

Faculty Consultative Committee (FCC)
March 1, 2018
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 reflect the views of, nor are they binding on, the senate, the administration, or the Board of Regents.

[**In these minutes:** Conversation with J.D. Burton of Government and Community Relations; Proposed Changes to FCC Structure; Proposed Student Conduct Code Changes Update; President's and Provost's Committee on University History Update; Child Development Center Update; Morris Campus Tuition Waiver for Native American Students Update; Reports from Senate Committee Chairs Who Sit Ex Officio on FCC; Nominating Subcommittee]

PRESENT: Joseph Konstan (chair), Catherine French, Bill Arnold, Les Drewes, Dan Feeney, Jennifer Goodnough, Robert Kudrle, Michael Oakes, Donna Spannaus-Martin, Wendy St. Peter, Abimbola Asojo, Sheri Breen, Greta Friedemann-Sanchez, Tabitha Grier-Reed, Peggy Nelson, Ned Patterson, Amy Pittenger, Peter Tiffin

REGRETS: Robert Blair

GUESTS: J.D. Burton, chief government relations officer, Government and Community Relations

1. Conversation with J.D. Burton, chief government relations officer, Government and Community Relations: Professor Konstan called the meeting to order, and welcomed J.D. Burton, chief government relations officer, Government and Community Relations. Mr. Burton began by saying it is hard to imagine that there are only 10-weeks left in this year's legislative session. This is a short session (ending on May 21, as required by the state's constitution, unless a special session is called) and legislators are moving quickly. Given this is the second year of the biennium, technically legislators are not required to do anything such as pass a biennial budget because it is balanced, pass a capital infrastructure bonding bill, or act on any deficits.

Next, Mr. Burton highlighted some of the larger issues that the University is paying close attention to at the legislature:

- Following the developments as they unfold in the wake of the passage of the legislative pay for all legislators and staff in terms of what the legislature will do, e.g., pass a constitutional amendment that would require the legislature to always be paid, pass a standing appropriations bill, etc.
- Monitoring the Lieutenant Governor/Minnesota Senate President seat, which remains undecided at this time. This is of particular interest to the University because Lieutenant Governor and Senate President Michelle Fischbach currently chairs the Minnesota Higher Education Committee.
- Keeping an eye on the regent selection process. While Government and Community Relations and the University administration stay out of all regent activities, this is an area

of interest to the institution. So far, the legislature has had two hearings on ways to reform the regent selection process, but, to date, no official legislation has been introduced. Depending on the outcome of these discussions, the University's governance structure could be impacted going forward.

- Paying attention to the State's budget forecast, which has a \$329 million surplus. The surplus is attributable to two major things: 1) federal passage of the Children's Health Insurance Program, which translates into roughly \$173 million to the State, and 2) federal tax reform legislation. It is important to know that currently there exists a lot of uncertainty about the impact the federal tax bill will have on the State.
- Following the University's capital infrastructure bonding request of \$238.5 million. The vast majority of this request is for Higher Education Asset Preservation and Replacement (HEAPR), e.g., buildings, roofs, HVAC systems, windows. To date, the Board of Regents has not advanced a supplemental budget request for this year.
- Keeping an eye on opioid issues as well as public safety in schools, eldercare/elder abuse, and local preemption matters like minimum wage, collective bargaining, etc.
- Monitoring a bill that has been introduced to ban the use of fetal tissue in research.
- Following bills that have been introduced on free speech.

Before opening the floor for questions, Mr. Burton recognized Professors Donna Spannaus-Martin and Michael Oakes, the two faculty legislative liaisons. He said both Professors Spannaus-Martin and Oakes are great resources for the Office of Government and Community Relations to have at the capitol.

Professor Feeney asked Mr. Burton to comment on making HEAPR a priority for the University. Mr. Burton noted that the institution has not had a significant HEAPR appropriation since 2014. The University has \$4.2 billion in "need" over a 10-year period and this simply cannot be delayed any longer. With that said, the University is working on making its HEAPR request more interesting to legislators and it has done so by conducting analyses of the system campuses over the past few years to demonstrate how much money has gone into their local economies as a result of the University getting HEAPR funding, for example. Additionally, he proposed holding ribbon-cutting events for HEAPR projects in an effort to make them more exciting.

Years ago, said Professor Konstan, he recalls two points of pushback on HEAPR: 1) the University not having to make a contribution to/add to HEAPR funding like it does for other capital projects, and 2) the University having the discretion to ultimately decide how to use the HEAPR funds it receives. Is there still pushback about HEAPR, and, if so, should the University consider high-visibility renewal projects as separate line items? In Mr. Burton's opinion, the reason HEAPR projects do not rise to being separate line items is because most of them are too small. While the legislature would like the University to prioritize its HEAPR projects, it is not as easy to do as with stand-alone projects because the University's HEAPR list is somewhat fluid until the University knows how much funding it will receive.

Professor French asked about the coordination of efforts between Government and Community Relations and the Alumni Association at the legislature. Mr. Burton said the Alumni Association has somewhat of a dotted reporting line to Government and Community Relations and so the

offices work together closely. He also noted that the Alumni Association has created an 87-county action group of involved alumni from across the state, and Government and Community Relations taps in this group and sends them its priorities for the legislative session. This action group is in addition to the UMN Advocates listserv that gets distributed to roughly 30,000 – 40,000 people around the state, and the email updates Mr. Burton sends to all employees across the entire University system.

Professor Arnold asked whether the state plans to use the University as a resource when it comes to the clean-up efforts related to the [\\$850 million court settlement between the State of Minnesota and 3M](#). Mr. Burton said the University intends to reach out to the Pollution Control Agency (PCA) to make them aware of the University's expertise in this area. At this point it is too early to talk specifics related to this matter, but Government and Community Relations is well aware of this potential opportunity.

Professor Oakes asked Mr. Burton to speculate about the future of the State government and what might happen after the November election and beyond in terms of implications for the University. The larger issue for the University, said Mr. Burton, is both who will be in control, and how the general fund budget might change given the growth in funding of Health and Human Services and K-12. To put this matter into perspective, Mr. Burton noted that in 1997 the University of Minnesota represented six percent of the state's general fund, and in 2017 that number dropped to under three percent, which represents a \$500 million difference.

In closing, Mr. Burton asked members to think about and share their stories about how HEAPR projects have impacted their departments, colleges and programs because this is how Government and Community Relations sells HEAPR to the legislature. For example, said Mr. Burton, Professor Tonya Schoenfuss from the Department of Food Science and Nutrition testified at a hearing last week and talked about the impact HEAPR has had on the dairy and cheese research she does. Professor Spannaus-Martin added that she and Professor Oakes would very much like any FCC members who are interested in sharing their stories to join them at the capitol. Finally, Mr. Burton encouraged members who have not yet joined [UMN Advocates](#) to do so. UMN Advocates engages students, alumni, faculty, staff and community members to help build a stronger University moving forward.

Professor Konstan thanked Mr. Burton for a good conversation.

2. Proposed changes to FCC structure: Professor Konstan reported that he and Professor Cathy French, Senate vice chair, met following the February 1 FCC meeting when the committee talked about its structure to verify what they had heard. Professor Konstan then took a few minutes to summarize what they heard to ensure it was correct before this item gets put on an upcoming Senate docket.

- The vice chair/chair-elect role is expected to be an “in-training” position and that person will become chair the following year barring any unforeseen circumstances.
- It was unclear whether the vice chair/chair-elect should automatically become chair or not. Professor Konstan took a straw poll and a majority of members preferred having a chair-elect model.

- Diversity in collegiate representation is important as is diversity of opinions/thoughts of the chair and vice chair/chair-elect. There was agreement by members that valuing diversity is important, but that this did not need to be formally written into any of the governing documents.
- The chair will be elected first, followed by the vice chair/chair-elect.
- The discussion about having a Senate chief operating officer was fuzzy. Therefore, while a future chair may decide to do this, the decision was made not to put this in any of the governing documents because it did not make sense to create a structure when it was unclear how it would work.
- After the election of the 2018 – 2019 FCC chair and vice chair/chair-elect, Professor Konstan said he would appoint a Stipend Evaluation Committee. The reason for waiting to set up the committee is because no one should be on the committee who will be collecting a stipend.

After going over these things, Professor Konstan distributed a nominating ballot and asked members to check the names of three FCC members who they would like to see run for chair and three FCC members they would like to see run for vice chair/chair-elect. After collecting and counting the ballots, Professor Konstan said he will approach anyone who appears on half the ballots as well as the top five nominees and try to convince them to throw their hat in the ring. If nominees say no, their name will not appear on the ballot. Hopefully, by the next FCC meeting there will be enough names for the committee to first elect its chair for 2018 – 2019 and then elect the vice chair/chair-elect. Professor Konstan then turned members’ attention to the motion at the bottom of the ballot that asks members to vote to suspend the eligibility rules. The motion read:

Motion to Suspend the Rules

The FCC shall suspend the eligibility rules for the 2018 FCC chair and FCC vice chair election as follows, in anticipation of rules changes that are currently under consideration:

- Any current elected member of FCC shall be eligible to be nominated and elected to serve as FCC chair or vice chair; this includes the Senate vice-chair, the chairs of the committees who serve ex officio on the FCC, and the Duluth representative. These members must meet all other eligibility criteria outlined in the Faculty Senate’s constitution, bylaws, and rules, e.g., must hold a full-time faculty appointment (defined as at least 67% time) during the 2018-2019 academic year.
- Should the results of this election result in an increased number of voting FCC members on the Senate Consultative Committee (SCC) or in the Senate, then the past chair, or the past chair and the current FCC chair, will serve as non-voting members of the FCC and SCC until the rules changes addressing these votes have been approved and adopted.

___ FOR ___ AGAINST

The only members who do not appear on the ballot, said Professor Konstan, are those appointed by an administrative officer (faculty legislative liaisons) and members who will not hold a

full-time appointment because they are either retiring or entering into phased retirement. He added that self-nominations are also welcome.

3. Student Conduct Code proposed changes update: Professor Konstan said there have been discussions about changing the Student Conduct Code, which came out of the Board of Regents Office. According to Professor Konstan, some members of the Board of Regents felt that groups were inappropriately being held accountable for the behavior of other individuals under the current code. When students learned about this, a number of them felt that the proposed changes were actually meant to make groups more accountable rather than to reduce the circumstances under which groups would be held accountable. Before the proposed changes were put on the Board of Regents docket, the administration consulted with faculty and student governance leaders and decided to pull the item from the docket because it had not gone through the proper consultation process.

After further discussion surrounding this matter, the decision was made to convene a “drafting committee” that would be comprised of chairs or representatives from some Senate committees as well other appropriate individuals from the University community. To fully understand regental concerns, said Professor Konstan, a meeting with these regents will be convened. After this meeting, assuming the group feels it is able to develop a list of proposed changes, it will do so and these changes will be shared with the concerned regents to make sure they are comfortable with them. Once this is done, the proposed changes will be sent forward to the appropriate committees for consultation.

4. President’s and Provost’s Committee on University History update: Next, Professor Konstan reported receiving a call yesterday indicating that the President’s and Provost’s Committee on University History is looking to wrap up its work by the end of March. The committee will be giving their report to President Kaler and then will want to consult on it relatively quickly. Professor Konstan said to stay tuned for further information on this matter.

5. Child Development Center (CDC) update: Next, Professor Konstan proceeded to provide the committee with an update on the status of this issue. He added that a committee is being formed to look into this matter and reported that the co-chairs of the committee will be Professors Dan Feeney and Amy Pittenger. This is expected to be a fairly large committee with broad representation and its charge is still being written.

6. Morris campus tuition waiver for Native American students update: Professor Konstan said the committee has had discussions regarding the Morris campus tuition waiver for Native American students and said he has proposed to senior administrators in Morrill Hall to change how the tuition waivers are accounted for so they can be payable from different sources.

He asked members whether the FCC should issue a general statement about this matter, draft a statement that calls on the administration to explore alternatives, or draft a statement that calls for certain alternatives. Based on the conversations he has been privy to, there seem to be two alternatives:

- Make the tuition waivers a clear, recognizable, payable expense so money can be raised to pay for them.
- Treat the Native American student waiver the same as other cases of guaranteed financial aid.

He then solicited members thoughts on how the committee should proceed. In Professor Breen's opinion, in addition to talking with senior administrators in Morrill Hall, she feels the FCC should talk with the Morris Vice Chancellor of Finance and Facilities Bryan Herrmann who knows a great deal about the political and financial implications of this issue. Professor Goodnough agreed with Professor Breen and said she is thankful that the FCC is pursuing this issue.

Does the Native American tuition waiver affect students, asked Professor Tiffin? Professor Konstan said there are two pieces to this question – does it affect student status and does it affect students in terms of taxes. Professor Breen added that this is a very complicated matter because it is a different from all other types of financial aid.

In Professor Pittenger's opinion, this is a bigger issue than just tuition, it is about an amazing community of Native American students and the investment the Morris campus has put into creating this community/sense of place for these students. Additionally, Professor Pittenger mentioned that the Native American population has some of the most severe health inequities, and the University's health professions are trying hard to recruit students from Morris into the health care professional programs. Besides resolving the tuition issue, this is an opportunity to create a pipeline of Native American students into health and other professions beyond their undergraduate degrees.

Professor French proposed the University involve federal legislators at the national level in this discussion and not just State of Minnesota legislators. Secondly, does the University have people who are looking into the laws that stipulate how the Morris campus can use the funds it gets from the institution on its Native American students? Professor Goodnough suggested there be a role for someone from the Office of the General Counsel (OGC) as well as a historian who really understands the mandate more clearly if serious consideration is going to be given to changing the law. It will be important to make sure that any proposed changes are fully understood so they stand up to any legal challenges that might arise. Professor Konstan agreed that the University needs to be thoughtful about any proposed changes it decides to put forward.

Professor Breen noted that there have been and continue to be discussions about this issue at the federal level and again reiterated her earlier suggestion about inviting Morris Vice Chancellor of Finance and Facilities Bryan Herrmann who knows a great deal about the political and financial implications of this issue. Along these lines, said Professor Goodnough, there is another college that has a similar mandate and that is Fort Lewis College in Durango, Colorado. It is her

understanding that Fort Lewis College currently receives funding from the State of Colorado for its Native American student's tuition, but they fear that this funding may be in jeopardy. She added that she has heard anecdotally that Fort Lewis College is interested in partnering with the Morris campus on this issue of mutual concern.

7. Reports from Senate committee chairs who sit on the FCC: Professor Konstan asked the Senate committee chairs who sit ex officio on FCC to provide an update on the work of their respective committee and share any issues the FCC should be aware of. The following updates were shared with members:

- **AHC FCC:** Professor St. Peter, chair, AHC FCC, said that in the fall the AHC FCC, like in previous years, identified themes it wanted to focus on; these themes included 1) culture, 2) communication and 3) consistency. From these themes, the committee then brainstormed action items it wanted to tackle. However, in October, when Dean of the Medical School and Vice President for Health Sciences Brooks Jackson stepped down, the committee's planning was thrown into a bit of a quagmire. Shortly after the announcement that Dr. Jackson was stepping down, President Kaler asked the AHC FCC for its recommendations on the AHC structure moving forward. In response to this request, the AHC FCC drafted a report, which it shared with President Kaler. Unfortunately, in Professor St. Peter's opinion, the report was met with what seemed to be a lukewarm response by President Kaler. Then, in early December President Kaler asked the AHC FCC as well as other AHC senior leaders and stakeholders to examine the current structure and make recommendations for effective health sciences colleges and programs. She went on to explain that in order to get as much input from AHC faculty, the AHC FCC conducted a survey. After summarizing some of the survey results, she concluded her remarks by saying that the AHC FCC has given its report to President Kaler and is awaiting his response. Next steps for the AHC FCC will to share both the full report that was given to President Kaler as well as an executive summary of the report to the AHC faculty.
- **Senate Committee on Educational Policy (SCEP):** Professor Goodnough, chair, SCEP, shared a few main items in her update. First, SCEP has been spending a significant amount of time reviewing the policy on Grading and Transcripts: Twin Cities, Crookston, Morris, Rochester, which was due for its regular review. While there were substantial changes to the policy, most of them were cosmetic. Most of the non-cosmetic changes were around the grades of I, X, and K, and also adding language around "group work." Secondly, SCEP noticed that it had some "policing duties" in a couple policies related to %/numbers of students who graduate with distinction, high distinction, and honors as well as grade distributions, and overall GPA that it has not done in awhile, but will make sure it does.
- **Senate Committee on Faculty Affairs (SCFA):** Professor Kudrle, chair, SCFA, proceeded to highlight some of the topics that SCFA has looked into this year, and these included but were not limited to:
 - *Works*, an online faculty activity reporting system.

- o Leaves.
- o The announcement about the upcoming closure of the Child Development Center (CDC) to which SCFA responded with a resolution.
- o Discussion on faculty mentoring of postdocs.
- o The required faculty and staff training coming out of the President's Initiative to Prevent Sexual Conduct.

Future SCFA agenda items, said Professor Kudrle, will include hearing about proposed changes to the University's retirement plans, discussions about why faculty leave the University, faculty development opportunities for those with non-tenure track appointments, and possible resuscitation of the COACHE Survey among other things.

- **Senate Committee on Finance and Planning (SCFP):** Professor Feeney, chair, SCFP, highlighted the major items SCFP has been working on this year thus far:
 - o Discussion on the need for the institution to be careful about how it approaches business as usual given the state support/tuition model has essentially been inverted.
 - o University's budget model.
 - o Financial stability of the institution, funding trends, increased tuition dependence, and enrollment management.
 - o Benefits for postdocs, graduate students and fellows.
 - o Followed up on the concerns raised last year by the students around food quality and choices.
 - o Active shooter presentation.
 - o Building namings.
- **Senate Research Committee (SRC):** Professor Arnold, chair, SRC, said that the committee has been looking at internal and external factors that could have an impact on research at the University of Minnesota. For example, the committee met with a representative from [Louis-Burke Associates LLC](#) to talk about the University's research landscape and met with department heads from the humanities to talk about how they quantify and value research to make sure the SRC is addressing their concerns. Additionally, the committee looked at possible ways research could be conducted more efficiently, e.g. clinical trials. Coming up, the committee will be talking about harassment as it relates to new NSF and NIH policies as well as hearing about the proposed Equity & Access: Gender Identity, Gender Expression, Names & Pronouns policy. Lastly, Professor Arnold noted that research is down in terms of total dollars coming in, but it is unclear if this is the noise of the data or if fewer dollars are actually available. The SRC learned, added Professor Arnold, that the University of Minnesota as compared to its peer institutions, puts a lot of internal money into research.

Professor Konstan thanked the ex officio Senate committee chairs for their reports, and turned the meeting over to Professor French, chair, FCC Nominating Subcommittee, to convene a Nominating Subcommittee meeting for the remainder of the allotted time.

8. FCC Nominating Subcommittee: Professor French convened the FCC Nominating Subcommittee meeting. Copies of the most current list of nominees was distributed to members. The committee then proceeded to spend the remainder of the time discussing the importance of a diverse, gender balanced candidate pool, additional possible nominees, rank calling order of candidates, and potential collegiate pairings.

Professor French thanked members for their work. The next step is to confirm that the ranked nominees are eligible to serve on the FCC, and, assuming they are, members will begin rank order calling candidates to see if they agree to stand for election on the FCC.

Professor French thanked members for their thoughtful input into this important process.

9. Adjournment: In light of time, Professor French adjourned the meeting.

Renee Dempsey
University Senate Office