

Minutes*

Faculty Consultative Committee
Thursday, March 6, 1997
1:30 - 3:15
Room 140 Nolte Center

- Present: Sara Evans (chair pro tem), Carl Adams, W. Andrew Collins, Gary Davis, Russell Hobbie, Michael Korth, Fred Morrison, Harvey Peterson, Matthew Tirrell
- Absent: Virginia Gray, Carole Bland, Victor Bloomfield, Dan Feeney, Laura Coffin Koch, Michael Steffes, Craig Swan
- Guests: Keith McFarland, John Dahler (for the Campus Club); President Nils Hasselmo; Vice President Mark Brenner
- Others: Maureen Smith (University Relations)

[In these minutes: The Campus Club; provostal FCCs; (with President Hasselmo:) salaries, retrenchments; academic misconduct policy]

1. The Campus Club

Professor Evans opened the meeting at 1:30 and began by reporting that Professors Gray and Bloomfield were both out of town and she had been asked to serve as chair. She welcomed Professors McFarland and Dahler to inform the Committee about the future of the Campus Club.

They reported that an agreement has been reached with the University that the Campus Club will receive support from the University and will have space equivalent to that it now occupies once the remodeling of Coffman Union is completed; the agreement has been signed by the two senior vice presidents. They explained various other structural arrangements that have been put in place to govern the club and its relationship with the University. They expressed confidence that the new arrangements would serve the University well in the future.

Professor Evans agreed that the Committee would forward a note of thanks to the senior vice presidents for agreeing to arrangements that secure the future of the club, and thanked Professors McFarland and Dahler for reporting to the Committee. She invited them to let the Committee know of anything they believed it important they should know.

2. Committee Business

Professor Morrison distributed a summary of financial issues to be discussed with President-elect Yudof when the Committee meets with him next week.

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It was reported that the Committee on Finance and Planning, on March 4, had adopted all but one of the statements on budgetary and financial issues that had been presented earlier to this Committee. It had not taken a position on graduate assistant tuition benefits, because it needed more information and the situation was too much in flux.

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PROVOSTAL FCCs Professor Evans noted that members of the provostal FCCs had sent a message to President-elect Yudof about the provostal structure and about the apparent absence of academic values in central decision-making; she said that the Committee should read it and be able to respond to questions about it. Professor Morrison said he agreed with much of the statement in its comments about the control exercised by central bureaucracies; he is not certain that three bureaucracies (the provostal offices) can do it better than one. His impression, he said, is that Dr. Yudof would prefer to push decision-making down as far as possible. The statement portrays the provosts' offices as protecting the faculty against an overweening central bureaucracy; Professor Morrison said he agreed there is an overweening central bureaucracy, but the provosts' offices have also generated bureaucracies that are equally as unresponsive.

One of the ideas he has heard has nothing to do with three versus one, but with the separation of the academic and non-academic mission, Professor Tirrell reported. There is a perception that the provostal system has been helpful in doing this, and that it is a good thing to do. If the tension between the academic and other missions exists in one person, it is difficult to know who one is talking to or what mission will win out in any given situation.

Professor Evans said it is her view that the provostal FCCs have worked well. The argument she finds persuasive is their sense of having genuine participation, real consultation, on decisions. It may not be necessary to have provosts to have that participation, however. But the **KIND** of consultation that has occurred is important, in part because that has not been the practice at the University. There is something that should not be lost, whether or not the structure remains the same.

Professor Collins agreed, saying there is no question there has been wider formal participation in the consultative process because of the provostal structure, and that is very much in line with the times.

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Professor Hobbie reported that he had heard repeatedly, since the budget directions were released, that the continual two and one-half percent retrenchments cannot go on. There is real anger among those faculty with whom he has spoken that the retrenchments continue.

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The Committee discussed briefly the process of putting before the Board of Regents tenure revisions approved by the Faculty Senate.

3. Discussion with President Hasselmo

Professor Evans now welcomed the President to the meeting and inquired if he had issues he wished to raise.

The President began by reporting that he had spent the morning at the legislature, and that the situation was very positive.

He then commented on the faculty salary plan, noting that the Phase II budget instructions have gone out. Faculty salaries are central to the instructions. The proposal is only a plan until the Board of Regents has approved the budget, but he said he believed there is strong support for the plan.

The administration has developed a formula for distribution of the increases among the provostries, campuses, and vice presidential areas. 2.5% will be distributed across the board, 4% will be distributed on the basis of market. The data are not the best, but they have made differential distributions of the 4%, depending on the market information available. There will also be a 2% pool for quality and priority. On the Twin Cities campus, the 2% is across the three provostal lines, although each provost may not receive the full 2%; the provosts will make recommendations on where to spend the money (e.g., high quality programs or programs given priority). Each of the coordinate campuses will receive the 2%. All salary increases will be based on merit, however; the percentages are simply formulae for allocating the money.

This step is the first toward moving University faculty salaries (on the Twin Cities campus) to the mean of the top 30 research universities. Appropriate comparison groups are being used for the coordinate campuses. Market analysis has gone down to the college level; each provostal allocation is an aggregation of the college data. Collecting market data is difficult, especially for private institutions; in the case of the latter, the data exist only at the institutional level, not by college. They are making the best approximation they can, rather than deliver increases across the board, and will then rely on the judgments of provosts and deans. There are departments that are above the mean now, the President observed, and they should be, because they are among the top two or three in the country; the quality and priority funds are to be used for such departments, because the intent is not to pull good departments down to an average. Perhaps some differentiation must be kept; the intent is to lift the entire system up.

The focus on market is not retention money, Professor Hobbie asked, but rather the administration's determination of where colleges stand with respect to comparison groups? That is the starting point, President Hasselmo replied; that gives the provost a pool of money. The provost, in turn, will determine how to distribute funds to the colleges, from all available resources. How the distribution will play out is not clear now, because the administration has not dictated how the provosts and chancellors should do it.

Professor Korth inquired, if this is part of a three-year plan, if this step is one-third of the way. The President said it is approximately one-third of the way. The increases will be delivered even if the University receives only what the Governor recommended; the Governor has recommended an additional \$25 - 30 million, and some legislators have mentioned the possibility of even more funding, so the prospects for 1998-99 are also quite good. Beyond that, of course, it is hard to predict, and the target is moving.

How will this be funded, Professor Hobbie inquired? He said he was startled to read in the DAILY that Senior Vice President Marshak, in testimony before the legislature (if reported correctly), said the University would not be asking for any additional money in the next biennium. If the University received what it asked for in 1997-99, it would seek no increases in 1999-2001. The President said that was news to him. On the contrary, the University will ask for another significant increase, and the four-year budget plan lays that out quite clearly.

One question that has been raised earlier at the meeting, Professor Morrison said, is where the twenty golden grickles will come from. Where will the money be taken to finance the salary increases?

The President said there are four major categories identified for funding: compensation (especially faculty compensation), technology, maintenance, and programmatic development. The administration is saying that the faculty salary item is so important that it is in front. They are looking at retrenchment in order to balance the budget; the retrenchment will probably be divided between cuts in recurring funds (less than \$10 million, it is hoped), and a user tax of some kind to support technology development (also to be kept to a minimum). The total of the recurring and non-recurring totals about 2.5%. The President said the University must continue the strategy of pushing at the bottom, to get reallocation funds. He has discussed this with President-elect Yudof, who supports the approach. With those funds, there can be strategic investments at the top. They are trying to avoid the "May madness" that is so destructive, so are giving departments information now.

In principle, the President said, the pressure must be kept on, and not just in academic units, through some kind of annual tax. Many universities do this, to generate money for improvements. The legislature is also interested in what the University is doing, and its actions will have to be documented. He said he was eager to document actions at the college level; there has been a lot of reallocation at the college level that has not been captured very well.

Those are the basic parameters, and will eat into technology and programmatic development money.

The continuing, year-after-year retrenchment or taxing is beginning to cause severe pain in the departments he knows about, Professor Hobbie said. It is getting to the point where the practice is counter-productive, and destroying the ability of departments to improve research programs, through appropriate hires, or to deliver the kind of undergraduate education the new initiatives seek to provide.

The President said he knew the practice was causing stress and strain, but it is what has made it possible for the University to make investments in strategic areas, despite tight state finances. The mechanism is needed; he said he knows it is tough, and said he hoped that colleges do not simply take travel money and TA money but actually restructure to pay the taxes. There is also the buffer of the new money coming into programs. The President said he wished there were another way to do this.

The new money that comes is often targeted to things, Professor Korth pointed out, so one often ends up cutting the roots of the tree in order to put things on top. That doesn't serve the life of the tree very well. Across-the-board retrenchment gives the appearance of not being thought through, because it is not targeted. There appears to be an assumption that everyone is doing some things that do not need to be done any more.

Or less efficiently than could be done, the President added. There must be reason and thought, and some of the initiative money may be used to buffer the effects of cuts.

Someone must use initiative and thought, Professor Korth responded, but at the central level, it is across-the-board, with the assumption that someone else will use initiative and thought.

They did so earlier, President Hasselmo said, because there were large items that could be dealt with (e.g., Waseca). Now it may involve changing a department from 23 to 20 faculty; the administration does not have the information to make those judgments. That is why they are using a broad brush. The President also noted that there will be budget hearings, to put issues on the table, so they can avoid being destructive while building.

Professor Adams said that the President was right philosophically; the analogy should be pruning, rather than cutting the roots. Part of the problem is that the management structure below the President is saddled with implementing it; until that structure and systems are effective, the result is destructive applications. There needs to be a match between philosophy and ability of the management to do the right things. This has been a source of trouble for a long time. He cannot change them immediately, but it is an explanation of why something philosophically correct can end up wrong. There has to be assurance that people in positions can execute properly.

President Hasselmo agreed. He pointed out that the College of Education took the largest reduction in 1991, but that Dean Bruininks has led an outstanding restructuring of the college to accommodate it while maintaining high quality. That kind of management is required at all levels. He said he is asked all the time why he doesn't list the five departments he proposes to close; "that is just not the way we need to do it."

Funds (2.5%) have also been set aside for civil service and bargaining unit people, but there will be negotiations with the unions and Civil Service Committee before salary plans are developed.

President Hasselmo then congratulated Professor Tirrell on being elected to the National Academy of Engineering; the Committee gave him a round of applause as well.

Professor Morrison next raised a question related to tenure and to academic misconduct; it is necessary to make clear to the President something he probably already understands but that needs to be repeated. There is a lot of distrust around the campus, and this Committee is not necessarily in a position to dispel it. Nor can the Committee say "the faculty supports" something, because clearly a lot of faculty will not buy into anything. The Committee is seen by a substantial portion of the faculty as being adjuncts of the administration and not representatives of the faculty--no matter how the President may see the Committee.

This general issue is a concern as matters are brought to it; Professor Morrison said he did not know what the Committee would do about the academic misconduct policy. It is being brought back for a second time at this meeting, and the problems the Committee identified last week may not be completely remedied. As it was first redrafted, the policy prohibited all research. They must be careful about these things, Professor Morrison said, or there will be another firestorm. The salary increases will

be good news, but everyone needs to be certain there are no fireworks just under the surface that are going to go off.

The President said he understood the need is to change the academic misconduct policy to conform to federal mandates. That is the first step; other changes are secondary. The President also spoke briefly about the tenure issue and expressed confidence it would be settled.

The President then reported on discussions he has had with members of the legislature about the University's presentations, and alluded to the problems that are caused by, among other things, the steam plant (he reported that the problem is not \$6 million, but much more).

Professor Evans thanked the President for joining the meeting.

4. Academic Misconduct Policy

Professor Evans next welcomed Vice President Brenner to discuss revisions to the academic misconduct policy.

Dr. Brenner began by saying that he had appreciated help from Professor Morrison, and he had concluded that there should be two distinct processes for changing the policy. The only issues being presented today to the Committee are those necessary to meet Office of Research Integrity requirements; all other changes will be delayed and introduced through the normal consultative process. He said he has no wish to appear to be the "heavy" on pushing change through.

They do wish to propose additional changes, as the policy is taken through the process; he said he would rather do it once and do it right, rather than return with additional changes later. They have a redraft of the policy in progress; there will be a short policy and a separate procedure document. He said he assumes the Committee will wish to see both, after both the Senate Research Committee and Committee on Faculty Affairs have reviewed them.

Professor Morrison pointed out that the language for which Vice President Brenner seeks approval can be adopted only on an interim basis. The Committee can act on behalf of the Faculty Senate, but its action is subject to review at the next Faculty Senate meeting. Vice President Brenner will have to defend the changes, as will the committees. If the policy is divided into policy and procedure, the procedures must contain a provision for revising the procedures, which includes bringing them back to the Faculty Senate.

Vice President Brenner drew the attention of Committee members to the language changes he wished the Committee to approve on an interim basis. Committee members discussed various points about the languages, and made several suggestions for changes.

Professor Morrison drew the attention of Committee members to the email message from Professor Bland, who was unable to be at the meeting. She is concerned about due process, and action being taken against faculty members without any hearing; there are provisions for such action in the proposal. Aid for faculty who are forced to defend themselves should also be considered.

These are changes in the policy itself, Vice President Brenner said, and would be taken up in the consultation to follow this interim action. As for the immediate action, that is required by the federal government, and the University has never taken action without a hearing of some kind. This is an issue he will have to deal with on the floor of the Senate, Professor Morrison warned, and the Committee will have to defend approving it. They are no longer in a position where they can say they understand what the Vice President is doing and that he is right, because no one will believe them. The answer must be more forthcoming, if due process is being provided.

Vice President Brenner said he understood. Professor Bland is also raising issues of indemnification, a subject about which he has met with Provost Cerra and General Counsel Rotenberg. There is an institutional policy, but there is no understanding in the academic community of the process of how it works. He has suggested to the General Counsel that there be a dialogue that starts with the Committee on Faculty Affairs, and then comes to this Committee.

This will also come up on the floor of the Faculty Senate, Professor Morrison warned, and the Senate may react adversely to the Committee's action approving the language. It may be even more awkward, since the Regents will have already approved the policy before the Senate has a chance to react to the interim action, Professor Adams noted.

Vice President Brenner said that many of these points can be covered in a procedures document, something that the governance system and the administration could deal with separate from the policy.

It was agreed that the Senate should be provided copies of pertinent federal regulations, so that Senators will understand that the changes are not simply something someone dreamed up to move power around. Professor Adams said it will be important to be able to emphasize that NOTHING will be added except that which is required by the federal government. Dr. Brenner needs to be able to say, about every change proposed, is that it is required by the federal government.

After several additional suggestions for language, Professor Evans called for a formal motion and vote on interim approval of the changes in the academic misconduct policy as the Committee understood they would be made in light of the discussion. It was moved and seconded to approve the changes.

Professor Peterson inquired what happened if the Committee voted not to approve the changes. Professor Adams speculated that the University would be out of compliance with federal regulations or the administration would have to go to the Regents to ask for action without governance approval; Dr. Brenner concurred. Professor Adams said he would rather not take this action, but if those are the alternatives, he would support the Committee approving the changes.

Dr. Brenner said that when the policy goes to the Regents next week, it will be reported that the FCC gave interim approval, so they understand it is still subject to approval by the Senate and that the issue may come back to the Board. He said he hoped the members of the Senate would not just reject the changes, but would propose an alternative if one is desired.

A calendar for the process of making broader change should also be reported to the Senate and the Regents, Professor Adams said. Professor Peterson said he would like to see a friendly amendment to the motion that inclusion of a calendar would be part of the presentation to the Senate. It was so agreed.

The Committee then voted unanimously to approve the changes on an interim basis.

Professor Evans thanked Dr. Brenner for making the presentation. He said he understood the sensitivity of the matter and the guidance on what the most contentious issues would be.

Professor Evans then adjourned the meeting at 3:00.

-- Gary Engstrand

University of Minnesota