

Minutes*

Faculty Consultative Committee
Thursday, September 21, 2006
1:15 – 3:00
238A Morrill Hall

Present: Carol Chomsky, (chair), Gary Balas, Jean Bauer, Nancy Carpenter, William Durfee, Barbara Elliott, Megan Gunnar, Emily Hoover, Mary Jo Kane, Kathleen Krichbaum, Scott Lanyon, Judith Martin, Richard McCormick, Nelson Rhodus, Steven Ruggles, Martin Sampson, Geoffrey Sirc, John Sullivan, Jennifer Windsor

Absent: none

Guests: Vice President Carol Carrier; former Director of Equal Opportunity Julie Sweitzer

Other: Kathryn Stuckert (Office of the Chief of Staff)

[In these minutes: (1) faculty search procedures; (2) committee business (including discussion of which non-tenure-track/tenured faculty are eligible to serve in the Faculty Senate and trends in non-regular faculty appointments); (3) new process for reviewing deans]

1. Search Procedures

Professor Chomsky convened the meeting at 1:15 and welcomed Vice President Carrier and Ms. Sweitzer to the meeting. She recalled that the Committee has in the past discussed problems with search procedures (in this case, for faculty); Dr. Carrier and Ms. Sweitzer brought an update.

Dr. Carrier told the Committee that a number of changes have been made in the academic search guidelines (copies of which were provided to Committee members). She said she wished to talk today about the problems they addressed as well as any other questions that Committee members might have. What piqued their interest, she reminded Committee members, were the difficulties that some departments were having when they wish to conduct a search as a committee of the whole. It was not clear in the past if that practice was permissible; the language has been changed so it is clear: a department may do so as long as everyone agrees to abide by legal regulations governing privacy and other matters. Ms. Sweitzer said the changes in guidelines make more explicit what is permitted rather than effect any major change in the rules (that have been in place since the early 1980s following the Rajender consent decree and revised in 1998).

If a department serves as the search committee, what is the role of the chair, Professor Kane inquired? Does the department chair appoint the chair of the search committee or serve as its chair? The assumption is that the responsible officer will make the offer to the candidate; in some colleges, that would be the dean (e.g., Law) but in others it is likely to the chair or head, Dr. Carrier said. (Professor Chomsky clarified that in Law, they use search committees but the entire faculty decides on the finalists and all may review the files. The chair is a member of the faculty in that case and would have a vote,

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Professor Gunnar surmised. Professor Chomsky said that was correct; it is the dean who is separate from the process and the one to whom the recommendation is made.) If the department acts a committee of the whole, and the recommendation goes to the chair, the chair would NOT be part of the search, Dr. Carrier said.

But could a department do things differently if it were clear about what it was doing, Professor Gunnar asked? It could, Dr. Carrier said. The department (or chair or head) must inform the faculty, if a unit changes practice—it normally uses a committee but decides to use the entire faculty—about expectations, data privacy laws, etc.

Professor Lanyon said the changes were a great improvement but said he was not sure Professor Kane's point had been clearly answered. Is the rule that the appointing authority may not be part of the search committee? That is correct, Dr. Carrier said, and the policy language provides the rationale. Professor Windsor asked, if the appointing authority is the department chair and a department uses a search committee of the whole, then would the department chair be the only faculty member excluded from the general discussion to recommend department appointments? Although the chair as appointing authority would have the option to not support faculty recommendations, this seems a sub-optimal time for input. If the department uses a committee of the whole, the chair could be a part of it—but not if he or she is the appointing authority, Ms. Sweitzer said. Dr. Carrier said it was her understanding that in larger colleges, the chairs are the appointing authority; Committee members agreed. The arrangements will vary with the college structure, she added.

Professor Sullivan said that in his department, given the revised procedures, he will recommend that the chair stay out of the process: they will then use a committee-of-the-whole-minus-one (the chair). As chair he has no voice in the search process, but he does when the committee of whole reports to him.

Professor Chomsky asked how the University ensures that chairs understand that there are options. How are chairs and faculty educated? One way is through the human resources structure in the colleges, Dr. Carrier said; it is expected that the HR people will know about the options—or that is the goal, anyway. The subject is also discussed at the orientation for new chairs and heads. In addition, the equal opportunity office has a liaison in each college, Ms. Sweitzer noted, and that individual provides training. There are also email networks that people can use. Many of the procedures were changed in 1998, she said; they were decentralized and the equal opportunity did not sign off on every search after that. The information is put on line and it is up to the colleges to implement the procedures.

Professor Rhodus asked about ranking candidates by the search committee. The search committee may rank individuals or summarize the strengths and weaknesses for each one, but sometimes that seems not to have much effect. The guidelines are written for faculty and P&A appointments, Ms. Sweitzer said, and there is more discretion with faculty appointments. She said she did not believe search committees should rank candidates but they should identify strengths and weaknesses. The practice varies by college and more discretion is left to the search committees, but she has seen appointing officers exercise the authority to bring in additional candidates. She said she did not see very often the case when the department wants one candidate and the dean wants another—and in any event the Provost and Regents must approve the final appointment of faculty.

On the issue of the chair being without voice if the department is the search committee, Professor Lanyon said if the search committee produces an unranked list of candidates, the chair has considerable

opportunity to affect the selection. But the chair does not participate in the search discussions, Professor Gunnar pointed out. Professor Windsor commented that she believed the model suggested by Professor Sullivan is a good one, the committee-of-the-whole-minus-one.

Professor Martin speculated that at least in CLA, where the college does not pay all of the search costs, it would be rare for a chair to bring in additional candidates. The department would not typically have the funds to bring in additional candidates. The problem might be in the other direction, Professor Balas commented: a department will bring in fewer candidates.

Professor Carpenter asked about spousal hiring; Professor Chomsky said that the discussion of this issue is starting in the Committee on Faculty Affairs. Dr. Carrier said that SCFA will have a discussion of family-friendly policies in general; this is one of them. She will provide information on policies at peer institutions. It is wise to look at how to deal with less-than-100%-time faculty appointments, Ms. Sweitzer said; the success varies and there are some problems with tenure and sabbaticals.

Professor Lanyon asked if it is possible to hire two people when only one position was advertised. It is, Dr. Carrier said. It is done as a spousal hire without a search, Ms. Sweitzer said.

Professor Lanyon said he believed search committees are getting started out right more than they used to, but there is a lot of conventional wisdom about what they can and cannot do. Dr. Carrier agreed that there is a level of inconsistency in what is conveyed to search committees at the start of the process. What they learn at the start may not be relevant to the questions that come up later; it would help to encourage human resources staff to stay involved to the end. Dr. Carrier said she would speak with the HR staff. Professor Lanyon said he would like to encourage the mindset that a search committee can identify problems that need a solution and go to the HR people to ask them to help make the solution happen. In the past, at least, the more frequent response was that the search committee was told it couldn't do something. Dr. Carrier promised to work on the approach. Professor Sullivan suggested sending a list of urban legends to search committee chairs. Dr. Carrier said her office has an online manager's toolkit so that people can get an answer when they need it.

The discussion has been about how to facilitate fuller faculty involvement in searches, Professor Chomsky said, and it has not touched on the equal opportunity aspect of searches: how it works, how to ensure adequate attention to diversity without a rigid set of rules that committees must get through. It is the equal opportunity liaisons in the colleges who are responsible for bringing these considerations into searches, Ms. Sweitzer said. There is a short and long version of a guide that reviews equal opportunity issues. It is not clear how the process actually works on the ground, Professor Chomsky said. Part of it is either having someone experienced with searches on the committee or having someone sit in on all the meetings, Ms. Sweitzer said. There is great reliance on the people involved, especially the chair of the search committee. Some colleges provide more information than others to search committee chairs, and this may be an area where the University equal opportunity office could do more. She suggested sending suggestions to Carolyn Chalmers, the interim director.

Professor Durfee congratulated Dr. Carrier on the website on hiring. There is a lot there, he said, and it eliminates a lot of urban legends.

Professor Chomsky thanked Dr. Carrier and Ms. Sweitzer for the discussion.

2. Committee Business

Professor Chomsky announced that there were several items of business the Committee needed to take up.

-- The redraft of the "Guidelines for Committees" reflects suggestions she received after circulating the first draft. One comment was that "should" seems too authoritarian. Professor Gunnar said that was her first reaction as well, but altering it would dilute the impact and it should be left as is. Professor Elliott pointed out that "must" only appears in the opening paragraphs, not in the guidelines themselves. The Committee approved the document unanimously; Professor Chomsky said it would be provided to the Faculty Senate for information and would be distributed to committees with a cover letter. She will also bring it to the Senate Consultative Committee for review and approval for University Senate committees.

-- Last spring, the Faculty Senate passed an amendment to the Senate Constitution to include clinical faculty, but a question has come up on the interpretation of the provision that has to be answered in order to implement it. Dr. Carrier raised a question about who is to be considered included by the change. The change clearly encompasses clinical research scholars in the Medical School., but there are clinical faculty in other units, some who have one-year appointments. Are they also meant to be included? Dr. Carrier said it was her understanding that the bylaw was intended to cover only full-time clinical-track faculty. Professor Bauer said that the question of clinical faculty (clinical scholars) came from the Medical School and was dealt with: the change means they are eligible for Faculty Senate membership and voting. The question of other appointments was raised later by Dr. Carrier and is broader; the Committee needs to understand the ramifications of including or not including individuals with those appointments in the Faculty Senate. There appears to be an expansion of different types of faculty appointments and the Committee should not approach them piecemeal (although it did so in the case of clinical scholars in the Medical School). Professor Elliott confirmed that there are several faculty appointment tracks in the Medical School but only the clinical scholars are eligible for promotion. The other appointments have limits and do not have a promotional track. There is reason to look at the clinical scholars as unique and different from the others.

Dr. Carrier explained that her worry is the appointments policy, which provides for various kinds of appointments—contract, tenured, and so. Clinical faculty fall into the contract faculty category, as do others around the University. Was the intent to bring in all contract faculty or just the clinical scholars, a subset of the contract faculty? These individuals can have either an annual or a multi-year appointment. Professor Kane asked how these faculty are different from P&A staff. If P&A faculty on annual appointments are eligible for the Senate, why exclude other faculty on annual appointments?

If this matter is not clear to the Committee, it needs more attention, Professor Sampson said. Every unit has a limit on the number of individuals who can be put in the Senate, which further dilutes representation of tenured/tenure-track faculty and makes the problem more complicated. Professor Chomsky agreed that the issue needs to be looked at, but the Senate has acted on adding the clinical scholars. Professor McCormick observed that with 314 clinical scholars, the numbers would overwhelm the Senate if there are not limits. There are fewer elsewhere in the University, Dr. Carrier said. And it was pointed out that when the clinical faculty were added, a cap was also placed on representation from

the Medical School so that the addition of the clinical faculty would not skew Senate representation unreasonably.

This goes to the discussions several years ago about the governance policy and other changes that created the new Senate, Professor Martin commented. They wanted to be clear that for faculty to qualify for the Faculty Senate, they must be on more than annual appointments—there needed to be more of a commitment to the University. That is why the clinical scholars were voted in, Professor Balas said. But there are P&A faculty on annual appointments who are eligible for the Senate, Professor Chomsky pointed out. The employment system is very complex, Professor Martin responded, and some P&A staff are faculty-like and thus eligible; the Senate bylaws are unable to capture the changing employment world of the University.

Professor Rhodus recalled that he had raised this issue with the Provost at the retreat: in the Academic Health Center there is a decreasing percentage of tenured and tenure-track faculty compared to contract faculty. There is a rationale for the change but that is different from talking about the tripartite mission of the University. This question involves more than just the Senate and is related to the goal of being in the top three. This issue is also on the agenda of the Committee on Faculty Affairs.

Professor Balas said he would like to see the trends for the last five years. There is a cap on the number of contract faculty who can be appointed in a unit, Dr. Carrier said. (The cap is 25%.) Professor Rhodus said that in his college the contract faculty are more than 50%. Professor Balas said that was one reason he did not believe there really is a cap.

Professor Sampson said this is an important discussion that the Committee should continue later in the year. Professor Chomsky said there is a small group working on the some of the issues—which P&A are eligible serve in the Faculty Senate—but that there may be a need for another small group to explore these broader issues..

It was agreed that the amendment with respect to clinical scholars should go forward to the Regents. What is she to say when others in the category ask if they can be members of the Senate, Dr. Carrier inquired? Last year the clinical scholars asked the question, Professor Martin said. Others have different relationships with the University, but if others ask, the Committee will need to respond.

-- The Committee had previously discussed the possibility of having lunch with the candidates for governor. After an extended discussion at this meeting, the Committee concluded it would not pursue the matter but that it might pursue meeting with whoever is elected and/or the staff focused on higher education issues.

Professor Sampson did point out that there are four areas where the Governor is very important to the University:

- protecting its autonomy
- supporting its capital budget
- supporting its biennial request
- appointing the regents after the Regent Candidate Advisory Council screens candidates.

3. The New Process for Reviewing Deans

Professor Bauer reminded the Committee that last year Provost Sullivan created a standing committee to be used in the review of deans; individuals are appointed for two- or three-year terms. She was appointed to represent this Committee; the membership includes a P&A staff member, a dean, a Regents Professor, and a Distinguished McKnight Professor. The committee was charged to help implement the new process of a three-year comprehensive review of each dean.

There were four reviews last year. For each dean, there are two people added from the unit, so the membership changed for each dean's review. The deans were reviewed on leadership, diversity, management style; functional competence and interpersonal skills. The individuals reviewed were deans from Continuing Education, CLA, Law, and the Librarian (who is considered a dean).

The committee discussed confidentiality; the process conforms to the Minnesota Data Practices Act, Professor Bauer said. Those who report directly to the dean comment confidentially; those who do not are not guaranteed confidentiality. All comments are made through the X.500 system (Note: The Committee has previously discussed the confidentiality matter, and both Provost Sullivan and Dr. Carrier agreed that the next reviews would protect confidentiality for those who report indirectly.)

The four reviews were very different, a function of the role the different deans play. They did look at categories of respondents (P&A, faculty, etc.). They learned about the rigorousness of the review and how straightforward it is. All the reviews were positive. At the end, Provost Sullivan joined the committee to talk about the reviews, except in the case of the Law School (his own unit), which discussion was handled by Senior Vice President Cerra.

This year there are only two deans to be reviewed, Dr. Carrier reported, and one of them is in the Academic Health Center, which uses a different process. The deans are reviewed after three complete years in office.

The biggest change is in the continuity of the reviews, Professor Gunnar commented; the same people see several reviews. They also take less time, Professor Bauer pointed out. Was it helpful to see all the reviews, Professor Gunnar asked? It was, Professor Bauer said. So did Dr. Carrier. There are themes that emerge. Some issues cut across colleges; others are idiosyncratic to the particular unit.

Was there resistance on the part of the deans to having one committee, Professor Kane asked? The deans were positive about the process, Dr. Carrier said.

Do the coordinate campuses get a pass on this process, Professor Carpenter asked? They do not, Dr. Carrier said; the same process will be used for senior administrators, also every three years. What if they do not report to Provost Sullivan, Professor Hoover asked? All will be included, Dr. Carrier said.

Professor Sullivan said he has always been puzzled by the academic world: evaluation is important but selection may be even more important. Some corporations have very sophisticated selection processes; there are ways to predict how people will perform. Much of that research comes from the University's Psychology Department. The University, however, seems to hire more on a hunch. He surmised that it could do a lot better job on the selection process. Those are cultural issues, Dr.

Carrier said. This review process goes farther than many of the University's peers and it does raise questions about the selection process, she said.

Professor Lanyon said that many faculty are concerned that the budget model drives deans not to cooperate. Was that probed in the review process? Are they driven to focus on their own college and not cooperate? That did not come up specifically, Professor Bauer said. Dr. Carrier said that peer deans are asked about the individual being reviewed and cooperation is one issue they are asked about. This is an issue that should be pursued, Professor Lanyon said. The FCC has been told that the budget model is just a tool and that with great leaders it will work well. A lot of faculty, however, believe that the budget model strongly encourages deans to compete rather than cooperate and that deans are acting accordingly.

Professor Krichbaum said she was on the AHC committee that reviews deans, which has a comprehensive process and there are appointment issues raised. She said she has not seen anyone removed because of incompetence and would like to see more accountability in terms of the results of the reviews. The data remain private and there seems to be no follow-through. She said she hoped that could change. It is the task of the responsible administrator to work with the dean on any deficiencies identified during the review, Dr. Carrier said. They should report back on how the dean is responding, Professor Krichbaum suggested.

Is there a University policy on review of department heads and chairs, Professor Hoover asked? They are reviewed annually, Dr. Carrier said. The policy recommends a periodic larger review but those are not conducted consistently. A number of units are looking at the process that has been adopted for deans as a model. Professor Hoover said that faculty must be reviewed by students every year and they can do nothing about it; department heads should be reviewed in the same way by the faculty. She added that she was not expressing this view for reasons related to her own department; she has consistently held this view for many years.

Professor Chomsky again thanked Dr. Carrier and Professor Bauer and adjourned the meeting at 3:05.

-- Gary Engstrand

University of Minnesota