

Minutes*

**Senate Committee on Faculty Affairs
Tuesday, September 27, 2005
2:30 – 4:15
238A Morrill Hall**

Present: Morris Kleiner (chair), Carol Carrier, Dann Chapman, Vladimir Cherkassky, Will Durfee, Janet Ericksen, John Fossum, Patricia Frazier, Darwin Hendel, Theodor Litman, Steven McLoon, Kelly Risbey, Geoff Sirc, Oriol Valls, Larry Wallace, Timothy Wiedmann, Lori-Anne Williams, Virginia Zuiker

Absent: Matthew Bribitzer-Stull, Arlene Carney, A. Saari Csallany, Penny Edgell, Aks Zaheer

Guests: Carolyn Chalmers (Office for Conflict Resolution)

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

[In these minutes: (1) committee membership; (2) report from the office of conflict resolution; (3) policy on endowed chairs; (4) sexual harassment training; (5) job sharing and spousal hires; (6) financial situation of faculty at retirement]

1. A Committee Membership

Professor Kleiner convened the meeting at 2:30 and began by reporting that Professor Fossum asked that his Committee membership be discussed. Professor Fossum reported that he has taken an interim associate dean position in the Carlson School for one year, prior to phased retirement. He will not be a candidate for the permanent position. Senate rules do not permit anyone who holds more than a one-third time appointment as assistant or associate dean to serve as a voting member of a committee, but in the instance when the individual has an interim or acting appointment and will not be a candidate for the permanent position, a committee can choose to waive the rule.

Professor Fossum stepped out of the room; the Committee voted unanimously to ask him to continue to serve.

2. Report from the Office of Conflict Resolution

Professor Kleiner now asked Carolyn Chalmers to come to the table to provide an update on the Office for Conflict Resolution.

Ms. Chalmers recalled that she had spoken in the past with the Committee about the policy changes approved by the Board of Regents. One result is that her office is now entitled the Office of Conflict Resolution rather than the grievance office; her services are available to all non-bargaining unit staff (and only to University employees, so not those who work, for example, for Aramark or University of Minnesota Physicians). Coverage for retirees is spelled out in the policy, and only covers certain

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

circumstances.

The policy that governs her office has only changed in a few ways. One is in vocabulary: they have eliminated the word "grievance" and substituted "petition," and they now talk about conflict resolution. They also have added informal services like facilitation and mediation.

Ms. Chalmers said there were two reasons it is useful at this point for her to talk with the Committee. First, to obtain its ideas about the disputes and conflicts that faculty experience that her office could be helpful with, and second, how to get the word out so that faculty know the services of her office are available to them. There is a new brochure; should it be sent to all faculty?

On the last point, Professor Kleiner wondered about the cost of producing so many copies of the brochure and also about the usefulness of having something like it appear in faculty mailboxes. Ms. Chalmers said that at present they plan to send a card with information to faculty; those who call or need their services would be sent the full brochure. Professor Wallace asked if there is a large proportion of faculty who are aware of the conflict resolution services. Ms. Chalmers said they don't know what people who never contact her office know. If faculty do know about her office, it is probably as the grievance office and many people are resistant to the idea of becoming a "grievant." She wants to encourage people to come to her office early, before a problem becomes impacted, and help get resolution. The human resources people in the colleges all know of the change, so there is a place in the colleges where faculty can get information.

Professor McLoon discouraged sending something to all faculty. This is not something they would look at until they need it. But it is a very good idea to get information to departmental human resources people. He went on to comment that there are a lot of resources available for faculty that they are probably not aware of (such as mortgage help, Pillsbury Court housing, and so on). It would be helpful if there were a website with resources available to faculty and an email sent perhaps once a semester reminding them of what is available. The Office of Conflict Resolution could be on the list. Vice President Carrier agreed that while many of the resources are listed on the Human Resources website, they are not aggregated in one place and many offices offer services. Professor Zuiker suggested an email to all faculty to let them know about Ms. Chalmers's office.

Professor Hendel asked what topics Ms. Chalmers expected to come to her office. This Committee has addressed the discrepancy between University policy and the even application of that policy across units in such areas as sabbaticals and family leaves. The University may have a well-thought-out policy but it might not be applied equally to all faculty. Ms. Chalmers agreed that those kinds of issues do come to her office. It might be helpful to have a Q&A for faculty so they know the issues that have been raised.

Who would be responsible for setting up a website with information about services, Professor Kleiner asked? This could perhaps be suggested to the strategic positioning task force, Professor Wallace suggested. Professor McLoon added that there are many services available to faculty to enhance their professional pursuits, which also could be included on a website.

One problem her office has is the range of employees who are called "faculty," Ms. Chalmers said. Tenured and tenure-track faculty sometimes have different benefits from those who are temporary or contract faculty, for example. References to benefits for faculty need to be clear.

Ms. Chalmers emphasized that she wants faculty to be aware of what her office is doing now and that they are more available than they used to be. They want to reach out to faculty. There has been mention of programming around conflict resolution skills; she has been thinking about that in two ways. One, in the program for new chairs, in order to help them be aware of conflict resolution skills, and two, educational programming for faculty who want to play a problem-solver role in their department or more generally.

How large is her staff, Professor Kleiner asked? It consists of her and one assistant, Ms. Chalmers said. She teaches a course in the Humphrey Institute that qualifies one for certification as a mediator. A few faculty may be interested in sitting in on the course and becoming certified as a mediator.

What are the trends in the use of her services, Professor Kleiner inquired? Her office keeps statistics on usage and provides an annual report, Ms. Chalmers said. She said she believes her office is under-utilized considering an eligible workforce of about 20,000, so they may not have been offering the informal services that employees wanted. Under the new policy, use is picking up.

Professor Kleiner thanked Ms. Chalmers for joining the meeting.

3. Policy on Endowed Chairs

Professor Kleiner turned next to the draft of a motion and comment he had prepared for the Faculty Senate for Committee discussion. The draft read as follows:

MOTION:

When faculty who hold an endowed or named chair are performing below standards in their position, the same criteria and policies that are used in post-tenure review be followed to assist the faculty member.

COMMENT:

With the growth in the number of University of Minnesota endowed chairs to more than 700, The Senate Committee on Faculty Affairs believes that a policy should be established regarding the appointment to and potential removal of an individual from an endowed chair. Currently the policy for appointment to an endowed chair is that it "must conform to the search and selection procedures generally followed in the unit in which the named chair is placed, except as noted." There is, however, no policy for providing assistance for a faculty member who is under performing in their position or for removal from an endowed position should that faculty member continue substandard performance.

The Committee has talked about this for about a year, he said, and this draft follows up those conversations. There is a "sunrise" provision for endowed chairs, but the Committee should deal with the lack of any "sunset" provisions, and should deal with it in a way that does not create another bureaucracy within colleges and departments. There is (or should be) a post-tenure review mechanism in place in departments that can be used.

Professor Valls said that while the statement makes sense, it does not address the problem. The problem is not that someone has a fancy title and is not performing; the problem is that many endowed chairs also bring in funding for research expenses, release from teaching, and other support, and those funds may not be put to proper use if the occupant of the endowed chair is not performing at a high level. There should be a simpler procedure to remove funds that are not being used well, not the cumbersome post-tenure review process. There needs to be some due process, Professor Kleiner responded. Professor Valls maintained that items that are not salary should be subject to periodic peer review and taken away if they are not being used well. Professor Kleiner said the faculty in his department are reviewed every year and support can be withdrawn if not used appropriately. In other cases, Professor Valls said, once someone is given a title and funding, there is no way to take it away; he said the system in Professor Kleiner's department was a good one but that it would not happen if it were as complicated as post-tenure review.

Professor Wiedmann, however, said the statement was reasonable, even if cumbersome. His sense was that the conditions for receiving extra funding for research and so on are never stipulated—they are given in the hope that the person will keep doing well, but nothing is written down. There should be something from the Foundation, Professor Kleiner suggested; there may be, Professor Wiedmann said, but nothing that is written in a way that is useful for evaluating performance.

Is one to view this as renewing a grant or as a tenure issue, Professor Cherkassky asked? It is both, Professor Kleiner said. Some hold endowed chairs for a stipulated period while others hold them for an indefinite period. The point of keeping the process simple is to let departments evaluate the individual and to use the post-tenure review process if they find that performance is not up to the level expected of an endowed chair.

Professor Valls maintained, again, that there is a difference between post-tenure review, which could lead to a reduction in salary or termination, and reviewing a research grant. The process for the latter should be simpler. Professor McLoon said he did not believe it would be simple. Professor Valls said that it is rare that anyone's salary is lowered, but access to research funds—staff support, travel, other support—should be reviewed every five (or seven or ten) years in a more straightforward way. Does he imagine a dean conducting the review or a group of faculty, Professor Wiedmann asked? If a group of faculty, the process is right back to post-tenure review. There would need to be checks and balances, Professor Kleiner said, not just an administrative decision.

Professor Hendel commented that it sounds as if practices are very different across colleges; has anyone summarized them? Professor Kleiner said not.

Professor Fossum related how endowed chairs are awarded in the Carlson School. The process is competitive: individuals receive a 3-5-year appointment and they know that when their term runs out, solicitations will be made for candidates for the position. Each year there are candidates for open chairs and a faculty committee decides who receives them. Are they used to attract faculty from elsewhere, Professor Kleiner asked? They are, but the individual is given a specific term at the time of initial appointment and understands the chair will be competitive in the future. The Committee could say that approach is the one departments should make, Professor Wiedmann suggested. Professor Cherkassky said that may be the best system, but chairs should be given to departments and let them decide how to use them. In his department, the chairs are given as lifetime appointments. The practice clearly varies by

departments, Professor Kleiner observed; the motion he introduced only comes into play if the individual is not performing at the expected level, regardless of the length of the appointment.

There is a difference between removing someone for substandard performance and having a competitive system, Professor Valls pointed out. Post-tenure review is not set up to handle the situation that Professor Fossum described. It would be better for the University if there were competition every five to seven years for endowed chairs, rather than giving them as lifetime appointments. Professor Kleiner asked if the Committee wished to call for fixed-term appointments for endowed chairs.

Professor McLoon said that dictating how endowed positions are handled could be problematic. He said he has no problem with units that choose fixed terms or recurring competition for positions. However, when departments raise the money for an endowed position and bring someone in from outside the University, he was unsure whether it would be right to require turnover of these positions. On the other hand, he said that there are departments that abuse endowed chairs (such as appointing a probationary faculty member with no research record whatever). Those who hold endowed chairs should be held to a higher standard than everyone else, he said. A mandatory review every five years or so, which carries the risk of losing the chair, would be more than just post-tenure review and should include outside reviewers. There is a lot of money attached to some endowed chairs which, if used well, can enhance a department's standing and performance.

Is this an issue for the Academic Freedom and Tenure Committee, Professor Kleiner asked Professor Durfee? It could be, Professor Durfee said. With endowed chairs, the donor has some say, and there could be University policies that prevent a unit from accepting the money. He said he preferred an evaluation system within the existing context rather than a new system. It would also be good to have a statement about reviews of chair holders for donors so they can be assured their money is being used well.

If performance of endowed chair holders is to be reviewed every five years, that would be a lot of work, especially if the number of endowed chairs increases, Professor Kleiner commented. Professor Valls repeated that he was not concerned about chairs with an empty title, one that has prestige but no additional support—in those cases, he said, no extra review would be needed. But where there are salary supplements, research and travel funds, and so on, there should be review.

Does the proposal mean that someone could go through the post-tenure review process twice, Dr. Carrier asked? Once for holding an endowed chair and once as a faculty member in the department? Professor Kleiner said he assumed it would be a single process, with a higher standard for the occupant of an endowed chair.

Professor Fossum said that the statement needs to be reviewed, given the diversity of views expressed at the meeting. It was agreed that Professors Kleiner, Frazier, and Wiedmann would redraft the proposal and bring it back to the next meeting.

4. Sexual Harassment Training

Professor Kleiner next reported on a memo that had been sent to deans and chairs about a learning exercise on sexual harassment to be completed by all employees. The exercise takes about 45 minutes to complete. The exercise was not brought to this Committee, but there is pressure on chairs to

ensure that all faculty and staff complete it. This is important but it is only one area of Title VII issues, which also include race, age, gender, national origin, and other potential types of discrimination.

Professor Fossum said that he had contacted Professor Kleiner about this. There was a deans/directors/department heads memo from Senior Vice President Jones and Ms. Sweitzer, Director of the Equal Opportunity Office, indicating that the University expects all employees to complete this exercise. He told Carlson School department chairs he would send a memo to them requiring everyone to do the exercise, which provoked questions (e.g., how would it be known someone had completed it? There would be a record in PeopleSoft.) Professor Fossum said he realized that if all would be required to do this, he should do it as well. He did so and was very concerned about the time it took and level of pushback it is likely to provoke. He asked the department chairs to do the exercise and let him know what they thought. The responses were not positive: the program is hard to navigate; it freezes and can require starting all over, has long interludes of music and slow pacing, is aimed at a rather low level of sophistication and has extremely obvious examples, and can take much more than 45 minutes. The program is likely to generate more irritation than education, he concluded. He would burn a lot of capital to ask people to do this exercise and the Equal Opportunity Office is not well-served by it. The subject is important, he said, but he expressed hope the exercise could be redone.

Ms. Williams reported that she had done the exercise and had had the program kick her out and put her back at the beginning. She also pointed out that University Services has a large number of employees who do not use computers in their work and it is difficult to get them the opportunity to complete the training. Professor Zuiker also reported knowing of someone who did the exercise and came away offended by it, as well as believing it was ineffective.

Professor Sirc wondered about the usefulness of such exercises. Are these required because the University believes they work? One could do the same kind of exercise with smoking and people will still smoke; the same could be true for sexual harassment: people do not engage in sexual harassment because they do not know it is bad.

Professor Durfee asked if this training is being required because of a court order or federal law, akin to what is required for human subjects training, or is this a case where the University is doing this on its own. There is a Regents' policy on sexual harassment, Vice President Carrier said, and the University is trying to make everyone aware of it. If the content is not dictated by law, Professor Durfee said, it requires careful thought.

Professor Valls raised a question about the cost of the training. If every University employee must spend an hour and a half on it, that is a lot of time. Someone else in another office could think that some other topic also requires training and decide everyone should go through such an exercise. He maintained that the University should not require such exercises (1) until they have been demonstrated to be effective and (2) are the most cost-effective way to deliver the training. In this case, (1) is doubtful and (2) is clearly not the case. To be effective for faculty, the University has to design something for faculty, Professor Cherkassky said. Faculty face a different situation; it makes no sense to have the same program for all employees.

Ms. Williams commented that there will be people at all levels of employment who will find the examples in the exercise quite simplified. What the exercise does, however, is give them license not to

tolerate such behavior. Professor Wiedmann asked if the Regents requires employees to take this training; Dr. Carrier said it did not, only that that workforce be trained in some manner.

Who can halt this exercise, Professor McLoon asked? It was agreed that Professor Kleiner would communicate with Senior Vice President Jones and Ms. Sweitzer and that representatives from the Committee would meet with them to offer the Committee's advice that they not go forward with the training until there has been substantially more work on the delivery mechanism as well as on the content. Professor Fossum said he recognized there is a need for sexual harassment training but that this is not the right vehicle to deliver it. Professor Wiedmann said he did not believe the Committee should even say this is a good idea. Ms. Williams said that if it is done well, there are people who can learn from the exercise, but the University can't deliver the right message to all 20,000 employees with one instrument.

Professor Valls said that people are already required to go through a lot of training; his worry is that if every bureaucrat believes employees must have training on something, when will people get their work done?

5. Job Sharing and Spousal Hires

Professor Kleiner reported that a colleague had asked whether this Committee is studying spousal hiring and job sharing.

One problem with the latter is that there is policy requiring individuals to have a 67%-time appointment or more in order to be tenured, Dr. Carrier observed. Does only one person hold tenure? What happens if a married couple gets divorced?

Professor McLoon said that he knows of shared positions at the University. He added that he has never seen a university work as hard as Minnesota to accommodate spousal hires. Of course, not every effort has been successful, but at least the effort is made. Professor Valls agreed that the University does a good job in spousal hiring; there is no point in discussing the subject because there is no problem. Job-sharing, however, really does not exist and the Committee could discuss it.

The Committee agreed it would consider the topic.

6. Financial Situation of Faculty at Retirement

Professor Kleiner said that one Committee member had asked how well off faculty are at the time they retire. The question arises with defined contribution plans; with a defined benefit plan, one can plan quite precisely because income is predictable. What is the average wealth of faculty in the University's retirement plan when they retire and what is the variance? What percentage have less than \$500,000? Would the Committee like the basic data? Or is it too difficult for the Committee to tell how well-off faculty are at retirement?

Ms. Singer said it will require a great deal of work to gather the data that Professor Kleiner mentioned. And it is unlikely that the plan design (the Faculty Retirement Plan) would provide useful information: at age 55, one can take any amount out of the basic plan and at age 59½ one can take any amount out of the supplemental plan. People will have perhaps already taken money out before

retirement. So the data may not tell the Committee much. What she could do, she said, is provide a matrix showing what someone would receive depending on what assumptions one makes.

Professor Wiedmann said he was concerned that some faculty might end up quite wealthy and others comparatively poor. That is true of salaries in general, Professor Litman observed. But individuals could move investments around and end up with less than they should, Professor Wiedmann said. The question is what faculty have at retirement, Professor Kleiner said; he did not know the number who take money out at age 55 or 59½, but surmised that it is quite small. They could take the money out and invest it elsewhere.

Ms. Singer suggested looking at the plan and seeing what it is intended to do, not where individuals might have chosen to invest their money. If an individual receives, between the retirement plan and Social Security, 70% of his or her pre-retirement income, that plan is a good one. If the individual will receive only 10% of pre-retirement income, that would be frightening. The Committee could be apprised of the highs and lows within the existing plan. The Committee asked to see this information.

Professor McLoon asked what the point would be. To see how well of faculty are at retirement, Professor Kleiner said, and whether the Committee should recommend other policies. Professor Valls said that except for post-retirement health care, the faculty are completely satisfied with the retirement plan and the Committee should not waste time on it. Professor Cherkassky, however, said he raised the question because there is the general view that Americans do not put enough money in their 401(k) plans. It is useful for the Committee to see how the University compares with other institutions, Professor Kleiner said. Ms. Singer said that in general, of those universities with defined contribution plans, the University does better than most; of those which have defined benefit plans, it depends. Professor Fossum recalled that there was a comprehensive look at benefits in the Big Ten schools; with the exception of Ohio State, which is an outlier, if one does not take money out of the retirement plan and then buys an annuity, faculty who retire from Minnesota will be as well off as those who retire from anywhere else.

Professor Kleiner adjourned the meeting at 4:15.

-- Gary Engstrand

University of Minnesota