

Minutes\*

**Faculty Consultative Committee**  
**Thursday, May 14, 1998**  
**11:00 – 1:30**  
**Room 626 Campus Club**

Present: Victor Bloomfield (chair), Kent Bales, Carole Bland, Gary Davis, Gary Gardner, Virginia Gray, David Hamilton, Russell Hobbie, M. Janice Hogan, Laura Coffin Koch, Leonard Kuhl, Marvin Marshak, Fred Morrison, Harvey Peterson

Absent: Mary Dempsey, Michael Korth, Matthew Tirrell

Guests: Linda Aaker, Richard McGehee (on behalf of the health care task force)

Other: Maureen Smith (University Relations)

[In these minutes: election of FCC chair/vice chair; celebration of the capital appropriation; communication with federal representatives on issues; consultation on academic planning; inaction on intellectual property policy; policy on judgments and settlements; status of the libraries and cost of journals and faculty actions thereon; report of the grading subcommittee; report on the status of health coverage discussions and expectations; sabbaticals policy]

**1. Various Items of Business**

-- Professor Bloomfield convened the meeting at 11:00 and announced the nominations from the "lame duck" committee for the 1998-99 chair and vice chair of the Committee. The nominees, Sara Evans for chair and Fred Morrison for vice chair, were elected by acclamation. It was agreed that if necessary, Professor Morrison would continue to serve with the Finance and Planning Committee, in some capacity, through the development of the biennial request, if that would make it easier to identify a new chair.

-- The Committee also assembled a list of names of individuals who might be nominated to serve on, and as chair of, the faculty grievance advisory committee (a group that reviews the process, not actual grievances).

-- On the animal care policy, which could not be placed on the Senate docket because of time, it was agreed that there would be an email poll of the Senate Consultative Committee members asking for a vote in favor of adopting the policy on an interim basis, subject to confirmation by the Senate next Fall.

-- Professor Hamilton next reported that he had urged Professor McGehee to report to FCC because decisions about health care are being made over which the faculty have no control. The issues should be

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on the table, so the faculty understand them; if a decision adverse to faculty interests is made, all should know the battle was fought.

-- The Committee approved a schedule of meetings for next year, including a visit to the Duluth campus in the Fall and meetings during the summer to review the biennial request.

-- Professor Marshak reported on the arrangements for the celebration with the Governor and legislators on May 20. He also urged FCC members to attend the fund-raisers being held for both DFL and IR legislators. Professor Bloomfield thanked Professor Marshak for his work in arranging the celebrations and the fund-raisers.

-- Professor Bland noted that Senator Wellstone had commented recently on the silence of the higher education community on issues of importance to it. The Committee discussed whether the faculty legislative liaison's responsibilities should extend to relations with Congress, if he should work more with Tom Etten, the University's representative in Washington. Professor Hamilton said that while Mr. Etten does not communicate a great deal with the faculty, he has been tremendously effective on behalf of the University; perhaps the legislative liaison should work more closely with Mr. Etten. The role (and responsibilities and time commitment) of the legislative liaison should not be expanded. Professors Gray and Bloomfield pointed out that faculty, in their roles as voters and through their professional associations, and in other organized efforts, can have an effective voice on legislative matters. It was also noted that three former University presidents occupy places of influence in Washington: Magrath at the National Association of State Universities and Land Grant Colleges, Sauer at the 4H Foundation, and Hasselmo at the AAU. Professor Marshak agreed to explore the possibility of a more active role with respect to federal issues.

-- Professor Bloomfield reported that Dr. Bruininks had sent a letter to committee chairs about faculty consultation about the academic directions of the University. He generally favors the idea, but does not want a position control committee, and is uncertain how to go about structuring such consultation. Professor Bloomfield said this was a step in the right direction, and that it would require more discussion.

-- Professor Hamilton reported, with some frustration, that the Intellectual Property policy has been in the General Counsel's office since January. It is VERY important that the policy gets into the system and is acted on. It was agreed that Professor Bloomfield, as chair of FCC, and Professor Kuhi, as chair of the Senate Research Committee, would write a joint letter requesting action on the policy.

-- The task force on academic appointments will work over the summer and make recommendations for action in the Fall.

-- Professor Morrison reported that a proposed policy on settlements and judgments, which would have allocated costs to the units, is being reconsidered. The Committee on Finance and Planning opposed the policy, as did others. This is a small matter, he said, but of great consequence for a department that might be charged with settlement costs.

## **2. How to Address Academic Issues (Libraries and Journals)**

Professor Bloomfield next asked the Committee for an informal discussion of

how to address academic issues, and pointed to two as examples: the accelerating costs facing the libraries, and the number of graduate students.

In the case of the libraries, they face a cost crunch at a time they must deal with both digital and print media. There are new demands on resources, and a proliferation of exorbitantly-priced new journals. This is not a University of Minnesota issue, it is a profession-wide faculty issue.

With respect to graduate students, one question is whether faculty are turning out too many graduates for the number of jobs available. This varies widely by field. Should the market determine what happens, or should the faculty exercise some kind of control over the numbers?

How can groups like FCC begin to take steps to respond to these issues? Professor Bloomfield suggested that in the case of all the new journals, instead of counting editorial board service on these publications that "rip off" faculty and universities as a feather in their caps, faculty should count them as a DEMERIT. Until the faculty attitude changes to the point of view that these journal prices are a disservice to the profession and that they savage library budgets, nothing will happen. If the faculty governance system believes these are important matters, they could be brought to the attention of the CIC and the AAU.

Professor Marshak said one of his concerns is that fewer good undergraduates are going on to graduate school. But the library issue is serious; at Minnesota, there is a \$700,000 reduction in journal subscriptions, partly because of IMG. One problem with Professor Bloomfield's suggestion is that there are likely anti-trust implications, if universities arrange with each other to discount editorial service for journals. (Professor Morrison concurred.) At the same time, for the University to act unilaterally would punish its faculty. (Professor Bloomfield responded that it would not be a matter of official policy, but rather of cultivating an attitude.)

Professor Morrison said he had a different view. In law, there are many journals and they are all cheap. (One example he gave is a journal he subscribes to; it costs \$36 per year for four issues, and it makes money.) The question is whether the right way to proceed is to restrict demand or to increase supply. The new journals ARE ripping off faculty and libraries; alternatives are to stop buying them or publish in other journals. One could harness University resources to offer new publications.

There is also a need for caution, he said, because the new journals reflect the internationalization of science; many of them are trying to be international journals. The costs are driven by the European market, which is very different from the American academic publishing market.

A related issue is the fair use privilege for students in classes, Professor Gardner said. It is perturbing that faculty cannot even use their own publications in their own classes. Professor Bloomfield agreed, and said there needs to be communication with the University's copy center. He pointed out that some professional journals waive copyright provisions as a matter of policy in the case of use of materials for instruction.

Professor Hobbie felt that the proliferation of journals was driven by the number of submitted articles, reflecting the increased number of scientists and the pressure to publish. It would be possible to change tenure expectations, and decide to look only at five articles, for example.

Professor Bloomfield suggested the proliferation may be a mix of new fields opening up (which existing journals may be slow to accommodate), and publishers who actively seek to start journals (whose interest is in expanding their markets rather than the advancement of science).

One way to make publications as inexpensive as possible is to produce on-line journals, he suggested. The question is one of quality; are the articles refereed? Would faculty give the same weight to an article if it were peer-reviewed but in an on-line journal? Professor Marshak commented that there is the notion of scarcity: if it is hard to get published, it must be valuable. On-line journals can expand indefinitely, so quality may decline. Printing makes articles more scarce, so they must be more valuable (it is thought).

### **3. Report of the Grading Subcommittee**

Professor Gray reported that the grade inflation subcommittee of SCEP will be making a report to SCEP at the end of May, and to the Senate in the Fall. She said there are longitudinal data, but what is striking is the variation by department in a single year. One recommendation from the subcommittee will be that every syllabus be required to include the definitions of each grade (as set out in the Uniform Grading Policy adopted by the Senate).

Professor Bloomfield said it was his sense that grades were lower in the sciences; Professor Hobbie agreed, and said the data support the supposition. Professor Marshak said it is also demonstrable that the sciences get better students. He also reported that Stanford had conducted a study of work required per credit; the sciences demand the most, the social sciences are in the middle, and the humanities require the least. They believed that to be a national phenomenon, he said.

Professor Bloomfield observed that the sciences require more work, give lower grades, and then faculty wonder why students don't stay in the fields. Professor Kuhl said there is a need for standards of achievement; Professor Bland pointed out that with norm-referenced grading (i.e., on the curve), the standards change every year – which is awful. Could not there be training for TAs on this, she asked?

Professor Bloomfield said it was not a matter of measurement and testing, it was a matter of intellectual standards. There are different expectations in different disciplines about what is satisfactory.

### **4. Health Care**

Professor Bloomfield now welcomed Linda Aaker to the meeting. Ms. Aaker, Director of the Student Legal Service, has served as the P&A representative to the Joint Labor-Management Committee, the state group that discusses insurance coverage for employees. Professor McGehee and Mr. Fahnhorst (Employee Benefits) also serve. Professor McGehee joined the meeting shortly thereafter.

The bottom line, Ms. Aaker said, is that faculty and P&A staff have no vote in the final decisions about the operational details of coverage. They have been optimistic that the unions (which actually do the negotiating with the state about health care, and primarily AFSCME) had concerns similar to University staff, especially about continuity of care and choice. She summarized the discussions that had taken place, and it increasingly appears that the outcome will be more similar to the current options than it appeared in the initial discussions. The final decision will be made in Summer, 1999, and the University representatives will not be allowed to be present at the negotiations between the unions and the

Department of Employee Relations; the meetings are closed because they are collective bargaining sessions.

Several points were made in the discussion that followed.

-- Will two concerns of great interest to faculty, out-of-network care for faculty on sabbaticals, and coverage for retirees, be addressed? Ms. Aaker thought they might be.

-- Why could not the University create an additional plan and make it available to employees (including those outside the University, if desirable)? If University employees are, as common wisdom has it, more expensive than other groups of employees, this would not have an adverse impact on selection? If there is a group willing to pay more for increased services, why not make it available? Professor McGehee said that he has asked Mr. Fahnhorst that very question; in his judgment, the state will not allow the University to offer an option which competes with those offered by the state. Professor McGehee agreed that the state should not object if higher-cost employees are removed from the state plan. There is also the question of risk adjustment; if such a plan attracts many people with chronic conditions, it would be necessary to have control over the size of the pool to absorb the risk.

This is a very political process, Ms. Aaker observed, and the unions may not like to see an option for some University employees that is not available to all employees.

-- What about access to University providers? There is no impediment on the state's side, Ms. Aaker said. The problem is that the University is not currently in a position to become a provider under the contemplated "health system" model, Professor McGehee said. If it becomes one, the state will not prevent it from being a choice. The Academic Health Center says it will become a provider, and is working toward that goal.

-- The University could be in control if it pulled out of the state plan. Ms. Aaker agreed, and noted that the University has no control now; it is along for the ride. The only impact is in the arguments that University representatives make, and if they happen to coincide with the interests of those doing the negotiating. It may be that the negotiations meet many University employee concerns, but if so, it is because labor shares the same frustrations. There is no guarantee that there would be similar overlap in concerns in the future. Professor McGehee observed that there has been no change in the way decisions are made.

The University should look at what other Big Ten schools are doing. Could it pull out of the state plan? It could; the legislation is permissive: the Department of Employee Relations chooses benefits; employees of the University may participate. There is a study underway to price a separate plan; it is taking much longer than expected, Professor McGehee said.

-- Professor McGehee commented that the result of the negotiations could be desirable for University employees, especially if the AHC becomes a provider. Unfortunately, that will not be known until the summer of 1999. University employees who are not represented through a collective bargaining unit constitute one of the largest groups of employees in the state who are not "at the table" in the negotiations. Ms. Aaker reported that the University AFSCME employees have made it clear they do not wish to be separated from the state plan, even if the faculty and P&A staff opt out. Ms. Aaker questioned whether this decision was a unilateral one or would require the agreement of the University

administration. Many employees are happy with what they receive under the state plan, Professor McGehee also observed, so if the University pulled out, and offered a higher-cost plan, many employees could be dissatisfied.

Professor Bloomfield summarized by saying that (1) the University has no control over the negotiations, but a convergence of interests may make the outcome more satisfactory this time, and (2) if the University wants more control over its destiny, waiting until Summer, 1999, will be late, so if there is to be a recommendation to the Board of Regents that the University separate from the state plan, it must come earlier.

Professor McGehee said that the health care task force is studying the matter to learn if separation would be more expensive (no one has demonstrated the accuracy of the conventional wisdom that University employees are more expensive) and should know within a month or so. The only options are to buy a product on the market (there are ones that meet the needs) or join the Buyers Health Care Action Group (BHCAG; a group of large employers who purchase health care). There is no option now, without a major commitment from the administration, for the University to go its own way; Employee Benefits is not large enough to handle such an operation. (Professor Bland pointed out that Ucare has the structure needed; Professor Gray pointed out that the University would still wish to obtain bids, not simply hand the plan to the AHC as provider.)

This would be moving into the unknown, Ms. Aaker observed, and there is a risk that the plan would cost more but not provide a better product. But an attorney who specialized in health care reported to the health plan task force that the University is a large enough group that it should not be afraid to separate from the state. She also related that cost projections for health care are based on many speculative assumptions, and that prediction is very difficult.

If there is to be a change, Professor Bloomfield remarked, the administration and Regents need to begin thinking about it now. Professor McGehee recalled that there had been a presentation to the Regents earlier, but there had been no follow-up. He repeated that the situation looks acceptable now, but there could be changes at the critical point of negotiation, without University involvement, and the University would then be stuck with the plan for two years. Professor McGehee recalled that at the last meeting of the Joint Labor-Management Committee, University representatives had asked a number of questions about anticipated plan design details, only to be informed that those were "bargainable issues."

The question is whether the University wishes to continue to ride on the coat-tails of AFSCME and the Department of Employee Relations, Ms. Aaker concluded.

Professor Gardner said the University has a fiduciary responsibility to use state funds wisely, and should determine whether over the long term the University is receiving cost-effective health care coverage for its employees. Professor Bland added that it does not make sense for the University to spend millions of dollars per year on health care, and not permit any of the money to go into the AHC. The AHC should at least be an option. She added, in response to a skeptical question about whether the AHC would be in a position to become a provider, that it will happen, and soon.

Asked if the compelling concern about stability of care would be addressed, Professor McGehee said he believed it would, because it is a question that affects many union employees as well. The unions

may bargain hard for continuity of care. Ms. Aaker cautioned, however, that at future negotiations, salary may be more important, so decisions would result in lower cost at the expense of continuity.

Professor Bloomfield thanked Ms. Aaker and Professor McGehee for their report.

## **5. Report from the Faculty Affairs Committee**

Professor Bales reported on the work of the task force on academic appointments, which will end the year talking with the Executive Vice President and the Vice President for Human Resources about the issues of kinds of appointments and tightening up P&A hires.

Professor Gray inquired about the status of the change in sabbatical policy. Professor Bales said the news was not good. The deans opposed a plan to provide a semester at 100% of salary and a year at half-salary. It appears the plan will be half-pay for either a semester or a year, and there will be funds added centrally and collegiately to supplement the most worthy leaves. There will also be a single semester leave identical to the single quarter leave policy.

The reason the deans opposed the plan is because unless there is an infusion of central funds, a faculty member on leave at full pay leaves no salary behind to hire replacements. Professor Gardner inquired about the possibility of a smaller program that was competitive, but offered full salary for leaves. The numbers would have to be small, Professor Bales pointed out.

The Committee on Faculty Affairs has affirmed its recommendation of last year that B faculty appointments will start at the same date each year, Professor Bales said in response to a question. The problem, Professor Koch observed, is that if it is a fixed date, there could be anywhere from two days to two weeks between the start of an appointment and the beginning of classes; a very short period would be a problem for many departments.

Professor Bloomfield thanked everyone, and adjourned the meeting at 1:30.

-- Gary Engstrand