Minutes[*]

Senate Committee on Faculty Affairs
Tuesday, May 7, 2002
3:07 – 5:00
238A Morrill Hall

Present: Richard Goldstein (chair), Carole Bland, Carol Carrier, Daniel Feeney, William Garrard,
                Roland Guyotte, Darwin Hendel, Roberta Humphreys, Nan Kalke, Cleon Melsa, Thomas
                Walsh, Carol Wells

Absent: Josef Altholz, Kent Bales, A. Saari Csallany, Neil Graf, Robert Jones, Harry Savage,
                Wade Savage, George Seltzer, Timothy Wiedmann

Guests: Julie Sweitzer (Office of Equal Opportunity and Affirmative Action), Jeanie Taylor
                (Office for University Women), Patsy McGlynn (Human Resources); Associate Vice
                President Steve Cawley (Office of Information Technology)

Other: Cathy Gillaspy (Office of the Board of Regents)

[In these minutes: (1) student harassment of faculty; (2) ad hoc governance committee report; (3)
grievance procedures; (4) on-line pay statements; (5) salary subcommittee report; (6) Tenure
Subcommittee report (statement on voting on tenured/tenure-track personnel decisions)]

1.   Student Harassment of Faculty

        Professor Goldstein convened the meeting at 3:10 and welcomed Mss. Sweitzer and Taylor to the
meeting.

        Ms. Sweitzer began by saying she understood there were questions about harassment of TAs and
faculty, particularly women faculty. In general, if a student is causing problems, the first call should go to
Betty Hackett in Student Judicial Affairs. If the student is also an employee, or if there are problems with
an employee, the call should come to her office. Her office deals with harassment based on race, gender,
religion, sexual orientation, and so on--but they focus on harassment based on protected characteristics.
They receive many calls for other kinds of harassment as well that they will try to help with.

        Her office also deals with policies (e.g., sexual harassment, nepotism and consensual relations,
sexual assault).

        The short answer to the question about harassment is this: call her office. They can help to make
sure the right things are being done.

        In the last three years they have seen anecdotal evidence that students are challenging TAs (who
students may perceive as vulnerable, especially if the TAs are women or people of color). If a TA or
student expresses concern, and the instructor does not feel comfortable handling the situation, he or she

should call her office, Ms. Sweitzer said. Calls can be made anonymously; they will talk to anyone to try to help him or her respond.

It may not be as much increased harassment as increased awareness of harassment, Professor Goldstein said. Every time he has raised this topic with women faculty, it strikes a chord; there is sometimes rudeness and disrespect that usually does not happen with male faculty. This generally happens with younger women faculty, he said, and they want to know who they can talk to. Usually they would like to talk with a more senior woman faculty member. He said he is not sure to whom he should refer them, someone they could turn to help identify the proper way to react.

Increased awareness is a good thing, Ms. Sweitzer said, and looking for help is a positive step. Her office is a resource for advice; it may also be a matter of good classroom management. The Office for University Women might also be a place to call.

Ms. Taylor said that her office, the Office for University Women, grew out of the Commission on Women. They do not provide direct service but instead work with policies and colleges to look at issues such as this. Next year they plan to work with junior and senior women faculty and faculty of color. The issue for women faculty and faculty of color is long-term; sometimes the harassment is subtle, sometimes it is blatant.

What is the best resource for women faculty to draw on, Professor Goldstein asked? She wants to hear about incidents, Ms. Taylor said; so should Ms. Sweitzer. If she learns about an issue, her office can work on it. In terms of promotion and tenure and mentoring, there is no one person who can solve the problems; if the climate in a college is hostile to women, it will be difficult for them to get tenure.

One solution is to give faculty, in advance, tools to deal with problems, Ms. Sweitzer said. One possibility would be to talk with Joyce Weinsheimer at the Center for Teaching and Learning; he could perhaps offer a seminar on managing the difficult student. If the student is troublesome on a repeated basis, the matter should be referred to Betty Hackett in Student Judicial Affairs. If the instructor does not want to address the issue in a disciplinary manner (Ms. Hackett's goal is to educate the student to improve behavior so he or she can remain a member of the academic community), there is a need to establish boundaries of behavior. The instructor can call her office; Ms. Taylor can connect the instructor with other women faculty. There are several places to turn, she said, so people can start where they are comfortable. Her office might not be the right place but they are good at referring people.

Professor Goldstein said he has talked with Professor Ahern about a statement from this Committee and the Committee on Educational Policy to students on civility and interacting with instructors. He thanked Ms. Sweitzer and Ms. Taylor for joining the meeting.

2.   ad hoc Governance Committee Report

Professor Goldstein next asked Professor Feeney for a report from the ad hoc committee on governance. Professor Feeney said the committee will have a report ready by the end of the day and will, if the agenda permits, bring it to the next meeting and will distribute it to the Committee in advance.

The document is very direct, he said, and identifies what the tenured and tenure-track faculty should be doing in units, who gets to vote, and what language should be in college and department constitutions. It proposes to allow, in certain circumstances, voting privileges to be extended to faculty

who are not tenured or tenure-track, but the tenured and tenure-track faculty are held responsible for curriculum, personnel, and governance.

What route will the report take, Professor Goldstein asked? It will come to this Committee, then to the Faculty Consultative Committee, then to the Faculty Senate, then to the administration, and then to the Board of Regents, Professor Feeney said. It needs to be approved at all levels, including the Regents.

Does the document set rules that a number of units may not at present be following, Professor Goldstein asked? It does, Professor Feeney affirmed.

What about departments with a majority of faculty who are not tenured or tenure-track, Professor Bland asked? Some changes will be required, Professor Feeney replied.

If adopted as it stands, would the document require some colleges to change their plans, Professor Melsa asked? It could, Professor Feeney said.

What about a department or program that has no tenured or tenure-track faculty, Professor Wells asked? It would not apply to them, Professor Feeney said.

Professor Bland said she was glad the ad hoc committee was doing this work; there needs to be discussion of these issues. She said she had recently seen data reporting that only one in four faculty hires last year were tenured or tenure-track. That may not be true of the University of Minnesota, but it is of other institutions. The preamble to the document will be very important in providing a rationale for the policy. The document has an explanatory preamble and a policy, Professor Feeney said.

Some recommendations may affect college constitutions, Professor Hendel asked? It will call for a two-thirds vote of the tenured and tenure-track faculty to approve a college or department constitution, Professor Feeney said.

Will some revisions of the tenure code be required, Professor Hendel then asked? The report will have nothing to do with tenure, Professor Feeney said; no tenure code revisions will be necessary.

When there is a large number of faculty (who are not tenured or tenure-track) handling course work, they know about student concerns and must be involved, Professor Goldstein said. The document does not tell anyone how to consult or whom to rely on, Professor Feeney said. It only says who can vote.

Vice President Carrier said it did not sound like the proposal will be in conflict with the academic personnel policy, and could provide more specificity.

A big issue, where there are more and more non-tenured and non-tenure-track faculty, is concern about development of a second-class status, Professor Bland said. The way to avoid that, some have said, is to give everyone voting authority, and there will be a push to do so in order to avoid that second-class status. People will ask "what is the harm?" The preamble to the document will respond to that concern, Professor Feeney said. The language is not fixed, but he would like the group that drafted the document to be present for the SCFA and FCC discussions.

It is important to bring these issues into the open, Professor Goldstein agreed, and to have them voted up or down.

This should be discussed with the AHC as well, Professor Bland said, because of the large number of non-tenured faculty. Professor Feeney replied that there was discussion about voting rights for those faculty; the ad hoc committee did NOT say they should have none; the point of the document is that control must reside with the tenured and tenure-track faculty.

There was a question a few years ago about review of changes to college constitutions, Professor Hendel recalled. There has been no activity in central administration with respect to college constitutions for at least three years, Dr. Carrier said.

Professor Goldstein thanked Professor Feeney for his report.

3.   Grievance Procedures

Professor Goldstein next distributed copies of the revised grievance procedures and reported that at the Senate Consultative Committee meeting last week, the procedures as revised had been approved (with SCC acting on behalf of the Senate) subject to approval by this Committee. Professor Morrison is happy with the language now in the policy, he said, and recommends the Committee approve it.

The Committee voted unanimously to approve the procedures as revised.

4.   On-Line Pay Statements

Professor Goldstein turned now to Vice President Carrier for a discussion/demonstration of a new option for receiving pay check information.

Dr. Carrier reported that pay statements--the blue paper that everyone receives every two weeks--will be available on line. She said she hopes that most employees will choose to receive the information on line rather than by paper copy; the University will save about $100,000 per year (and department staff time) if it no longer has to distribute paper copies. Employees will have access to 52 weeks' (two years') worth of statements and can print them out.

Dr. Carrier asked her colleague, Patsy McGlynn, to provide a demonstration of the new system. The Committee was provided a web-based demonstration.

--   The information can be printed or downloaded and stored on one's computer.

--   If one uses the on-line system to make a change in the W-4, the change will appear in the next paycheck.

Dr. Carrier asked Associate Vice President Cawley to talk to the Committee about security systems. Mr. Cawley said that the system is secure; it is the same environment as all of the other self-service applications at the University. It is a good example of a secure web environment. The most insecure environment at the University is the paper system: if one is really worried that others will obtain information about him or her--

It is a single sheet of paper now, Professor Goldstein interjected. This system will have two years' worth of information as well as retirement account information that is not now on the paper. It is clear to him, Mr. Cawley responded, that the paper system is much less secure than the electronic system. He agreed, however, that the more the University relies on self-service applications, the more important it is that employees understand the importance of protecting their password.

How easy is it to hack into these accounts, Professor Walsh asked? It's well known that the password used on many systems the Unix "crack" program can basically break almost instantly. He said he assumed that if one sends multiple passwords, they will be rejected. There is a time-out, Mr. Cawley said; your biggest fear is that someone who knows you can figure out your password, such as your spouse's name and birthday combination.

Have they hired anyone from outside to try to break into these accounts, Professor Walsh inquired? They have not, Mr. Cawley said; the system will, however, time someone out who is trying to break into an account. Professors Goldstein and Walsh suggested it would be a good idea to hire someone to try. They can do so, Mr. Cawley said, but their fear is not so much someone trying to break into the system. It is a short period of time before someone is blocked. Mr. Cawley said he would provide information, not in the public record, on what his office does to limit hackers from getting into the system. It would be reassuring to know that some security firm, on a confidential basis, made a serious attempt to get into the system, Professor Walsh said.

Mr. Cawley agreed that this is an important issue, because this is the system the University uses for all its self-service applications. What has been demonstrated today is information; some interactions with the system are transactions. What they want to communicate is the importance of password management: not sharing it (which is, unfortunately, too common a practice at the University, Mr. Cawley said).

The University does not force changes in passwords or any insistence on the length or the characters that must be in them, Professor Walsh commented. (There is a very short minimum length.) Most systems will demand passwords with more than six characters and that it include non-alpha-numeric characters; the University does not. Some applications at the University do require that kind of password, Mr. Cawley said; they can look at the possibility. The position the University has taken, however, is that it is up to the individual to choose. They ADVISE people to use alpha-numeric passwords with both upper and lower case, with eight or more characters, and to change it often. And don't share it. Banks force one to change passwords regularly, Professor Walsh said; Dr. Carrier responded that her bank has never forced a change. Neither does his, Mr. Cawley said, and commented that there is a debate on whether changing passwords helps; changing them leads people to pick simple passwords because otherwise they cannot remember them. Allowing people to keep a password for a longer period, if it is a good password that cannot be cracked quickly, is probably better.

"It is important to understand that if you don't manage your password, you've only jeopardized your data, nobody else's data," Mr. Cawley emphasized. The system is also set up so that one cannot get to the data through this port. A hacker interested in getting the data would want to be able to get at all of it, which cannot be done through this port. It would not be an attractive proposition for a hacker. The real question is the security of the records, Professor Walsh observed.

Are all the retirement plan balances available on line as well, Professor Goldstein asked? Those are not, Dr. Carrier said. Part of the self-system shows how much is going in, paycheck by paycheck, she

said, but one would have to link to the various funds in which money is invested. Which would require another password, Ms. McGlynn pointed out.

Most people receive their blue paycheck information on Wednesdays, on pay day, Dr. Carrier said; the information will be available on line on the Monday before pay day. The MONEY won't be in the account two days ahead of time, but the information will be. Will there be emails to employees indicating the money is there, Professor Hendel asked? There will not, Dr. Carrier said.

Professor Goldstein said he was curious about a different security question. One concern is about someone breaking in from outside the University. How many people inside the University have access to the records? Ms. McGlynn said that people do have the responsibility for inputting data; if they put it in, they can also call it back. How many such people are there, he asked? Ten or fifteen people in payroll, Dr. Carrier said.

Mr. Cawley reported that the University is signing a contract with a company that will monitor activities on servers and alert the University to breaches of security. Protecting the University's databases is something they take VERY seriously and have several staff devoted to doing so.

Professor Humphreys said her only concern is that given how busy faculty are, some might forget to look unless there is someone nudging them. When people look at their checkbook balances, they'll look, Professor Goldstein responded. Some never look at them, Dr. Carrier said, because nothing changes; Dr. Goldstein observed that sometimes they change by 2 cents or so from time to time, or in the summer. Even if one asks for the printed copy, Ms. McGlynn said, it will still also be on line, so someone could later choose to obtain the information only on line. There will also be three pay periods when the information will be provided by paper copy as well as on line; the fourth one will stop printing paper copies for those who have indicated they will do without the paper copy. It will take an affirmative act to stop the paper copies, Dr. Carrier said.

Professor Goldstein thanked Dr. Carrier and Ms. McGlynn for their report.

5.   Report from the Salary Subcommittee

Professor Humphreys reported that the salary subcommittee spent some time getting the faculty salary database; it now has it. The database covers ten years of faculty salaries; given the size and the time of the year, it has not conducted any analyses. It will begin to do so this summer; because of the size and complexity and need for expertise in Excel, it has hired a graduate assistant whose doctoral dissertation is on faculty salaries.

The initial questions the subcommittee will look at include these:

--   study of last year's salary distribution (the bimodal allocation); they will look at it by college, campus, department, and academic cluster (groupings of departments established by the AAU); they will look at means, medians, and develop histograms.

--   Ten-year picture of raises, including means, medians, etc.

--   The difference between the stated amount to be delivered and the actual amounts; often it appears that the actual amounts delivered are greater than the stated amount.

--   The subcommittee also has the AAUP database; it starts in 1963 (only every five years before 1990). It will look at the University's ranking overall, in the top 30 research universities, in the Big Ten, and perhaps other groupings.

Once it has the data from these questions, the subcommittee may formulate additional questions, such as how salaries have been distributed within departments (anonymously), salary compression, or more in-depth analysis of the clusters, the impact of providing set dollar amounts for increases (rather than increases by percentages).

Professor Humphreys said she hoped they have at least a preliminary report by Fall.

6.   Report from the Tenure Subcommittee

Professor Garrard first drew the attention of Committee members to a statement on voting prepared by the Tenure Subcommittee, which took longer to prepare than he had expected. The statement was prepared in response to a concern, at least in some colleges, that non-tenured/tenure-track faculty have been involved in hiring and promotion decisions for tenured and tenure-track faculty members. The influence can be explicit or implicit.

The statement 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 deliberations and vote, however, shall be open only to the tenured full professors.

--   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 deliberations and vote, however, shall be open only to the tenured associate and full professors.

--   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 deliberations and vote, however, shall be open only to the tenured faculty.

--   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, the final deliberations and vote shall be open only to the tenured and tenure-track faculty. 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.

Most units have a procedure that includes consultation with people who are not tenured or tenure-track faculty, Professor Garrard observed; the Tenure Subcommittee did not intend to prevent that from occurring.

The intent of the statement is that the ultimate decision on the hiring and promotion of tenured and tenure-track faculty members should be in the hands of the tenured and tenure-track faculty, at least at the unit level. The intent is not to exclude consultation with non-tenured faculty, P&A staff, students, and so on. The statement allows for such consultation; it only provides that the deliberation and vote must be only with the tenured and tenure-track faculty.

Professor Bland asked if it is regular procedure that the faculty vote on who is to be hired, or do they participate? It is not required that all regular faculty in a unit participate in a decision that a candidate be hired, but any such recommendation shall be made ONLY by the regular faculty. Some units do, some don't. This still seems to require that faculty participate, Professor Bland said.

Professor Wells said that the last paragraph seemed contradictory: it is not required that tenured and tenure-track participate, but the decision to recommend hiring must be made by tenured and tenure-track faculty. How do you not participate? Everyone doesn't have to participate, Professor Goldstein said; not ALL is the key term, Professor Garrard added. What if none do, Professor Wells asked? Some would have to, Professor Garrard said; otherwise there would be no decision to recommend, Professor Goldstein agreed. That can only be made by regular faculty.

What if the head does it himself? That is a good question, Professor Goldstein said. In some units, faculty just appear. If the faculty don't want to vote, they could just give up that right, Professor Melsa said. They may not have known they had it to give up. People just appear. In some instances, there are search committees, but the faculty do not meet to vote. Or there may be an "exceptional hire," which the faculty may not feel comfortable with, but the decision was already made. The last sentence is needed to answer the question, Professor Garrard said. In some cases, every faculty member votes; in others, some don't vote. There is a range of options; the Tenure Subcommittee learned a number of different ways the appointments are made. The sentence is intended to provide that not ALL regular faculty need to participate.

The concern is that perhaps only a very small minority participate in a decision, Professor Goldstein said. Professor Garrard expressed doubt that this statement could address that problem.

Where is the rule that faculty have to participate, Professor Wells asked? There no rule, Professor Garrard said. They do not HAVE to but they have the RIGHT to, Professor Melsa said. They are supposed to. Each unit has its own ways of doing things, Professor Garrard said; he said this policy could not fix problems in various units. In terms of making a department what it is supposed to do, that is a different matter. But there apparently have been instances when the decision about hiring included people in the room who were not tenured or tenure-track faculty but who were influencing the decision.

The point is that that there may be NO one in the room, Professor Goldstein said. It is clear, but it doesn't say HOW MANY of the regular faculty. A majority? This statement cannot do that, Professor

Garrard said, and if must, they may as well quit. The Tenure Subcommittee has been over this ground all semester; when they tried to say something, some college would say they do it differently. Trying to write policy at that level is impossible. He said he was amazed at the variation in policy from one college or department to another. Is that addressed elsewhere, Professor Bland asked? One would have to go to each college and department, Professor Garrard said. In the college plans. Dr. Carrier said there is language about this process in several places, but nowhere does it say that every unit must do it the same or that a vote has to be taken. Professor Garrard is right: colleges have designed all sorts of processes, and if they work then they are happy with them. So this document says that IF a vote is taken, it should be among the tenured and tenure-track faculty, Professor Wells concluded. Professor Garrard concurred. It also says that final deliberations are to be conducted by the same people--a provision that the Subcommittee heard was needed.

Ms. Kalke noted that in her college P&A serve on search committees. The entire council gives its views; the director has the final decision on hiring. If this statement passes, the P&A employees could NOT be involved. Professor Garrard said they could be involved in everything up to the final process, whatever that is. If it does change, Ms. Kalke said, she would not as a P&A staff member want to serve on a search committee. Why would she want to? That could an unintended consequence of the policy.

Often P&A staff are asked to serve on search committees in her college in order to have a minority person, Ms. Kalke said; this could be a problem. The sense of the Subcommittee members, Professor Garrard said, is that they did not want P&A staff involved in the final decision. It is not just P&A staff; there could also be a case when contract faculty outnumber the tenured and tenure-track faculty, Professor Melsa noted.

The only significant change concerns the final deliberations and vote, Professor Goldstein said. Up until that point, they can take advice from whomever they choose. That is what the Subcommittee was trying to preserve, Professor Garrard said. They were not trying to keep people from serving on search committees, but people may feel they do not want to serve if they cannot participate in the final deliberations. In his department students participate in the process, he said, but they don't come into the final discussion.

There are actually not that many units that take a formal vote, Dr. Carrier observed, although some do.

Professor Guyotte said that at Morris there are promotion and tenure meetings in which student representatives and currently hired full-time-equivalent faculty---probationary tenure track, sabbatical replacement, continuing non-tenure track temporary, etc.--are present and participate in a discussion followed by an advisory vote, after which all of these leave the meeting and the senior faculty take the official vote. The tenured faculty make tenure decisions. Would anything in the policy require them to change their practice? It would not, Professor Garrard said. As long as the final vote and deliberations were with the tenured faculty, that would be acceptable. Students look at the files of the faculty members, Professor Melsa asked? They do, Professor Guyotte said; the General Counsel's office has advised them that for the purposes of reading the files, the students are officers of the University (the language used to describe who may have access to files). The practice is permissible, Professor Garrard affirmed.

This policy should come to a vote, Professor Goldstein said, because if it passed, it will be on the agenda for the Faculty Consultative Committee. All Committee members but one voted in favor of the policy.

Professor Garrard then reported that the Subcommittee has reviewed the hiring plans for non-tenured/tenure-track faculty from the colleges. They had some suggested changes on a number, which have been made. There are some proposals being made in the Medical School that he has been asked to inquire about; they appear to involve moving clinical and contract faculty to tenured/tenure-track appointments. He asked Professor Wells if she knew more about the idea.

Professor Wells said there had been a retreat to talk about the proposals. She said she has been discussing them with Professor Feeney, the incoming chair of the Faculty Consultative Committee. The directive from the dean is that all faculty are to be treated "the same" as much as possible and "there will be no second-class faculty in the Medical School." There were also contradictory statements about whether tenure would be discussed, including possible changes to tenure to accommodate clinicians (e.g., what will be considered for promotion--perhaps national recognition or research will not be required). The discussions seemed to be encouraged. She surmised that the 7.12 statements would be changed so that clinicians can be tenured (up to now they have been rejected by promotion and tenure committees because the clinicians do not meet the usual criteria). She said she would provide information to Professor Garrard.

Professor Garrard said the Subcommittee agreed it would have a meeting in the summer if the situation comes to a boil. It will keep an eye on the issue.

Would the tenure harden the salary, Professor Goldstein? Professor Wells said she asked; the subject was not discussed.

Professor Goldstein thanked Professor Garrard for his report.

7.   Privacy

Professor Goldstein turned to Professor Walsh for a discussion of the statement on privacy, which the Committee had seen previously. It is more a warning on privacy. The statement will go to the Faculty Consultative Committee, so he asked that it be approved by the Committee.

All members of the Committee but one voted in favor of the statement; one abstained.

Professor Goldstein noted that the next meeting, next Tuesday at noon, will include lunch, and adjourned the meeting at 5:00.

-- Gary Engstrand

University of Minnesota