity as Vice Provost for Faculty and Academic Affairs. He requested she say a few words about her office and its relationship to SCFA.

Vice Provost Ropers-Huilman said she is excited to be here. She went on to say that she has been involved in faculty governance for the past several years, and believes it is critical to the

functioning of the University of Minnesota. Next, she talked a little bit about what she is spending her time on now and mentioned the following:

- Involved in hiring a new Center for Educational Innovation (<http://cei.umn.edu/>) director.
- Reviewing promotion and tenure files.
- Spending time thinking about the unionization efforts and what this could mean for the work her office does.

Vice Provost Ropers-Huilman then shared her priorities as vice provost for faculty and academic affairs. She said a lot of the efforts her office spends time on center around faculty transitions, development, support and recognition. With that said, her priorities are:

- Exploring programming options for faculty who are new to the institution, and also faculty who are transitioning at the end of their career.
- Participating in shared governance.
- Partnering to advance equity and diversity efforts, especially as they relate to faculty.
- Supporting department chairs and other academic leaders in their involvement in the strategic planning process.

Vice Provost Ropers-Huilman added that some of the policies the Office of Faculty and Academic Affairs has been working on are also priorities for her, but noted that due to the Maintenance of Status Quo Order these policies will not be moved forward at this time.

Professor Lanyon noted that a lot of the items SCFA has been working on fall under the Maintenance of Status Quo Order, e.g., developmental leaves, but there are still things the committee can address and these include:

- Continue to work with Academic Freedom & Tenure (AF&T) on the 25% Rule for Academic Appointments with Teaching Functions.
- Pay attention to the reorganization of the Graduate School.
- Creation/development of a spouse/partner accommodation resource guide.
- Receive an annual benefits update, excluding any discussion about future benefit requests.
- Modify the SCFA charge to include postdoctoral students and any other changes members would like to make.
- Discuss a budgeting strategy for parental leave.
- Discuss large-scale administrative changes that postdoctoral students would like to see based on a survey they are conducting this spring.

With respect to the Maintenance of Status Quo Order, Professor Lanyon said his interpretation is that the committee can continue to talk about all these topics, but once anything gets close to implementation, the discussions must stop. A lot of background work can be done on the various topics, but there is a limit to how far the committee can go. Vice Provost Ropers-Huilman noted that from the administrative side, there will be discussions that she will not be able to participate in. She said if these discussions take place, to please not interpret her silence as a lack of investment in the issues being discussed. Additionally, she noted that while the merit review process continues to forward, it implies there will be a merit increase at the end of the process; however, this would be prohibited given the Maintenance of Status Quo Order.

Along these same lines, said Professor Lanyon, another complication that may arise out of the unionization efforts is that if the determination is made that department heads are not included in Unit 8 given he is a department head, he may have to limit his involvement/participation in faculty governance. Related to this, Professor Konstan said it may be an interesting challenge if a fair percentage of SCFA members are classified as supervisory employees. If it gets to this point, he is not sure what SCFA will be able to do. Once the list of who is in Unit 8 is determined, there will be a lot more clarity. He added that he does not know if BMS has a precedent for a group of employees filing to be organized that already has the notion of an elected form of representation like the Senate and its committees. At some point, the committee may want to think about inviting someone in from the Office of the General Counsel to continue this discussion.

5. **Adjournment:** Hearing no further business, Professor Lanyon adjourned the meeting.

Renee Dempsey
University Senate Office