

Minutes *

SENATE FACULTY AFFAIRS COMMITTEE
Thursday, October 14, 1993
3:15 p.m.
238 Morrill Hall

Present: Carl Adams (chair), Carole Bland, Daniel Canafax, Carol Carrier, Mary Dempsey, Ann Erickson, Daniel Feeney, Audrey Grosch, Morris Kleiner, Richard McGehee, Dianne Mulvihill, Michael Sadowsky, George Seltzer, Bernard Selzler, W. Donald Spring, Yang Wang

Absent: Rose Brewer, Roger Feldman (on leave), James Stone, Roger Paschke

Guests: Mark Brenner

Chair's Report

Professor Adams convened the meeting at 3:15 p.m. and on reported the following:

- After considerable discussion and review of the planning questions submitted by Senate/Assembly committees for the Faculty Senate Forum on October 21, the Faculty Consultative Committee (FCC) has decided to focus on three areas: direction, process, and feasibility; with less emphasis on the concept of a University College. The presumption is that it is not appropriate to address what are considered operational details at this time.

During the first hour of the forum President Hasselmo will respond to the questions submitted by the committees, and during the second hour there will be an opportunity for members of the audience to pose questions.

- The FCC has scheduled a number of site visits with faculty Senators during the next several weeks to discuss planning issues prior to the November 18, Faculty Senate meeting.

A number of committee members asked who will be formulating the resolution(s) for consideration on November 18. At this time, it was not clear to Chair Adams what direction the FCC will take. One person suggested that the major problems should be identified and that it would be a mistake for FCC or others to assume there is general agreement on what the problems are. Many believe, she said, that low graduation rates is the impetus behind the plan.

Minutes

The September 30, minutes were approved.

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes are binding on the Board of Regents, the Administration, or the Senate or Assembly.

Professional Development Leaves

Associate Vice President Carrier presented a draft of the Professional Development Leaves Policy prepared by the Working Group on Professional Development Leaves (Working Group). The rationale for developing a new policy was to fold under one umbrella the single quarter leave and sabbatical leave program for faculty and the professional development leave policy for academic professional and administrative staff. Moreover, it streamlines procedures for applying for and administering all professional development leave options. The sabbatical policy as it now stands is underused, reported Dr. Carrier, primarily because faculty cannot afford it. The proposed policy offers greater flexibility because units may fund a leave at 50% or 100%. Under the new policy eligible faculty and P&A accrue one accrued leave unit (ALU) for each year of service--an ALU equals one month of paid leave. A B-base employee may accrue a maximum of 9 ALUs and an A-base employee a maximum of 11 ALUs.

Transition and implementation issues are problematic and still need refining, Dr. Carrier said. Moreover, there is concern about the affordability of the program. Currently, when a faculty member takes a sabbatical, he/she leaves behind 50% of his/her salary that can be used to fund a replacement. Under the proposed policy, full paid leaves could be taken leaving departments with no funds for hiring replacements. This could work a real hardship on departments and colleges. The proposed policy also emphasizes local control with individual colleges deciding on their own procedures, deadlines, etc. Central administration will not be involved except to receive annual reports from the colleges.

One individual encouraged the committee and the administration to consider drawing on its retirees for teaching replacements. There may be, he said, little cost involved with considerable rewards.

To analyze whether the program would be workable, the Working Group calculated for 1990-91 the number of paid months that an individual college had supported. The range was widespread--CLA, for example, supported 440 paid months and Crookston 9. It would be important, noted Dr. Carrier, to decide what kind of formula should be used to determine the maximum number of paid months that an individual would have available in a given year and how they would be allocated.

Some committee members were not only concerned about the affordability of the program, but also about the equality of it. For some units, especially smaller units, the program will present a real hardship. Perhaps overtime, suggested one person, funding could be built into O&M budgets so that every unit will be able to afford to have a portion of its faculty on leave. The administration must consider this a priority in its budget decision activities--perhaps even stating it in the preamble of the policy. Other funds could also be used for this program, such as the \$1.5 million that has been set aside this year for professional development for faculty and the \$300,000 currently available for the Bush Sabbatical program.

Another question was raised about the phrase "Leaves are not an entitlement. . . ," which gives the perception that faculty are losing something they thought they had. The committee strongly suggested the language be revised so as not to give the impression this is a change from the current policy.

One person who had shared the proposal with his colleagues pointed out that in some instances the proposed policy offers less than the current policy. Under the current policy, a faculty member could accrue the equivalent of 7.5 ALUs after six years of service combining the sabbatical leave and single quarter leave programs and under the proposed policy would accrue only 6 ALUs.

If the proposal was implemented now, noted another, in four years approximately 60% of the faculty will have accrued nine months of leave. Many will need to be turned down for leaves for a number of years, resulting in faculty losing one ALU for each year they are turned down because they have already attained the maximum of nine. The University, it was argued, should not raise expectations that cannot be met.

A final concern was expressed about the decision-making process for awarding leaves. In some units this will be left to the discretion of the department head and in many cases that would not be well received by the faculty. The SCFA encouraged the Working Group to develop some guidelines in this area.

Associate Vice President Carrier thanked the committee for its comments and agreed to bring a revised proposal back for consideration later this fall.

Conflict of Interest

Professor Adams welcomed Associate Dean Brenner to the meeting to discuss proposed revisions to the Conflict of Interest Policy. The revisions, Dr. Brenner said, were presented to the deans on October 13, and evoked considerable discussion. The deans believe the Academic Integrity Committee (AIC) is moving in the right direction but expressed concern about some of the specifics. They will be reviewing the document in detail during the next month and providing feedback to the AIC by early December. Dr. Brenner had originally hoped the policy could be routed through the appropriate faculty committees in October and November and then appear on the docket of the December 2, Faculty Senate meeting for action; however, that may not be possible.

Why the rush? Some units, Dr. Brenner noted, have begun to operate out of sync with each other regarding interpretation and implementation of the existing policy. This is creating a substantial hardship for some faculty and, in fact, some have chosen to leave the University. It needs to be imminently clear that this is a very complex area in which expectations from society and academia are evolving. To make hard and fast rules is problematic. What is missing from the document, believes Dr. Brenner, is a compendium of examples to show where something may be appropriate in one instance and inappropriate in another.

Upon reading the document, one individual said, he realized he violated the policy when he received a contract that included hiring a graduate student from a company in which he owned stock. The question that would be asked then, Dr. Brenner responded, is what proportion of stock does the faculty member own--is that faculty member in a position to influence the outcome of the financial well-being of the company. A 100 shares in IBM would be inconsequential, but 1,000 shares in a start-up company would raise a flag. This is clearly the gray area that needs to be explained in examples. The document briefly touches on financial interest under Operating Definitions, but needs further discussion and refinement.

One person noted there seems to be confusion throughout the document between situations or conditions in which you have a conflict of interest or a conflict of commitment and behavior which is inappropriate when you find yourself in that situation. Having a conflict of interest situation is not in and of itself inappropriate--there has to be behavior that makes that inappropriate.

The AIC agrees and believes there needs to be a review process with some accountability of that process. There also needs to be room for interpretation. Sometimes there are activities that look problematic

in writing, but upon review it is determined no conflict exists.

Turning its attention to the section under External Activities that relates to an employee possessing a financial interest in a business related to his/her professional responsibilities that competes with services provided by the University, one committee member argued that the University offers many miscellaneous services that are not part of its primary mission. How is the committee interpreting services provided by the University? Looking at the language under section "g," he said, many individuals in units such as the School of Dentistry would find themselves in violation of the policy.

One person asked whether a faculty member on a 9-month contract who works with his own company during the summer in an area that relates to his/her expertise would be in violation of the policy? Dr. Brenner responded he did not think so, but thought the dean would want to know about it.

Perhaps the policy should be divided into two parts, suggested one committee member: 1) a policy statement and 2) how the University will manage situations that occur.

Has conflict of interest been defined in the document, queried another? Dr. Brenner turned the committee's attention to the definition on lines 45-49:

An academic employee has a conflict of interest when s/he engages in a professional activity that may compromise his/her professional judgement in carrying out University teaching, research, or public service activities because it directly or indirectly affects the financial interest of the academic employee, any family members, or any associated entity.

This section, Dr. Brenner noted, is followed by a classification of categories, including 1) relationships that are allowable, 2) activities ordinarily considered permissible following disclosure and, where necessary, the adoption of management procedures, 3) relationships that may be allowable after disclosure, review, and approval with development of appropriate procedures designed to ensure academic standards, intellectual values, and institutional integrity, and 4) activities that are not allowable.

Due to the lateness of the hour, it was suggested that additional comments be sent to Associate Dean Brenner for consideration by the AIC. The AIC will distribute a revised copy of the policy to the SCFA before its October 28, discussion.

The meeting was adjourned at 5:15 p.m.

-- Martha Kvanbeck

University of Minnesota