Minutes[*]

Senate Consultative Committee
Thursday, May 5, 1994
12:30 - 3:00
Room 238 Morrill Hall

Present: Judith Garrard (chair), John Adams, Lester Drewes, Amanda Geist, Love Goel, James
               Gremmels, Kenneth Heller, Derek Jensen, Robert Jones, Geoffrey Maruyama, Cleon
               Melsa, Linda Pham, Sandy Pham, Irwin Rubenstein, Rabun Taylor, Shirley Zimmerman

Regrets: Mario Bognanno, Karen Seashore Louis, Toni McNaron

Absent: Erick Harper, Dale Vatthauer

Guests: Associate Vice President Mark Brenner, Professor Deon Stuthman

Others: Martha Kvanbeck (University Senate), Maureen Smith (University Relations)

[In these minutes: Resolution on bonding; dockets; policy on use of human subjects in research;
administrative reviews]

1. Bonding Resolution

        Professor Garrard convened the meeting at 12:30 and drew the attention of Committee members to
a resolution concerning bonding priorities. The resolution calls for support of the administration's
emphasis on the need for funds for life safety improvements and facilities renewal. It was adopted by the
Student Senate and approved by the Committee on Finance and Planning and the Subcommittee on
Facilities Management and has been forwarded to the President and meets with his approval. Mr. Goel
explained that the objective is to obtain a broad consensus and wide support for an important issue.

        Mr. Taylor explained the genesis of the resolution and noted that on the Twin Cities campus alone,
the magnitude of the problem may approach $900 million. The legislature, he said, needs to be educated
on this issue. The intent is to place the resolution before the University Senate in order to send a message
to the administration--which supports it--and to the legislature.

        The question is how to get the message heard, commented one Committee member; will the
resolution be taken to the legislature. It has been, responded another, but when colleges have their own
lobbying efforts for new buildings, this message gets lost. That is why Senate action is important. This
issue should not be lost, observed another Committee member; the University must learn to present a
united front. If units are allowed to lobby for new buildings, they must also lobby for University
priorities. End runs weaken everyone.

Asked about timing, since the legislature will adjourn before the Senate can act, it was said that this resolution is intended to lay the groundwork for the future; it is meant for the long-term. The resolution is directed at the administration because the administration can do more about long-term planning with the legislature--and can perhaps get a long-term commitment from the legislature to take care of the problem.

Issues were raised by other Committee members about whether or not this was the highest priority in resource acquisition (e.g., what about faculty salaries?) and whether or not the Senate should bind itself to a statement such as this. Following brief additional discussion, the Committee voted 10 - 2 to endorse the resolution and to place it on the docket of the University Senate.

2. Dockets

The Committee then voted unanimously to approve the University Senate docket as proposed.

Taking up the Twin Cities Campus Assembly docket, one Committee member inquired if SCEP had discussed the policy calling for cancellation of classes on the evening of precinct caucuses; Professor Heller reported that it had not. Was there any discussion of the loss of two Mondays in the 50-day schedule for this Winter Quarter? Professor Heller reported that SCEP had discussed the calendar "ad infinitum" and that it "was not a pleasant subject." SCEP had a long discussion, recognizing that the calendar does not fit anything now, but it could not come to anything better. He concluded that "the calendar's a mess."

With that, the Twin Cities Campus Assembly docket was unanimously approved by the Steering Committee.

Professor Garrard also reported that the Student Academic Grievance Procedure is being returned to the Senate because it is too complicated.

3. Use of Human Subjects in Research

Professor Garrard next welcomed Associate Vice President Brenner to discuss a revision in the Use of Human Subjects in Research policy. Dr. Brenner reported that the Regents' Office is updating their policy book to be sure that policies are both current and necessary. The existing Use of Human Subjects policy is very long and includes both policy and procedure. The direction being taken in revision of these documents is that the Board adopts only the policy; procedures are to be incorporated in separate documents that can be revised more easily, with proper consultation.

The document presented to the Committee today is a streamlined policy statement on the Use of Human Subjects in Research and parallels the changes made in the Biohazard policy, where the procedures were separated from the policy. The policy has been approved by the Senate Research Committee.

Several points were clarified in the discussion.

--   There is an Internal Review Board; it may have a number of panels to deal with proposals.

The panels are made of up staff, faculty, and external representatives, and are appointed by the Vice President upon recommendation of existing panel members, the deans, and the vice presidents.

--   The Internal Review Board and staff are funded centrally.

--   As between the need for timeliness and to respond to the needs of subjects, the latter takes precedence.

--   The IRB has the responsibility for being certain that investigators comply with the regulations; if an investigator does not, the IRB reports to the administration, which would shut down the activity.

--   When an investigator is working at another institution on a University project, the review procedures of the University still control (as might also those of the other organization).

--   Only the IRB has the right to exempt research from the Use of Human Subjects regulations. The regulations cover ANY research that involved human beings except for secondary aggregated (e.g., census) data. The regulations also cover students.

The Committee unanimously voted to endorse the policy and to place it on the docket of the University Senate. Professor Garrard thanked Dr. Brenner for bringing the policy to the Committee.

4. Discussion with Professor Stuthman

Professor Garrard next welcomed to the meeting Professor Deon Stuthman, chair of the Assembly Committee on Support Services and former chair of this Committee. Professor Garrard reported that she had asked Professor Stuthman to report on problems of user friendliness that exist on campus and what steps have been taken by his committee to solve them.

Professor Stuthman began by noting that he had asked the Support Services Committee for its views on this presentation but had received little comment on them, so many of his observations must perforce be personal. He did, however, meet with another former FCC chair, and that individual agreed with the observations he proposes to make today.

His definition of a user, he said, is anyone who is affected by the University beyond simply paying taxes; those inside are more affected, but those outside should not be excluded. While the University cannot achieve perfection in user friendliness, there are ways to make improvement short of perfection. Compared with ten years ago, he observed, the University IS more user friendly; in some units and departments, great strides have been made.

Professor Stuthman said he wished to focus the discussion on one item, changes in which could contribute a great deal to more user friendliness: administrative reviews. He urged that the Committee revisit the issue of administrative reviews, as now conducted, to see what they are accomplishing compared to what it was EXPECTED they would accomplish. Administrative reviews, if Responsibility Centered Management (RCM) is adopted, will become even more important; unless the reviews are

modified, the University is not ready for RCM.

It is his sense, Professor Stuthman told the Committee, that some administrative reviews have been of disappointing usefulness, due to the way they are conducted. There is a substantial difference between the review of the President and the reviews of all other administrators, and that difference affects their usefulness. The critical factor is the anonymity of those who participate. In the case of the President, a group of faculty met with a group of Regents to discuss the President's performance; those regents then discussed the faculty concerns without attribution of views to any particular faculty member.

In the reviews of administrators, individual communications to a review committee must be in writing and must be signed--and it will then be available to the individual being reviewed. One Committee member pointed out that not all units abide by these rules. It was suggested that the two issues are: 1) whether or not communications must be signed, and 2) whether or not they are made available to the individual being reviewed. It was said, however, that there are no choices involved; the General Counsel's office in the past has told units that any communications to the review committee MUST be made available to the individual being reviewed. It has also been held that unsigned communications must be discarded.

Any time a review is conducted and exposure of the participants is threatened, Professor Stuthman maintained, the integrity of the review is violated. Reviews cannot be as rigorous as possible when these practices are followed. When two former FCC chairs would decline to participate in a review because of the lack of confidentiality, he inquired, how can ANYONE else possibly be expected to communicate critical comments? Nor is it a solution, he said in response to a query, to have others write on one's behalf. The solution is to conduct the reviews the way the President's review is conducted with respect to the identification of the participants--a group discussion, without attribution of comments to any single individual (assuming, that is, that the review of the President is itself a legally acceptable way to proceed).

Another solution might be to have a corresponding policy that makes it VERY difficult for the administrator to retaliate against anyone in the unit who may have made negative comments. Some Committee members thought this would not be workable.

What about the instance where a small group of people want the administrator removed; how will the administrator be protected? The individuals who participated in the review would be identified, Professor Stuthman pointed out, and identified to the review committee; the review committee would decide how to present the information. And if the process for reviewing the President is unacceptable, then there would definitely be a need for a policy against retaliation to protect the review. This issue is directly related to user friendliness, Professor Stuthman observed, because all who would participate in the review would be "users."

The issue, one Committee member observed, is the right to confidentiality versus the right to know one's accuser.

In the context of evaluation, it must be noted that there is only one President but there are a lot of administrators. One cannot easily hold a series of small group discussions for the many administrators at the University, as is done with the President. The solution is not obvious. There is no way to know if

anonymous letters are authentic, so it is difficult to obtain anonymous evaluations from lower-ranking administrators or staff. But requiring that letters be signed means the individual being reviewed could know who sent them.

What about a review committee that receives only one negative letter, but uses the information in it to supercede all other information it received, asked Professor Stuthman? That would be irresponsible, responded one Committee member. The chair of a review committee who receives an anonymous letter should discard it, but such a letter could raise questions that could be discussed in the review. The University has a lot of experience with reviews, including such things as Graduate School program reviews and other kinds of interviews, and many of the reports include comments without attribution. It does seem that groups could meet with a review committee and the reports of those meetings could be part of a review--without names being attached to comments; most people should see that as reasonable. Only, Professor Stuthman pointed out, if the review committee agrees to do so. And they may not be permitted to do so, added another Committee member.

One Committee member observed that in his unit the review committee makes up a survey and distributes it to an identified group of people. At one time the surveys were color coded, to identify the category of people who received it (e.g., faculty, external people, civil service, etc.), and signatures were required. Some returned the surveys but refused to sign them. As a result, later the surveys were numbered so each individual who received a survey could be identified; there was no longer a requirement that they be signed, but the individual being reviewed had access to the code numbers identifying each responded. As a result, the process still does not work well. A similar process is used elsewhere, reported another Committee member.

Committee members raised the question of whether or not the law actually requires that participants in reviews be identified by name; it was agreed that the General Counsel's office would be asked about this.

The point about RCM, Professor Stuthman observed, is that as it is adopted, administrative reviews become even more important: as local units are delegated more authority, the administrator will have an even greater impact on users. Those units that are already user friendly will probably remain that way; those that are not will not change without an effective review process because there will be no accountability.

As with most of life, contemplated one Committee member, 90% of the effort is put into identifying those 10% who are not performing well, and the focus is thus not where it should be. One way to identify those who are not performing well might be to send out a general survey instrument and evaluate the results. It may not be proper, but that would be one way to get a reading on a situation and where attention should be focused. It would also allow a larger number of people to express their views. That would work, it was said, as long as the individuals who respond are not identified. The process of putting numbers on surveys, to be able to identify who responded, would be helpful, but it would be "silly" if the individuals still have to be identified to the person being reviewed.

The larger problem, suggested one Committee member, is that in 1994 in the United States anyone in charge of anything is in trouble, and no one wants anyone in charge unless they agree with him or her. What is the purpose of the review? To identify problems that can be discussed with the supervisor? Then

the question is how to obtain the needed information. That is the intent of the institution, as reviews are described, Professor Stuthman responded, but his point is that the execution has not matched the perception of the purpose.

Another problem is that in some reviews, the review committee is told who to contact. In a department of 20 people, for instance, there may be 150 surveys sent out--but the views of the 20 should carry more weight than the other 130. If the 130 are very positive but the 20 are not, the views of the 20 may be outweighed.

One measure of the seriousness with which reviews are taken, Professor Stuthman pointed out, is that the general outcome of the review is almost never made known to the participants. This again points out the fact that administrative reviews are not done as well as they should be as the University moves to RCM. Has it been established whom the audience for the review is? The superior? The people who report to the administrator? Both? Professor Stuthman said it was his impression that the review would include those above, below, and adjacent to the individual; there is a difference between who would SEE the review and those who are provided a statement about its outcome. It makes sense, said one Committee member, that the individual evaluated would see it, as would the supervisor, but probably not others, because the review would be a personnel document.

Asked if the way reviews are carried out is a concern around the campus, Professor Stuthman said he believed that it is. Another Committee member said the issue of reviews could be divorced from RCM; the Committee would like to have an evaluation of the impact of the advice the Faculty Senate tendered to the Senior Vice President for Academic Affairs last year about administrator reviews. It could also request the President to report on the implementation of the policy.

Having no further business, Professor Garrard adjourned the meeting at 2:10.

-- Gary Engstrand

University of Minnesota