
The University Senate

FACULTY · STUDENT · P&A · CIVIL SERVICE

UNIVERSITY OF MINNESOTA

Senate Committee On Faculty Affairs (SCFA) October 5, 2021 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:** Welcome and Introductions; Updates from the Fixed Term Faculty and Instructors Task Force; Term Appointments and Academic Freedom Protections at the University; Faculty Vaccine Attestation Process]

PRESENT: Clifford Steer (chair), Sophie Beal, Adolfo Carrillo Cabello, Moinak Choudhury, Shawn Curley, Bradley Deane, Katherine Dowd, Ann Fallon, Marti Hope Gonzales, Kelsey Johnson, Gopalan Nadathur, Victoria Osinski, Michelle Page, Terry Roe, Rebecca Ropers, Brandon Sullivan

REGRETS: Jenifer McGuire

ABSENT: Brandon Macho

GUESTS: Ole Gram, assistant vice provost, Office of the Vice Provost for Faculty and Academic Affairs; Ned Patterson, chair, FCC and Fixed Term Faculty and Instructors Task Force

1. Welcome and Introductions

Chair Clifford Steer called the meeting to order and welcomed committee members and guests.

2. Updates from the Fixed Term Faculty and Instructors Task Force

Ned Patterson, chair, Faculty Consultative Committee (FCC) and Fixed Term Faculty and Instructors Task Force, shared a document titled [Fixed-Term Faculty and Academic Professionals \(P&A\) Task Force Report](#). He briefly outlined the history of the work of the task force and asked committee members for their thoughts regarding the following:

- More than 50% of faculty in the medical and many Health Sciences schools are term faculty
- Should this subcommittee be:
 - A subcommittee of SCFA?
 - A subcommittee of the Academic Freedom and Tenure Committee?
 - A subcommittee of the P&A Consultative Committee?
 - A standing subcommittee or a new senate committee?

Sean Curley, noting the high percentage of non-tenured/tenure-track faculty in the Health Sciences, asked if there is currently a governance structure within the Health Sciences. Patterson said the Health Sciences Faculty Consultative Committee (HS FCC) does exist, but it does not currently have strong administrative (ex officio) support. Patterson added that clinical or contract faculty account for over 50% of all faculty in nearly every unit in Health Sciences. Adolfo Carrillo Cabello, a member of the Fixed-Term Faculty and Academic Professionals (P&A) Task Force noted the need for a single “umbrella” group to address the many concerns of this group of employees. A single committee would be better able to centralize and articulate the concerns of the group, Carrillo Cabello said, rather than spreading out various issues to a number of different governance groups that already exist.

Committee members had a robust discussion about the formation of the committee and noted:

- A new committee or subcommittee should take care not to overstep the work and issues that are being addressed by other governance structures.
- SCFA should be a home for *all* faculty; allow non-tenured/tenure-track faculty to serve on SCFA and perhaps form a subcommittee to address issues specific to contract/term/clinical faculty.
- An early priority of the suggested subcommittee/committee should be to speak with Office of Human Resources (OHR) representatives to clarify which administrative policies apply to P&A staff within the larger category of contract/term/clinical faculty.
- It is important to clarify if the Office of the Executive Vice President and Provost or OHR should be involved in evaluating promotional statements for P&A staff lecturers or contract faculty (similar to 7-12 statements for tenured/tenure-track faculty).
- There is good will and an eagerness among the staff in OHR, the Office of the Executive Vice President and Provost, and shared governance to try to work through the complex issues inherent to this group of employees.

Patterson thanked the committee for their comments and said the Fixed-Term Faculty and Academic Professionals (P&A) Task Force would discuss the human resources components that require further consideration as the development of the new committee or subcommittee progresses.

3. Term Appointments and Academic Freedom Protections at the University

Next, Gopalan Nadathur, chair, Academic Freedom and Tenure Committee (AF&T), shared a presentation titled [Term Appointments and Academic Freedom Issues](#).

The AF&T committee has been reviewing how term appointments impact academic freedom at the University, Nadathur said. He listed the various faculty members and presentations that the AF&T had engaged with during the 2020-21 academic year, all touching on various components of academic freedom protections and governance representation for faculty with term appointments. Nadathur added that the AF&T is developing a report regarding academic freedom protections for faculty with term appointments at the University.

Nadathur continued by listing the essential points that he believes AF&T has learned through consideration of the Board of Regents Policy: *Faculty Tenure* and documents published by the American Association of University Professors (AAUP) that are associated with the notion of academic freedom:

- Academic freedom is not separated from the responsibilities that it entails.

- The Board of Regents Policy: *Faculty Tenure* (the tenure code) is intricately woven into the idea of academic freedom.
- At the University of Minnesota, the *Faculty Tenure* policy and shared governance work together toward realizing the ideals set forth in the notion of academic freedom.
- The *Faculty Tenure* policy divides appointments into those called “regular” and “term” appointments; the “term” appointments identifying positions that are *not* intended for long term teaching or research roles at the University.
- The academic freedom protections realized by the *Faculty Tenure* policy depend on the expectation that term faculty appointments are not used extensively or for fulfilling long-term teaching or research roles.

Nadathur then moved on to examining how well the University adheres to the statements in the *Faculty Tenure* policy. He suggested that:

- Approximately 40% of teaching and research personnel at the University are in term appointments (essentially *outside* the tenure system).
- While many arguments have been made as to why term appointments are reasonable and even beneficial for the University, there has been little discussion about how academic freedom is protected for those holding term appointments.
- There is no clearly identified University-level mechanism (parallel to the *Faculty Tenure*) document for those with term appointments to assure:
 - Job security
 - Fair and rigorous assessment processes
 - Guidance similar to that provided in the tenure code

In conclusion, Nadathur said, this is a serious issue that must be engaged with for the intellectual health of the University community. He said the AF&T has heard from those with contingent appointments that they do not feel at liberty to teach and speak as freely as they would like because they are concerned it may reflect on whether or not they keep their positions. He reiterated that uniformity in assessment and renewal processes is important to ensure high quality of teaching and research, while allowing those in term appointments to focus on their work rather than being concerned about job security. Lastly, Nadathur said, recognizing that service is a valued component of these positions would allow for and even encourage broader engagement in activities other than teaching and research - shared governance, for example - by those with term appointments.

Nadathur then invited questions and discussion from the committee.

Bradley Deane noted that there appears to be great support among tenured/tenure track faculty for term faculty having a voice in governance, and having more robust assurances of academic freedom. However, Deane added, attempts at such support are frequently restrained by resources. Nadathur responded that there is a “mental block” among faculty at the University in thinking that a research component is required for tenure considerations. Nadathur pointed out that the *Faculty Tenure* policy identifies teaching, research, and service as the three aspects on which tenure decisions should be made and only rules out tenure based solely on service. He added that departmental 7-12 statements could identify teaching-only or research-only tracks to tenure and could categorize faculty in the department accordingly. Nadathur observed that challenging the “mental block” could help address the resource issue while ensuring protections of academic freedom for all faculty.

Committee members had a robust discussion regarding the differing resources in place for tenured/tenure faculty as compared to term faculty. Terry Roe asked if the University was frequently involved in cases involving academic freedom being challenged by those in term positions. Nadathur noted that there is no mechanism in place for term faculty to raise and address such issues. Rebecca Ropers added that it is also possible that those in term positions are afraid to bring up any controversial issues for fear of losing their positions.

At this point Chair Steer asked that the committee move on to the next topic and invited Ropers to report on the latest developments in the faculty vaccine attestation process.

4. Faculty Vaccine Attestation Process

Ropers outlined the process currently in place for faculty non-compliance or misconduct, and the proposed additional process specifically for those who do not comply with the University's vaccine attestation mandate. She noted that a panel of five faculty members (tenured and term) has been convened to hear any cases. As of right now, she noted, there are fewer than five people who have failed to attest.

Katherine Dowd asked if the number of bargaining-unit, civil service, and P&A staff who have not attested was known. Brian Sullivan noted that the total of all who have not attested (including faculty) systemwide is 83 out of 21,509. (Eighteen are temp casual, 17 P&A, three civil service, and 17 labor-represented employees). In response to a question from Kelsey Johnson regarding the attestation rate for postdoctoral employees, Sullivan said that 56 out of a total 663 have not attested, but as of today's date, they have additional time to make their attestation and are not considered past due.

Sullivan added that all units are reporting a vaccination rate in the high 90s and noted that these are self-reported numbers. Steer then asked Ropers to comment on the concern of some faculty that people are falsifying their attestations. Ropers encouraged those who are concerned about this issue to attend the special University/Faculty Senate meetings scheduled for October 6, 2021, where this and related concerns will be discussed.

In the interest of time, Steer thanked committee members and guests and adjourned the meeting.

Geanette Poole
University Senate Office