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**Tenure Subcommittee  
Senate Committee on Faculty Affairs  
Monday, November 18, 2002  
Room 238A Morrill Hall**

Present: William Garrard (chair), Ron Akehurst, Kent Bales, Carol Carrier, Tom Clayton, Dale Carpenter, Amos Deinard, Nancy Ehlke, Robert Jones, Cleon Melsa, Carston Wagner

Absent: none

Guests: Dan Feeney (Faculty Consultative Committee)

Professor Garrard convened the meeting at 1:15

**1. Discussion of 7.12 Statements**

An issue raised in the Committee on Faculty Affairs concerned the frequency with which the faculty in a unit are expected to review the department's 7.12 statements and the criteria for post-tenure review. It was agreed that the Subcommittee would not recommend a prescribed period (e.g., every five years) but that the Executive Vice President and Provost's annual letter on promotion and tenure and on post-tenure review will remind departments that they have an obligation to review the statements and the criteria.

**2. Statement on Voting on Personnel**

The Statement on Voting was referred back to the Subcommittee by the Faculty Senate; there was objection (1) to the provision requiring that any final vote on hiring a tenured or tenure-track faculty member be cast only by tenured and tenure-track faculty (because some units include students, external members, P&A staff, etc., on search committees) and (2) to the provision prohibiting the presence of anyone other than faculty in meetings to make personnel decisions about tenured or tenure-track faculty.

It was agreed that for the time being the Subcommittee would recommend dropping the provision identified in (1) above and that it would recommend for (2) that departments be allowed to have present a senior staff member, trusted and discreet, who normally handles academic personnel documents to be present to perform tasks as needed. Professor Bales suggested that if anyone were to be asked to sign a secrecy oath, then EVERYONE at the meeting should sign it; Professor Wagner noted that in his experience, it is often the faculty who are guilty of violating the confidentiality of personnel discussions, not the staff member who has been present to assist the department.

Professor Feeney asked, however, that with respect to (1), the Subcommittee not drop the matter but reconsider it and bring it back to the Committee on Faculty Affairs and the Faculty Consultative Committee. The question embedded in the item is about the role the tenured and tenure-track faculty

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should play in hiring tenured and tenure-track faculty, he said. At present the issue is left to individual departments or college constitutions. Professor Garrard said that the Senate will need to be educated about the fact that the hiring process is a problem in some parts of the University, which is why this provision had been included in the policy. He added that the Subcommittee will need some assistance in drafting a new provision; it was agreed that Professor Fred Morrison's counsel would be helpful.

### **3. The Status of the Subcommittee**

Professor Garrard said that after reflection over the past year he has concluded that the performance of the Subcommittee, and its ability to have issues brought to it in a timely and appropriate way, would be enhanced if the Subcommittee were a committee of the Faculty Senate rather than a subcommittee of the Committee on Faculty Affairs. He said that the chair of this committee should also then be invited to meet with FCC regularly when tenure issues arise.

Professor Feeney said the subcommittee was under-utilized: it should render interpretations, routinely review governance documents, look at academic freedom questions, consider the implications of increasing number of non-tenured/non-tenure-track faculty, and examine instances when the tenure code should be changed. The committee would not run out of issues, he averred.

### **4. Governance Document**

Professor Feeney asked the members of the Subcommittee to review the governance document that is currently circulating. The ultimate question raised by the document is who has responsibility in departments to make certain decisions. Professor Garrard noted that the Senate will need to be educated about the problems that exist and that departments that do not have a problem now could in a few years; on its face, the document seems contrary to Minnesota egalitarianism.

### **5. Balloting in Departments**

Professor Deinard reported that a Judicial Committee case from 10 years ago raised the question of whether ballots in tenure decisions could be cast by fax. The Judicial Committee and the President (at that time) agreed that the issue should be brought to the Tenure Subcommittee. There is no record that it ever was. Professor Garrard agreed that the issue would be brought up in the near future.

Professor Garrard adjourned the meeting at 2:45.

-- Gary Engstrand