

Minutes *

**Faculty Consultative Committee
Thursday, May 22, 1997 (Part I)
1:30 - 4:30
Room 300 Morrill Hall**

Present: Virginia Gray (chair), Carole Bland, Victor Bloomfield, W. Andrew Collins, Gary Davis, Mary Dempsey, Sara Evans, Gary Gardner, David Hamilton, Russell Hobbie, Laura Coffin Koch, Michael Korth, Fred Morrison, Harvey Peterson, Matthew Tirrell

Absent: Carl Adams, Dan Feeney, Michael Steffes, Craig Swan

Guests: Senior Vice President Marvin Marshak

Others: Martha Kvanbeck (University Senate), Maureen Smith (University Relations)

[In these minutes: Tenure resolution; discussion with Senior Vice President Marshak of the military science minor and University College, use of email lists, P&A staff and salaries, distribution of salary increase money, and thanks]

1. Tenure

Professor Gray convened the meeting at 1:30 and asked Professor Morrison to describe the status of the tenure negotiations.

Professor Morrison reported that a document had been prepared and reviewed by the Tenure Subcommittee as well as the administration and Board of Regents leadership, and that approval was expected shortly. Seven members of the "Committee of 8" have said they will support the document in the Faculty Senate; there is a letter from Regent Reagan saying he will support it on the Board of Regents, and a letter from President Hasselmo submitting it to both bodies. Those letters are to be made available by the end of the day.

The document is essentially the Sullivan II document, but there are differences from what the Senate approved as modifications to Sullivan II. Professor Morrison divided the changes into two categories, those which were technical in nature that involved no substance, and those that are more substantive. He reviewed with the Committee the technical changes; they were accepted without comment or dissent. Professor Dempsey reported that on one point, the Tenure Subcommittee has asked the Judicial Committee to draft a rule; it has agreed to do so.

There are two issues that were major points of contention in the Senate meeting; what they have done, Professor Morrison said, is a very good job of protecting the interests of faculty members. They have NOT carried out every proposal that the Senate adopted, but the language provides adequate

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protection.

The first issue is University-wide or college-wide pay cuts. The Regents were insistent on retaining the option of a college-wide pay cut, as an alternative. Nothing smaller than a college could be subjected to a pay cut; only the University as a whole or a college. The administration, speaking for the Regents, recognized, however, that the original version only had University-wide pay cuts, so the Faculty Senate was identified as the body to approve such cuts. With the addition of a college pay cut, the implication is that the voting on such a cut should be by the college, not the University as a whole; as a technical matter, the Regents' proposal added the possibility of the appropriate faculty assembly (or full faculty, if there is no assembly, presumably) in the case of a college-wide pay cut.

Professor Morrison noted that the cover letter says the Committee cannot be enthusiastic about the possibility of pay cuts at any level, they believe the requirement that the pay cuts must be approved by the faculty of the college provides adequate protection. Nor can the pay cuts be discriminatory; they would have to be by formula for the college, so all would be affected in an equal way.

Viewing the issue purely as a matter of principle, people might disagree with the conclusion that the proposal provides adequate protection. Viewing it as a matter of practical resolution of the controversy, and protecting the rights of faculty members, the Committee of 8 believes this to be an adequate and acceptable solution, and that the Faculty Senate should pass it.

Professor Bland asked if the implication is that a simply majority is required when the faculty are to vote on this matter; Professor Morrison affirmed that it is.

The other controversial issue was minor discipline. The Faculty Senate had stricken the entire section and wrote another draft. The administration and Regents wanted to stay with the earlier section. They looked closely at the language, Professor Morrison related; the trigger for concern was the phrase "or a suspension for up to three days." They believed that ANY suspension triggers an academic freedom problem; the faculty would want full consideration, not a summary judgment, before any suspension takes place.

There are provisions elsewhere in the code dealing with suspensions; as a technical matter, so as not to create confusion between the two suspension provisions, the administration has agreed to support a proposal that would not have the language "or a suspension for up to three days," and Regent Reagan has agreed to support that compromise. Minor discipline would be described as such things as a reprimand, letter of reprimand, or the like. This is a limitation by description, but it no longer describes any suspension as "minor."

Their conclusion, Professor Morrison said, is that they have wrestled with this issue long enough; if there is a Faculty Senate meeting, it will be the anniversary of the last time major decisions were made. The Committee of 8 does not think there is any point to continuing the controversy, and that it is time to get on to other, more pressing academic issues. They believe the solutions they have come up with are practical, that protect faculty interests, and that ought to be accepted by the Senate committees and by the Faculty Senate--and thus recommended to the Board for adoption.

Professor Evans reiterated that the Committee of 8 believes the proposals protect the faculty, and

said they were the product of a protracted process of negotiation.

Professor Morrison added that the Committee of 8 also believes that the point has been reached when the discussion of further specific amendments is not prudent, and that the proposal needs to be voted up or down. Professor Evans concurred. "Up" means the faculty believe a practical solution has been reached; "down" means "we don't know where we're going." It is important to make that clear, Professor Evans said. The Committee of 8 has agreed to advocate for the proposals, as a package; the chair of the Board of Regents has agreed to advocate for them, as a package. Either side would be unhappy if the other started tinkering with the language.

Professor Hobbie offered thanks to the Committee of 8; others on FCC joined him. Professor Gray observed that the Committee of 8 had done just what they had hoped it would; they did the nitty-gritty work and got the situation to the point where there can be a successful resolution.

Professor Bloomfield also thanked the Committee of 8; he said they had hoped for a real negotiation, which finally occurred after some time. Both sides talked to each other, in some fashion, and they have come to a mutually-satisfactory conclusion. That is the way the process should have worked, and expressed gratitude for the hard work the Committee of 8 members put into the process.

He also suggested there be a formal motion to approve the proposals, and he moved it. The motion was seconded.

There was discussion of whether FCC should act at this point. The Tenure Subcommittee approved the proposal 4-0; the Committee on Faculty Affairs would meet later in the day, and the Judicial Committee is to meet the following week. Professor Morrison said it would be appropriate for FCC to act; Professor Evans concurred.

The motion was unanimously approved. Professor Gray said that FCC members will need to advocate the proposals as strongly as they can on the floor of the Faculty Senate; it was agreed that a meeting for June 5 should be called. The Committee also decided that a message should be sent to all faculty about the proposals for revision of the tenure code from the chairs of the Senate committees and the Committee of 8.

2. Committee Business

Professor Gray urged Committee members to attend the faculty recognition event for President Hasselmo, on Tuesday, May 27, and asked them to urge their colleagues to attend.

After the last meeting with Dr. Yudof, it was noted by several faculty that research issues had not been discussed. Professor Gray said she had raised this point with Dr. Yudof; he suggested that FCC schedule a meeting with him to talk about it. A meeting has tentatively been set for mid-June.

3. Discussion with Senior Vice President Marshak

Professor Gray welcomed Professor Marshak to the meeting and told him that she had a number of issues about which the Committee wished to speak with him.

The first topic was the question of a Military Science minor, approved by the Board of Regents. What faculty consultation occurred? Professor Marshak said the Military Science minor proposal appeared from University College; he did not know what faculty consultation had occurred.

Professor Koch said that the Committee on Educational Policy had concerns about this minor. Two years ago the University Senate had strong objections to military connections because of its discriminatory policy toward gays and lesbians; SCEP also did not understand what faculty consultation had occurred on the Military Science minor or how it could be offered by a college that has no faculty. Professor Marshak said he would check on what consultation had occurred and report back to the Committee.

With respect to the general situation of universities and ROTC, there are policy constraints under which institutions are forced to operate. Congress has enacted into law that an institution puts all federal financial support at risk if it ignores policy. Professor Bland observed that the policy problem may apply to ROTC, rather than a minor, which is not a degree problem.

Professor Bloomfield said this reflects the more general concern about University College and what kind of control exists over curricular offerings in the absence of a regular faculty. That is a major concern at Crookston, and no one is anxious to see the same problem grow on the Twin Cities campus. It seems that University College is growing, but the faculty know nothing about it and feel they have no say in what goes on.

The issue of University College [hereinafter UC] is one that he is familiar with, Professor Marshak said, and it is problematic. As he understands it, the situation that UC (formerly Continuing Education and Extension) has been in for many years is that it has been given a franchise to make money. The way they do so is to teach regular classes, to Day students, at night. The tuition from a Day student who takes a night class, historically, went to CEE/UC. UC provided very little value added to the enterprise. In return for having this franchise, UC was given a group of money-losing operations, to balance their money-making operations (e.g., Concerts and Lectures, Media Resources). The problem is that over the years, the colleges have figured out there is nothing magic about 5:00 p.m.; if they are going to offer a class during the day, they can just as well offer it at 6:20 in the evening. IT was one of the first colleges to take advantage of the opportunity. Under IMG, the process may well escalate, but the colleges are moving to offering courses in the evening, cutting out UC.

This make sense, Professor Marshak said; the idea that tuition goes somewhere else for classes offered after 5:00--the same class taught by the same faculty--does not make sense. He said he would predict UC will get out of the business where they do not offer any value, such as giving regular classes to Day students, and will concentrate in areas they ought to, such as lifelong education. Professor Marshak said he was unsure where the Military Science minor arose, and it is not the direction he would push UC into going; it seems sort of irrelevant. The issue for UC is how it will make the University work with regard to lifelong education, and really provide value, whether in person or by distance education.

That is not really the issue, Professor Hobbie said. He recalled being deeply involved in setting up the first Bachelor's degree program offered through UC, the Bachelor of Information Networking. It was done with a special ad hoc faculty committee to approve the curriculum, because there WAS a concern

that CEE had no standing faculty. He had been comfortable with that process, but has lost track of events since he left the Dean's office. He has noted that there are two additional Bachelor's degrees now offered in addition to the original two, and said he does not know whether there are faculty approving these degrees.

Professor Evans said that the pressure within UC is to be entrepreneurial, and one way to be entrepreneurial is to invent degrees that are marketable. There is a need for very strict controls, or there will be a proliferation of this kind of things. The UC people come up with ideas that are not necessarily bad, but the question is whether there are faculty overseeing them.

Professor Gardner raised a similar question: Does UC have the authorization to grant degrees? One must distinguish between (1) the entrepreneurial delivery system, which can benefit everyone, and (2) the control of curricular content. The degrees should be offered by other units, but DELIVERED through UC.

Professor Koch said one of her concerns is about inloading; when courses are not inloaded, there may not be improvement in the UC version of the course. Moreover, with the advent of IMG, will productive teaching faculty be taken out of a class because of inloading? There is a need to watch the quality of courses as inloading occurs.

Professor Marshak said the University should not be offering courses at night that are of lower quality than the classes during the day. In particular, if a course at night has the same number as the class offered during the day, it ought to be essentially the same class and ought to be taught by the same faculty, as a body. If managed properly, it is possible to do so. That is the concern, Professor Koch said: how things are managed.

Professor Bland returned to the Military Science minor and asked if the dissatisfaction was less with the military than with the difference between military and University policy. The Senate did not want to be supporting a program that operated under policies inconsistent with those of the University.

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Another issue that has arisen is use of email lists. Professor Gray recalled that FCC had recently developed and made known a protocol on the use of the all-faculty email list for governance business. Now she is receiving email protesting receipt of "junk email" messages--but they are protesting email from various parts of the administration, not from this Committee.

Has the administration thought about developing a policy whereby faculty are not informed of every thought and action that comes from an administrative office? Professor Marshak said those who have access to the all-faculty list appear to be three in number (S. P. Yen, Marcia Fluor, and Florence Funk). The lists were set up by Yen for Senior Vice President Infante and President Hasselmo, Professor Hamilton reported.

It is reasonable for the administration to establish a protocol governing its own use of email, Professor Marshak agreed. It should not be assumed that all employees want to know about what every office is doing, Professor Gray added, and she cited a few recent examples of email messages. She said

she was not placing any blame on Dr. Yen, from whom most of the messages come, because he is simply the moderator of the list and responds to requests to send out messages. He will continue to send messages out until the administrative develops a protocol.

Professor Bland said she did not want to see all messages from University Relations cut off, but Professor Gray said faculty did not need to receive a message about the President visiting flooded areas in northwestern Minnesota. Professor Marshak said he thought that was a special case, and an effort by the President to make a statement on behalf of the University. It may be that some do not view such messages positively.

Professor Hobbie argued that there have not been that many messages, that they are easy to delete, and that the University should not think about setting up elaborate bureaucratic machinery to solve a problem that isn't all that big.

Professor Marshak said he would look at the matter.

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Professor Morrison said that there is a concern developing about the distribution of salary increase money, and whether all three provosts are in fact delivering the amounts provided. The Finance and Planning Committee raised the question at its most recent meeting, and asks Professor Marshak to inform it whether provosts were delivering the money or were holding it back and using it for other purposes.

Asked to be more specific, Professor Morrison said the concern is about the Academic Health Center, and whether the salary increase funds--which were larger in the AHC than in the other two provostries--are being used for salary increases or for management.

Professor Marshak said he would pursue the matter; the President is determined that the money will be used for salary increases. So is he. If Professor Morrison can be even more specific, he would appreciate receiving the information so he can respond to the concern. One problem is knowing where to look.

Professor Hamilton reported that the AHC provostal FCC is VERY interested in this matter, and is pursuing it very actively.

[NOTE: Subsequent to the meeting, Provost Cerra assured Professor Gray in an email message that the Academic Health Center is distributing salary money according to the plan established by the administration.]

Professor Bland inquired which P&A appointees are eligible for salary increases similar to those being awarded to the faculty. It is those who are "faculty-like," Professor Marshak said, which has been defined in two ways. Either they must have substantial activities in teaching, research, and service, or they must do a substantial amount in at least two of the three; the colleges may vary in how appropriate it is to ask for all three or only two of the activities.

Who makes the decision, Professor Bland asked? The President has instructed the provosts to

make lists of who eligible P&A staff are. The lists have been prepared and steps taken to ensure that there are sufficient funds for the "faculty-like" appointees.

Professor Marshak observed that the P&A category has expanded enormously since it began about 15 years ago; the University now has more P&A staff than it does faculty. Some of the P&A staff are faculty-like in their responsibilities; it is those whose situation is being addressed.

Professor Bloomfield commented that there are a relatively small proportion of faculty salaries in the health sciences that are covered by O&M funds; that means that if a raise is mandated, the money must come either from clinical revenues or a larger tax on grants. Those are not elastic sources. How is this playing out, and how do the health sciences deal with it, aside from firing secretaries and technicians?

It goes department by department, Professors Bland and Hamilton said. In some, there will be no increases; in some there will be decreases.

Is the 8.5% increase in salary money all O&M money, Professor Bloomfield asked? Professor Marshak said that the increases would be provided on those salaries, or parts of salaries, that are paid from O&M funds; funds for salary increases are not being provided for someone who is paid from a grant. The increases calculated were based on the O&M funds.

Then the mandate that those units provide the full increase on the recurring salary, Professor Bloomfield said, puts them in a bind. It won't happen, Professor Bland responded. In the past, increases were on all funds, Professor Hamilton; it worked then, because there was plenty of clinical income. Now the burden is falling on departments, and deficit budgets are being driven even further into deficit.

What should the salary increase policy be, Professor Bloomfield inquired? This is a serious issue. It should be realized that the clinicians have been taking hits for several years, Professor Hamilton said. In some departments, clinicians have had their salaries reduced by 25-30% each year for the past several years. In many instances, these are the people who are leaving; facing further salary cuts, they may take job offers in the community. This is a crisis being exacerbated by what is happening in the University.

Professor Gardner asked if clinical income was included when comparative data on salaries at the other top 30 research universities was gathered? Professor Marshak said the salary study for the AHC was based primarily on the non-clinical departments. There is a listing of comparison departments, Professor Hamilton said; one can see which schools were included. He said he knew of no medical school where the clinical departments do not have some component of clinical faculty paid from clinical income. The base salaries used in the comparisons with other universities, however, do include clinical income.

Professor Bland inquired if there was a mandate to departments to distribute a certain total amount in salaries. Professor Marshak said the President allocated amounts to the provosts and chancellors; they, in turn, were to allocate the money to departments, and so on. Those allocations could be based on market differences, on quality concerns, etc.; there is no mandated raise for any particular department or person.

So a department, to save itself from firing support service staff, could refuse to deliver raises, Professor Bloomfield asked? It could not, Professor Marshak said; the money must be used for raises. The department could return the money to the dean and ask that it be allocated to another departments. This comment elicited chuckles.

That is the crux, Professor Bloomfield said; the departments are receiving money, but raises on average are to be roughly 8.5% within the health sciences. That was calculated on the health sciences pool of O&M money. Professor Marshak confirmed this; all of the money must be used for salary increases. Exactly what salary raises the allocation would lead to, for each department or college in the health sciences, is not clear. Professor Bloomfield pointed out that if 1/3 of the salaries in the AHC were on O&M funds, and the average increase were to be 9%, then the University would be providing enough money for 3% increases, and while the AHC would be obligated to deliver all that money for salary increases, they would not be obligated to deliver 9%. Professor Marshak said he believed that would be true.

Professor Morrison observed that some grants have clauses providing salary increases, but they would be limited to those grant recipients. The problem in the AHC is the clinical income, which will likely NOT be 8.5% more than last year. As a result, it cannot provide salary increases. What that will mean is that the O&M salary increases may not be distributed on the basis of total salary, or even on the basis of O&M salary, but could be dedicated to those units in which there are almost no O&M salaries, so they at least tread water. The increases need not follow the units that currently have the O&M dollars. This is what may be occurring, and an explanation is needed, he said.

This will mean that the percentage of appointment of an individual might increase, Professor Hobbie observed. Professor Morrison commented that the Finance and Planning Committee has learned that (almost) no two days in a row is the AHC salary base the same, because grant and clinical income keeps changing.

Have there been any discussions in the administration about raises for P&A appointees, Professor Koch asked? She said she has sensed there is a lot of hostility towards the faculty by the P&A staff, because the FCC is all-faculty, has the ear of the administration, and really pressed this issue, and that P&A staff do not have the same access and will never be able to get raises similar to the faculty.

Professor Marshak said that he and the President have heard from the P&A staff on this issue. The most negative view is that when there is no money, they are considered to be like faculty and get nothing; when there is money, they are not considered like faculty, and still get nothing. The President has made it clear that the principle adopted by the Regents as part of the biennial request was to achieve the appropriate market mean for all groups. There are good data that show that faculty are underpaid relative to the appropriate market mean. The University has begun a three-year plan to remedy that discrepancy.

The administration believes that if there is a discrepancy between P&A staff and the appropriate market, that they are much smaller--and in many cases, there are no discrepancies and P&A staff are being paid appropriately. That is not true of the faculty-like P&A staff. The President is meeting with the P&A staff group, and Associate Vice President Carrier has dedicated a staff member to conducting the compensation studies needed to look at whether the P&A staff are being paid at market. This is more complicated than with the faculty; there are many, many different markets for P&A staff. Their positions

are all over the University, and there is overlap with civil service staff; civil service staff are regularly converting to P&A. The administration is embarking on an effort to understand if there is a discrepancy, and if so, to address it. The plan this year, however, is to address the faculty problem. Whether there is a P&A problem is not known, because there are not enough data.

Professor Morrison asked if there were data on faculty turnover this year. Professor Marshak said he has not seen the data. The provosts have been asked to report it.

Professor Gray noted that this was the last regularly scheduled visit with Professor Marshak, and expressed again the appreciation of the Committee for him taking over the job this year. Professor Marshak thanked the Committee for its support and said that, overall, a great deal had been accomplished during the year--and he appreciated the help of the faculty. He noted the faculty effort in support of the University's biennial request, and said that help was very important. The transition to the new president is going well, and the University did extremely well in the selection. Even the tenure issue is winding down. The University has been put on a good course and the future is bright.

The Committee gave Professor Marshak a round of applause.

End of Part I.

-- Gary Engstrand

University of Minnesota