

Minutes*

**Senate Committee on Faculty Affairs
Tuesday, May 14, 2002
12:00 – 1:30
238A Morrill Hall**

- Present: Richard Goldstein (chair), Kent Bales, Carole Bland, A. Saari Csallany, Daniel Feeney, Darwin Hendel, Roberta Humphreys, Cleon Melsa, Wade Savage, Thomas Walsh, Carol Wells, Timothy Wiedmann
- Absent: Josef Altholz, Carol Carrier, William Garrard, Neil Graf, Roland Guyotte, Robert Jones, Nan Kalke, Harry Savage, George Seltzer
- Guests: Professors F. R. P. Akehurst, Muriel Bebeau, Cynthia Jara (ad hoc committee on governance)

[In these minutes: (1) report of the ad hoc committee on college and department governance; (2) statement on the retirement plan waiting period; (3) statement on voting on academic personnel matters; (4) resolution for Professor Goldstein; (5) update on administrative reviews; (6) issues for next year]

1. Report of the ad hoc Committee on Governance

Professor Goldstein convened the meeting at 12:00 and turned first to Professor Feeney to lead a discussion of the draft report from the ad hoc committee on governance.

Professor Feeney distributed copies of the report. He said the group had begun with a draft from Professor Altholz, brainstormed about the issues, and drafted this report about the centrality of the role of the tenured and tenure-track faculty (TTT faculty in the remainder of these minutes).

There were debates about the role of the TTT faculty during the tenure controversy and during the development of the new academic appointments policy. This is the strongest statement that could be written about the TTT faculty, he said. It requires, for example, a super-majority (two-thirds) vote by the TTT faculty for approval of any college constitution. All other decisions (e.g., curriculum, governance, academic personnel) require a majority vote of the TTT faculty. The report allows non-TTT faculty to be granted voting privileges (but limits the number to no more than one-third of the TTT faculty and sets a term of three years which can only be renewed by an affirmative vote of the TTT faculty) and sets the standard for meeting quorums to make decisions in specified areas (there must always be a majority of TTT faculty). In some departments, this report will be a non-issue; in others, it will have a significant impact, Professor Feeney said.

This will likely be a controversial policy when issued, Professor Feeney said, but if the issues were easy, they would have been solved before. The policy gets at college constitutions and how units conduct their business. It only applies to academic units, he pointed out.

* 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 represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

Has there been any feedback on the policy, Professor Savage asked? Very little, Professor Feeney said, because it has not been circulated. Those P&A faculty and staff who have received voting status are concerned that it could be taken away--which might happen if a large number of them have been granted voting status within a department. Professor Feeney said, however, that the policy being proposed is limited to governance, curriculum, and academic personnel decisions; units can grant voting rights to any others it wishes for other departmental matters.

Committee members discussed various elements of the proposal.

-- Some units may criticize the policy when it asserts that it is the work of the TTT faculty that defines the quality of the University. Some may also ask for the evidence of the proposition. Professor Feeney said this is a document that presents the strong case; this Committee and the Faculty Consultative Committee will have to decide what they wish in it. But there is a sense in many departments that the TTT faculty do not matter.

-- The report does not address that issue; do the TTT faculty matter? Who says they are needed? The Board of Regents has entrusted obligations to the TTT faculty, Professor Walsh said, not to others at the University. And there IS some evidence of differences in performance, Professor Bland said; in the recent national surveys of faculty the TTT faculty, compared to faculty on other appointments, express more commitment to the institution, spend more non-class time with students and work longer hours, etc. Of course there are exceptions to this, but these are the results, on average. Other positions are also not filled after a major national search and individuals in other positions do not have to go through the major reviews of the TTT faculty, Professor Feeney added. If those searches and reviews do not matter, they should not be conducted. This gets to the question of whether tenure matters.

-- It is possible the Medical School will disagree with this policy, Professor Walsh said, but many faculty see the erosion of tenure as beginning with the Medical School.

-- There appeared to be agreement that the Committee and the policy should not get into reciting arguments for and against tenure and the role of the TTT faculty. The arguments should be philosophical: tenure is said by some to be archaic, but the University needs the long-term trustees that are the faculty.

-- Why is the Medical School again talking about tenure? Because of money. If it wants to give tenure to more people, it should support the expansion of tenure rights. One argument is that the Medical School wants to give tenure to people to try to retain them; if that is so, then tenure must mean something. It is a badge, Professor Bland agreed, but its meaning is reduced if tenure is not given to everyone on the same basis.

-- There could be supporting documents, such as from the AAUP, Professor Wells pointed out. She recalled also the report from THREE THOUSAND FUTURES, the 1981 Carnegie Council on Policy Studies in Higher Education: "Taking, as a starting point, 1530, when the Lutheran Church was founded, some 66 institutions that existed then still exist today in the Western World in recognizable forms: the Catholic Church, the Lutheran Church, the parliaments of Iceland and the Isle of Man, and 62 universities. Universities in the past have been remarkable for their historic continuity, and we may expect this same characteristic in the future." Universities do not change quickly, she said; they are like

ocean liners that only change course very slowly rather than respond to fluctuations in market and other pressures.

-- Professor Hendel said he supported the policy as an overall statement for the University, that he was slightly less supportive when applying it to the colleges, and had second thoughts about it when he thought about the implications of applying it to each department. Why does it apply to colleges and departments? The core academic unit of the University is the department, Professor Feeney said; rules and regulations start in departments, including voting, Senate membership, and so on. The root is the department, not the clinic or the center. If the policy does not start at that core, the units can do all kinds of things and the TTT faculty can only influence things at the next level up. Is that where the influence is wanted? Continuity up the decision-making line is a significant issue.

-- How many units would have to change their voting procedures as a result of the policy, Professor Goldstein asked? Professor Feeney said he did not know.

-- This must begin at the department, Professor Bebeau said; there is also a need for University guidance on developing a constitution. Professor Jara agreed: there is need for this policy, something at the University level that colleges and departments can rely on. Traditionally the University has been very reluctant to dictate to departments, which it wants to be as autonomous and independent as possible.

-- The requirements of the academic appointments policy were reviewed; it did not speak to most of the issues in this proposed policy, although it did designate who could and could not vote and it makes clear who votes on tenure. It did include a clause, however, providing that adjunct and clinical faculty could not participate in voting unless otherwise specified by department procedures.

The ad hoc committee has prepared a straightforward document, Professor Feeney said. The Committee can wordsmith it, but the concept is simple and it will change how some departments do business. The message of the policy cannot be reinforced enough if the University wants tenure to work as it is supposed to.

The ad hoc committee had choices in how it could have written the document, Professor Akehurst related. It did not focus on departments with a potential problem. It did not take notice of the fact that the University has a two-track faculty system, TTT faculty and other faculty, and that it was concerned the "other" faculty could take over and cause mischief. What it said is that the TTT faculty are responsible for certain things, and since the objective is to have this adopted as Regents' policy, the language is as broad as possible, enunciating general principles. Even if they were to try to think about the possible impact of the policy on a single small department, they would not have changed the larger policy.

Things are not quite at the point they were in the 1996 tenure debate, but the question is embedded in the policy, Professor Feeney said. If the Committee does not support it, the door is open to all departments to end up with majorities of non-TTT faculty. There are other considerations behind the policy as well; it could temper dean and department head behavior (e.g., there would be no advantage to hiring contract faculty beholden to the head or dean; there would be no reason not to hire TTT faculty).

Some departments might have trouble meeting the standard, Professor Bales observed; they might not always be able to assemble a majority of the TTT faculty for decisions. Professor Feeney noted that there could be an additional 30% of other faculty who could help reach the required majority; Professor

Walsh said that decisions or recommendations should not be made UNLESS there is a majority of the TTT faculty in support. This requirement may also raise consciousness among some about what it means to be a TTT faculty member, Professor Bebeau said; they need to come to meetings and participate. Clinical and adjunct faculty do not have that same responsibility.

It was agreed that Committee members would send comments quickly and that a revised policy would be voted on by email and then brought to FCC as soon as possible. Once prepared, it will also be brought to CAPA, the Council of Deans, and the Executive Committee.

Subject to clarifications and amendments mentioned at the meeting, the Committee voted unanimously to approve the document in concept.

2. Statement on the Retirement Plan Waiting Period

Professor Goldstein next distributed copies of a statement on the retirement plan waiting period. Following a few editorial suggestions, the Committee unanimously approved the following statement:

New tenure track assistant professors must be employed for two years before they can join the Faculty Retirement Plan. The funds that would be contributed to the retirement plan have been given to their colleges by Central Administration. Currently, however, the funds in the colleges are used for "other" purposes. In contrast, P&A staff whose salary exceeds \$55,000 join the Faculty Retirement Plan at time of hire. It also should be noted that no other Big Ten University has a waiting period for new faculty.

If new tenure track faculty received their retirement benefits for the first two years of their employment at the University, an analysis indicates their retirement income could be as much as 17% higher than under the present plan.

Because of compounding, the first two years of retirement contributions play a very significant role in the retirement benefits of a faculty member. A simple analysis, using reasonably conservative and historical values for salary increases and growth of retirement funds from investment gains, shows the importance of these contributions. Thus, providing the first two years retirement benefits would result in an increase of 13-17% in a faculty member's retirement plan after a thirty-year career. Our retirement program, which many of us boast about as being among the very best in the nation, is drastically reduced by this loss.

If there is a need for taking money from individuals' retirement accounts, then the colleges would be better served taking money from the last years of a faculty member's service, rather than the first two years. Thus, because of "the power of compounding," the first two years of retirement investment provides more in the final retirement balance to an individual than the last eight to ten years of retirement contributions is a thirty-year career and the last twelve to thirteen years over a 40-year career.

Not being able to provide retirement benefits for starting tenure track faculty has resulted in some programs placing new hires in P&A status, where they can start their retirement program immediately, and then moving them over to faculty status after a few years. This procedure, in our view, is not the way to handle the issue. Rather, since the retirement funds are already

available in the colleges and in many cases in departments, we believe the University should immediately grant retirement benefits to all starting tenure-track faculty.

The Senate Committee on Faculty Affairs had asked the administration to drop this two-year waiting period for new faculty. Unfortunately this has not, as yet, been approved. SCFA believes the waiting period puts the University at a disadvantage in recruiting. It also believes the difference between faculty and P&A appointments in terms of initiation of retirement plans is unfair and ill-advised.

SCFA recommends to the Faculty Senate that it ask the administration and the deans to reconsider their position on this issue. In view of the importance of the first two years of contributions to the retirement plan, the Committee once again urges that the waiting period for Faculty Retirement Plan be eliminated for new tenure-track faculty.

Professor Goldstein reported that he had received an email message from a prospective tenure-track faculty member inquiring whether the University had eliminated the waiting period for the retirement plan.

This document does not apply to contract faculty or P&A staff but that could be an agenda item for next year.

3. Policy on Voting on Academic Personnel Matters

Professor Goldstein brought back the statement on voting that the Committee had previously endorsed. When the Faculty Consultative Committee discussed the document, there was concern expressed about the presence of staff (e.g., a secretary) at meetings of the faculty to make recommendations about hiring, tenure, promotion, etc. Those staff are not always sworn to secrecy and need not meet the same standards as the TTT faculty.

The final statement endorsed by the Committee read as follows:

The Tenure Subcommittee was asked by the Senate Committee on Faculty Affairs to consider issues associated with voting on faculty appointments, promotions, and tenure. The Subcommittee takes the following position:

-- Only tenured full professors may vote on whether to recommend a candidate for promotion to full professor with tenure. The tenured full professors may consult other tenured faculty, non-tenured faculty, P&A and term faculty, adjunct faculty, students, and any others they wish. The meeting at which the deliberations and vote take place, however, shall be open only to the tenured full professors in that unit.

-- Only tenured associate and full professors may vote on whether to recommend a candidate for promotion to associate professor with tenure. The tenured associate and full professors may consult other tenured faculty, non-tenured faculty, P&A and term faculty, adjunct faculty, students, and any others they wish. The meeting at which the deliberations and vote take place, however, shall be open only to the tenured associate and full professors in that unit.

-- Only tenured faculty may vote on whether to recommend a candidate for tenure. The tenured faculty may consult non-tenured faculty, P&A and term faculty, adjunct faculty, students, and any others they wish. The meeting at which the deliberations and vote take place, however, shall be open only to the tenured faculty in that unit.

-- Only the tenured and tenure-track faculty may vote on whether to recommend hiring a candidate for a tenured and tenure-track faculty position in a unit. The tenured and tenure-track faculty may consult P&A and term faculty, adjunct faculty, students, and any others they wish. Individuals other than tenured and tenure-track faculty members may serve on search committees; however, meeting at which the final deliberations and vote take place shall be open only to the tenured and tenure-track faculty in that unit. It is not required that all tenured and tenure-track faculty in a unit participate in the decision to recommend that a candidate be hired, but the decision to recommend hiring of a tenured and tenure-track faculty member shall be made only by tenured and tenure-track faculty members.

There will also be a footnote appended at the end of the first bulleted paragraph which reads as follows: "The provision in this and succeeding paragraphs that "the meeting at which the deliberations and vote take place, however, shall be open only to . . ." explicitly bars all others, including secretarial staff."

What about small departments where there are not enough TTT faculty to make decisions? This document prohibits bringing in outside faculty; what is remedy? The college committee, Professor Goldstein said.

Would it be permissible to have a tape recorder at the meeting, Professor Bales asked? Sometimes there is need for a clear and accurate recounting of what was said at the meeting. Committee members generally thought allowing a tape recorder was unacceptable; the minutes of the meeting are to reflect what was said and done, Professor Wiedmann maintained. The meeting may have no minutes, Professor Feeney said, and there may be a need to undergird what was sent to the college, Professor Bland added. Would someone not a faculty member then transcribe the tape, Professor Goldstein inquired? If so that might not be proper. The Committee took no formal action on the issue of a tape recorder but it clearly did not favor permitting its use.

The Committee voted unanimously in favor of the revised policy.

4. Resolution

Professor Feeney requested the floor and read the following resolution.

Whereas, Regents' Professor Richard Goldstein has served actively and faithfully for three years as chair of the Senate Committee on Faculty Affairs, and has been one of the most conscientious members of the Committee, and

Whereas, the members of SCFA have appreciated Professor Goldstein's industry, good humor, and devotion to the advancement of the best interests of the University of Minnesota,

Therefore Be It Resolved that the members of SCFA wish Professor Goldstein the best as he steps down from the position of chair, and agreed that he should be rewarded for his service with a life-time membership on the Retirement Benefits Subcommittee and that he should serve as chair of said subcommittee whenever the chair of SCFA asks him to do so.

The motion was adopted with one abstention (Professor Goldstein).

5. Update on Administrative Reviews

Professor Hendel provided an update on the reviews of administrators. He reported that he understood there had been discussion of the Committee's request for information at a meeting of the Twin Cities deans, who would like to see a change in the policy. They do not see the need for substantial periodic reviews in addition to the annual reviews that they conduct. He said he did not know if the Executive Vice President would take any steps to change the policy. It was also not clear exactly what policy may exist.

The question raised by the inquiry from this Committee, Professor Goldstein observed, was whether or not colleges are following their own policies with respect to reviews of administrators. His interpretation of the reaction, Professor Hendel said, is that this Committee will not receive a response to its request for information until there has been a policy change.

6. Outstanding Issues

Professor Goldstein then reviewed a list of the outstanding issues:

- Faculty Development Working Group report
- Administrative review procedures
- Teaching Evaluation Subcommittee work
- Tenure Subcommittee work
- Salary Subcommittee work
- Retirement Plan waiting period
- Tuition Reduction for Dependents of University Employees
- Health Care waiting period
- Statement to Students on Civility
- Permissibility of Secret Ballots

He wished Professor Humphreys well in dealing with them as she assumes the position of chair of the Committee next year. He then thanked everyone for their work during the year and adjourned the meeting at 1:45.

-- Gary Engstrand