

Minutes*

**Faculty Consultative Committee
April 15, 1993
12:30 - 3:00
Room 608 Campus Club**

Present: Mario Bognanno (chair), John Adams, Amos Deinard, Judith Garrard, Paul Holm, Benjamin Liu, James Tracy, James VanAlstine

Regrets: Lester Drewes, Karen Seashore Louis, Toni McNaron, Irwin Rubenstein, Shirley Zimmerman

Absent: None

Guests: None

Others: None

[In these minutes: grievance procedure changes; committee on teaching and learning; reviews of administrators; protocol on minutes]

1. Changes in the Grievance Procedures

Professor Bognanno convened the meeting at 12:30 and began by explaining certain changes that have been proposed for the grievance procedures (which were being considered for action by the Board of Regents the day of this meeting, and the following day). There are proposed changes that have been worked out between him and General Counsel Mark Rotenberg. Professor Bognanno explained, that are technical in nature and that conform to the spirit and intent of the procedures that were adopted by the Senate. The changes are these:

- The University Grievance Officer shall send copies of the annual report to the Office of the Board of Regents (as well as publish it in the Senate docket and distribute it to a number of other offices).
- The grievance policy does not afford LEGAL rights, but it does afford substantive rights; the procedures only become legally binding if one goes to arbitration. The point is that the University retains the right to management itself--it can change its rules, policies, procedures, and practices.
- If an individual feels discriminated against, he or she may take a complaint to the EEO office, or to the grievance procedure--but not to both. If, however, in an EEO case, the respondent is disciplined, that respondent may appeal to the grievance procedures. This was the intent of the policy all along, and is now made more explicit.

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- The policy is now clearer that the University Grievance Officer is to provide advice and counsel on the appropriate procedures, NOT to be an advocate for complainants; this was also the intent of the drafters.

These changes, Professor Bognanno reported, have been reviewed by the members of the University Grievance Policy Review Committee (the original drafters); no one had objections. The EEO portion has been reviewed by the EEO office and the Committee on Equal Opportunity for Women and the changes are supported. Professor Morrison, the acting University Grievance Officer, has also reviewed them (and some of the language, in fact, is his).

There are four other activities going on that are related to the grievance procedures:

- The search for the University Grievance Officer (Professor Garrard is serving as chair)
- An academic complaints committee, for students, will begin work soon (Professor Gerhard Weiss will chair)
- All organizations that have an interest in the management of grievances, and the administration, are working on establishment of the Grievance Advisory Committee; appropriate organizations have been asked to provide nominees by May 15
- Staff, faculty, and students are trying to figure out how to fund an employee advocacy office and how to defray employee costs of arbitration; this is a private initiative outside the governance system and operation of the grievance system itself.

The question, Professor Bognanno said, is this: Does he advise the Regents to go ahead and adopt the new grievance policy (on April 15), or should he ask them to wait until the Senate can review and act on the amendments? The Committee, with little comment and no dissent, urged that the Regents be asked to adopt the procedures on April 15; the Committee will then recommend the changes to the Senate on May 20 as part of the consent package of legislation. One of the primary reasons for asking the Regents to act now is that all of the activities planned would have to be halted pending final regental action in June (if Regents' action on the policy were to be delayed until after the May 20 Senate meeting).

It is to be wished, Professor Bognanno said, that the full Senate Consultative Committee could have responded to this request, but timing, under the circumstances, did not make that possible. SCC will, however, have the opportunity to review the changes at its meeting on April 29 or on May 6.

2. Report of the Chair

Professor Bognanno then reported on several items.

- The Committee on Teaching and Learning that the President mentioned at the last meeting will be appointed; the co-chairs for the Twin Cities campus will be Professor Tracy and Vice President Hopkins. Professor Tracy will be on leave next year, however, so will be succeeded by the next chair of the Senate Committee on Educational Policy. There will be separate committees on each campus. Questions about the committee included the focus on the reward structure and on undergraduate education (if intended).

- The task force on supercomputing is expected to make its report within the next 10 days to two weeks.
- There needs to be a slight revision to the resolution adopted at the last Faculty Senate meeting about the reviews of administrators. The responsibility for the review of the President, and the Executive Director of the Board of Regents, rests with the Board of Regents; the resolution should be amended to acknowledge that responsibility and to note that the Board has in the past relied on faculty participation in the reviews of these individuals and it is assumed that that practice would continue. The Committee concurred, and agreed that the amendment should be part of the consent package at the Faculty Senate meeting.

Relatedly, Committee members raised questions about the reviews of deans; it was agreed to ask Academic Affairs for the rules governing the review of each dean and the date and result of the most recent review of each dean.

The Committee also agreed that reviews should include "heads" where the appointment is for a long period.

- The smoking policy has been approved by three Senate committees; Vice President Hughes will be asked if she can present the policy to the Senate Consultative Committee.
- A protocol on Senate committee minutes was distributed, prompted by concerns that people were obtaining parts of sets of minutes, not the entire discussion, and by the perception that the discussions represent final decisions. The protocol calls for the inclusion of a disclaimer and means to ensure that the committees are aware of who receives their minutes. The Committee was satisfied that steps were taken to ensure the most cost-effective delivery (including electronic mail wherever possible). These minutes, Professor Bognanno noted, have been made much more available than they ever were in the past.

Also noted were two minor bylaw amendments to bring Senate rules into conformity with state law with respect to data privacy and with respect to public documents.

- The Committee on Committees has presented a proposed amendment to the Senate bylaws concerning the manner in which students are counted for the purpose of representation in the Senate. It was agreed that this matter should be taken up by SCC.
- It was agreed that with the passage of the bylaw filling the former "Duluth" seat on FCC, steps should be taken to fill the seat immediately; Professor Bognanno was delegated the responsibility for doing so.

After a discussion of questions of representation, the Committee adjourned at 2:50.

-- Gary Engstrand