

2008-09 UNIVERSITY OF MINNESOTA

FEBRUARY 5, 2009

**UNIVERSITY SENATE MINUTES: No. 2
FACULTY SENATE MINUTES: No. 3**

The second meeting of the University Senate and the third meeting of the Faculty Senate was convened in 25 Mondale Hall, Minneapolis campus, on Thursday, February 5, 2009, at 2:36 p.m., as a joint meeting of the bodies. Coordinate campuses were linked by phone. Checking or signing the roll as present were 22 academic professional members, 24 civil service members, 125 faculty/faculty-like academic professional members, and 31 student members. President Bruininks presided.

**1. ADMINISTRATIVE RESPONSES TO SENATE ACTIONS
Information**

Faculty Senate

Amendment to the Policy and Protocol on the Student Rating and Peer Evaluation of Instruction

Approved by the: Faculty Senate December 4, 2008

Approved by the: Administration PENDING

Approved by the: Board of Regents – no action required

Statement on University Responsibility to Researchers

Approved by the: Faculty Senate December 4, 2008

Approved by the: Administration PENDING

Approved by the: Board of Regents – no action required

2. INFORMATION TECHNOLOGIES COMMITTEE

**Statement in Support of OIT Compact
Information for the University Senate**

Statement in Support of OIT Compact

The Senate Committee on Information Technologies (SCIT) would like to indicate its support for the Office of Information Technology compact statement as presented to SCIT during the November 4, 2008 meeting. These goals serve as a catalyst and mechanism for leveraging technology to advance and support education, innovative research, and public engagement while continuing to be one of the best information technology support organizations in higher education. The innovative and strategic application of information technologies as outlined, if successfully implemented, will advance the University of Minnesota's goal of becoming one of the top three public research universities. While the compact dovetails with the University's strategic positioning efforts, SCIT acknowledges the challenges OIT faces in light of scarce funding, staffing, and resources.

SCIT would like to offer its continued support and guidance in reviews and updates of current and future OIT compacts.

Approved December 2009

MARK SANDERS, CHAIR

INFORMATION TECHNOLOGIES COMMITTEE

3. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY

FACULTY/ACADEMIC PROFESSIONALS/STAFF

Ernest G. Bormann
Professor
Speech Communications
1925 – 2008

James Dickey
Professor
Statistics
1939 – 2008

Martin W. Duffy
Professor
Carlson School of Management
1921 – 2008

Neal L. Gault, Jr.
Professor
Medicine
1920 – 2008

John Haarstad
Research Associate
Ecology, Evolution, and Behavior
1946 – 2008

Robert C. Hart
Professor
English – University of Minnesota Duluth
1920 – 2008

Philip W. Hursh
Clinical Physician
Boynton Health Service
1916 – 2008

Naresh Jain
Professor
Mathematics
1937 – 2009

James T. Joichi
Professor
Mathematics
1927 – 2008

James E. Kaufman
Professor

Agricultural Marketing
1919 – 2008

Ellis Livingston
Professor
History – University of Minnesota Duluth
1920 – 2008

Keith N. McFarland
Professor
Vocational and Technical Education
1921 – 2008

George Nishida
Professor
Dentistry
1920 – 2008

Roger B. Page
Associate Dean
College of Liberal Arts
1917 – 2008

Douglas C. Pratt
Professor
Plant Biology
1931 – 2008

James Rothenberger III
Professor
Epidemiology
1947 – 2008

Thomas Swallen
Professor
Lab Medicine and Pathology
1930 – 2008

Mildred C. Templin
Professor
Institute of Child Development
1913 – 2008

Dennis W. Watson
Regents Professor
Microbiology
1914 - 2008

Kathryn G. Zieske
Professor
Laboratory Medicine and Pathology
1926 – 2008

STUDENTS

Justin W. Goodhue
Graduate School/Medical School

Earaka E. Holiday
College of Education and Human Service Professions – Duluth

Jenna Lynn
College of Education and Human Service Professions – Duluth

4. SENATE CONSULTATIVE COMMITTEE REPORT

There was no report.

5. MINUTES FOR DECEMBER 4, 2008 Action by the Faculty Senate

MOTION:

To approve the Faculty Senate minutes, which are available on the Web at the following URL. A simple majority is required for approval.

<http://www1.umn.edu/usenate/fsen/081204fac.html>

**STUART GOLDSTEIN, CLERK
FACULTY SENATE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

6. UNIVERSITY SENATE RULES AMENDMENT Ex Officio Membership Action by the University Senate

MOTION:

To amend Article II, Section 1 of the University Senate Rules as follows (new language is underlined). A simple majority is required for approval.

II. RULES FOR COMMITTEES OF THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)

1. Ex Officio Members of University Senate Committees

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- **Library**--Office of the Senior Vice President for Academic Affairs and Provost; University Librarian, Twin Cities campus; Director of Library Services, Crookston campus; Director of

Libraries, Duluth campus; Library Director, Morris campus; Director of the Law Library, Twin Cities Campus; Librarian, Rochester Campus; Chair of the Information Technologies Committee

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COMMENT:

The Senate Library Committee requests that the Rochester librarian be added as an ex-officio member of the committee to provide representation from all the campus libraries.

**JAY HATCH, CHAIR
LIBRARY COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

**7. SENATE CONSULTATIVE COMMITTEE
Twin Cities Campus Outdoor Smoking Policy
Discussion by the Twin Cities Delegation**

BACKGROUND:

For background information, please review the Senate Consultative Committee (SCC) minutes at: <http://conservancy.umn.edu/bitstream/45826/1/08-11-20%20SCC.pdf> and the Council of Academic Professionals and Administrators (CAPA) minutes at: <http://capa.umn.edu/meetings/capa081219.pdf>

Information is also available at: http://academic.umn.edu/provost/reports/smo_survey08.html

**EMILY HOOVER, CHAIR
SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

Professor Emily Hoover, Chair of the Senate Consultative Committee (SCC), said an administrative committee was formed to discuss and propose an option for a Twin Cities campus outdoor smoking policy. This committee met last semester and received input from various faculty, student, and staff organizations. They would now like to gather input from the senators.

A senator presented the following statement that was approved by the Student Senate with 31 votes in favor and 4 opposed, "**The Twin Cities Student Delegation does not support a campus-wide smoking ban.** While we are concerned about the health impact that smokers have on themselves and others, we support other alternatives such as smoking zones, or designated smoking areas. We feel that a well formulated, alternative *and* enforceable approach, coupled with increased marketing of campus smoking cessation programs, will have a more successful and lasting impact than a campus-wide smoking ban."

A senator then said that he also opposes a ban since the current policy barring of not smoking within 25 feet of building entrances is not enforced by the University, but by individual people.

He does not understand how to ban smoking from the entire campus and is not clear about the scientific evidence of second-hand smoke outdoors.

Q: Would this ban apply to Fairview Hospital employees?

A: The University would need to define what is campus, in consultation with Fairview Hospital, to see who would be affected and where.

A senator stated that he is in favor of an outdoor smoking ban and feels that the majority of students support this position from the survey that was conducted. While second-hand smoke is dangerous for people with asthma, there are other issues. The University prides itself on its health sciences and therefore should exhibit positive behaviors both inside and outside classrooms. The University should also have a healthy image, which cannot be achieved with cigarette butts on the ground. As for enforcement, it can be an issue with every rule, so the University should take a gradual approach with increased education.

Another senator then questioned enforcement, sanctioning and to whom sanctions would apply, and the creation of smoking police.

A senator opposed this ban and would instead ban cars, buses, and pesticides around campus.

Another senator spoke against the ban because this is not a question with a clear-cut answer. There is a problem for people who suffer from second-hand smoke, so a solution should be found for them, but that is not a complete ban. He then quoted from the Policy on Student Development Outcomes which has as one of its principles, "Tolerance of Ambiguity by demonstrating the ability to perform in complicated environments where clear cut answers or standard operating procedures are absent." Based on this principle, he claimed that a smoking ban is contrary to the mission of the University.

Q: Have the neighborhoods been consulted on the impact this policy might have on areas adjacent to campus?

A: One consultation was held with representatives from the neighborhoods and they did not feel that this would be a concern.

8. PRESIDENT'S REPORT

President Bruininks addressed several distressing issues with the University's budget. The first is the Governor's recommendation to cut \$75.5 million per year from the base budget, coupled with a \$40 million reduction in the past few months. State economists are projecting a deeper deficit than the current \$5.2 billion by the February forecast.

However, while the deficit amounts to 2.2 percent of the total state budget, the University's reduction is in excess of 8 percent, a four-fold increase over the state average. The University is trying to determine how it responds in a way that is civil, respectful, firm, and assertive in light of a recommendation that indicates that the Governor does not regard higher education as critical to the state's economy. Even when the priority list was released, higher education was missing.

President Bruininks stated that economists do not believe that a state can have a strong economy without a strong higher education system that values human capital, educating leaders, and creating ideas and innovations. The message to the state is that education, including higher education, needs to be made a priority.

He said that the University is committed to protecting students from tuition increases and protecting faculty and staff jobs. He said that it is ironic to be talking about a reduction for the University when business is not declining, as opposed to many other industries in the state. The University received 32,000 applicants for 5300 freshmen spaces this year, and grants and contracts increased \$50 million last year. In the last three years, the University was second among public institutions in the country in the growth of productivity, which amounted to about 25,000 jobs in the private economy.

President Bruininks then said that budget instructions will be sent shortly to departments, asking for models of a five percent and an eight percent reduction. If the economy gets worse and the University's reduction increases, a wage and salary freeze will be discussed. In conjunction with these possibilities, tuition increases are being modeled between 4.5 and 7.5 percent.

The University is working to create a middle-income, need-based scholarship program. With an \$8 million investment, the University would hope to raise \$16 million in private, matching funds. This would allow for a tuition freeze for middle-income families, which is defined as families with an income up to \$80,000 per year.

He would like the community to stay focused and work together while debates are taking place. He does not believe that all the academic programs and investments will be able to continue. However, this period can be used to identify some reforms and changes to make the University stronger. Decisions will likely not be made until the February forecast is released and the federal stimulus package funds come to the state, and it is more plausible that a determination will be at the very end of the session. This will leave very little time for the University to adapt to any reduction.

Lastly, he said that faculty colleagues are working on a public discussion series on the future of the state, entitled '2030.' The purpose is to have people focus on the state's issues long into the future, both nationally and globally.

9. QUESTIONS TO THE PRESIDENT

Q: There are some measures that indicate that during the last budget reduction, the University improved. What message might this send to legislators this year and what message can be used to counter this sentiment?

A: The community noticed the changes that were made the last time and have a sense of the intention of those changes. Cuts will again be needed this year, which may mean charging for services to the state that have been free, or program and organizational consolidations. The University can also flatten the organization and strengthen the leadership framework. The University must continue to put energy into reducing the size of the reduction since as was demonstrated last year, a \$50 million state investment is equivalent to a \$1.2 billion recurring endowment.

Q: How were faculty involved in the decision to combine the Medical School dean with the Senior Vice President for Health Sciences?

A: Consultation did take place with the Academic Health Center Faculty Consultative Committee before a decision was made. Going forward, faculty will be involved in defining qualities for this position and in the evolution of this leadership model before there is a search. This decision brings the positions together, reduces redundancies, and stabilizes the Medical School budget. There is no easy way to make these difficult changes, but the administration will be open to hearing concerns as this process proceeds.

Q: Reference was made at the December Student Senate meeting that student evaluation survey results were largely favorable; the student population is satisfied with the quality of the instruction they have been receiving. Given the Governor's recent budget-deficit-reduction recommendations and their potential to negatively impact the quality of higher education here at the University, can the Student Senate and the student body take effective actions during or prior to upcoming legislative committee hearings that can assist legislators in making fully-informed decisions regarding higher education funding and its potential to harm the quality of the University if the Governor's recommendations are adopted?

A: Several faculty leaders along with a few students have provided testimony at the legislature. The students have been fired up this session and have organized an alliance for appearing at the capitol and supporting the University. There are also 18,000 people involved in the University's grassroots organization. The best way for students to get involved is to contact Government Relations and the grassroots organization.

10. UNIVERSITY SENATE OLD BUSINESS

NONE

11. UNIVERSITY SENATE NEW BUSINESS

NONE

12. UNIVERSITY SENATE ADJOURNMENT

The University Senate was adjourned at 3:30 p.m.

13. FACULTY CONSULTATIVE COMMITTEE REPORT

Professor Emily Hoover, Chair of the Faculty Consultative Committees (FCC), said that the economic outlook for the University, state, and nation has changed since the last FCC report. The proposed budget reduction has been the main topic of conversation at all the FCC meetings. Discussions have been held with central administrators on the principles and approaches to the budget reductions. FCC has also participated in two breakfasts with the President on the University's budget and budget strategies.

As the budget process moves forward in the legislature, some faculty may be asked to testify. She hopes that faculty take this opportunity to discuss the importance of funding a world-class public research University.

Other FCC business has included a conversation with the Controller about EFS implementation. He updated the committee on the methodology being used to prioritize changes in the system and troubleshooting with staff in units. The system is not perfect yet, so oversight will continue. Other issues appear later on today's agenda.

14. FACULTY LEGISLATIVE LIAISON UPDATE

Professor Martin Sampson, a Faculty Legislative Liaison, said that the House and Senate committees are holding groundwork hearings on the Governor's proposal. Everyone is expecting that the deficit will be greater than the last forecast, so not much will be done until after March 4. The faces of legislators are much more solemn and some committee members are stunned when listening to University administrators, faculty, and students. Since there are no funds, it becomes a question of priority.

There are three basic points for this session. First, this is the first year for the University and MnSCU that the state's share will fall below the share raised by tuition. Second, there are more discussions of University autonomy when it relates to tuition caps. Lastly, debate is very intense. The involvement of students has never been greater than this year, but no one is as persuasive as constituents. He urged faculty to contact their legislators regarding University funding.

**15. NOMINATING COMMITTEE FOR THE TWIN CITIES MEMBERS OF THE
FACULTY CONSULTATIVE COMMITTEE
Slate of Candidates
Action by the Twin Cities Faculty Delegation and UMD Faculty Senators**

MOTION:

To approve the following six names to stand for election to the Faculty Consultative Committee, from which one of each pair are to be elected by the Twin Cities and non-represented UMD faculty for a term of 2010-13. First pair: Professors Christopher Cramer and Tom Shield; Second Pair: Professors Thomas Brothen and Jan McCullough; Third Pair: Professors David Biesboer and Kathryn VandenBosch. A simple majority is required for approval.

FIRST PAIR

CHRISTOPHER CRAMER: 1992*, Professor of Chemistry, Institute of Technology. University Senate member: None. Committee participation (past and present): Research, 2003-06.

THOMAS SHIELD: 1990*, Professor of Aerospace Engineering and Mechanics, Institute of Technology. University Senate member: 2005-08. Committee participation (past and present): Student Academic Integrity, 2006-09 (Chair, 2006-09)..

SECOND PAIR

THOMAS BROTHEN: 1972*, Professor of Post Secondary Teaching and Learning, College of Education and Human Development. University Senate member: 2003-06. Committee participation (past and present): Arts, Science, and Engineering Provostal Faculty Consultative, 1996-98; Faculty Academic Oversight Committee on Intercollegiate Athletics, 2005-08, (Chair, 2007-08).

JAN MCCULLOCH: 2002*, Professor of Family Social Science, College of Education and Human Development. University Senate member: 2005-08. Committee participation (past and present): Committee on Committees, 2005-06.

THIRD PAIR

DAVID BIESBOER: 1980*, Professor of Plant Biology, College of Biological Sciences. University Senate member: 1987-90, 1993-96, 2006-09. Committee participation (past and present): Finance, 1988-89; Finance and Planning, 1989-92; Judicial, 2002-08; Planning, 1987-89 (Chair, 1988-89).

KATHRYN VANDENBOSCH: 2001*, Professor of Plant Biology, College of Biological Sciences. University Senate member: None. Committee participation (past and present): Finance and Planning, 2003-06.

*Date of initial appointment at the University.

FOR INFORMATION:

The Faculty Consultative Committee serves as the executive committee of the Faculty Senate and forms the faculty membership of the Senate Consultative Committee. Senate legislation has merged the Twin Cities faculty and non-represented UMD faculty for purposes of Faculty Consultative Committee elections. Should a non-represented UMD faculty member be elected, that individual will be a member of the Senate and Faculty Consultative Committees.

Additional nominations, certified as willing to stand for election, may be made by (1) petition of 12 voting members of the faculties, provided that the petition is in the hands of the Clerk of the Senate the day before the Senate meeting, and (2) nominations on the floor of the Senate. The faculty representatives of the Senate shall reduce by vote the slate to twice the number to be elected.

Currently serving with terms continuing at least through next year are:

Shawn Curley, Carlson School of Management
Marti Hope Gonzales, College of Liberal Arts
Michael Hancher, College of Liberal Arts
Jeffrey Kahn, Medical School
J. Michael Oakes, School of Public Health
Becky Yust, College of Design

The terms of William Durfee (Institute of Technology), Emily Hoover (College of Food, Agricultural, and Natural Resource Sciences), and Nelson Rhodus (School of Dentistry) expire at the end of the academic year. However, the current chair, Professor Emily Hoover, will remain on the committee for one more year in a voting ex officio position as the past chair.

**CATHERINE FRENCH, CHAIR
NOMINATING COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

**MOTION A
Consent Agenda
Action by the Faculty Senate**

Agenda Items 16. through 18. are offered as a “Consent Agenda” to be taken up as a single item with one vote. Any item will be taken up separately at the request of a senator. As amendments to the Faculty Senate Bylaws, the motion requires either a majority of all voting members of the Faculty Senate (85) at one regular or special meeting, or a majority of all members of the Faculty

Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

16. FACULTY SENATE BYLAWS AMENDMENT
Faculty Committee on Committees Charge

MOTION:

To amend Article IV, Section 5(G) of the Faculty Senate Bylaws as follows (language to be added is underlined, language to be deleted is ~~struck out~~).

G. FACULTY COMMITTEE ON COMMITTEES

Faculty Committee on Committees

The Faculty Committee on Committees proposes candidates for election to the Nominating Committee, appoints members of certain other committees of the Faculty Senate and advises the Faculty Consultative Committee on the committee structure of the Faculty Senate.

Membership

The Faculty Committee on Committees shall be composed of at least 13 and no more than 15 elected tenured or tenure-track faculty members; and at least 2 and no more than 4 elected academic professional members.

Of the faculty/academic professional members, 12 shall be from the Morris campus and the remainder from the Twin Cities campus. ~~There shall also be one member from the Morris campus.~~ All faculty members of the Committee shall be elected ~~for three-year terms~~ by the faculty members of the Senate from ~~these their~~ their respective campuses. The academic professional candidates for the Committee on Committees shall be elected in accord with procedures established by the Council of Academic Professionals and Administrators. In case of a faculty/academic professional vacancy, the remaining faculty/academic professional members, by majority vote, shall fill the vacancy by interim appointment until the next general election.

Duties and Responsibilities

...

b. To forward annually to the Faculty Consultative Committee a slate of candidates to be considered for election to the Nominating Committee. The slate should contain twice as many candidates as there are positions to be filled on the Nominating Committee and the candidates shall be paired. The committee should give preference to candidates who have broad experience in governance at the University.

...

[Subsequent bullets will be relettered.]

CATHERINE FRENCH, CHAIR
NOMINATING COMMITTEE

17. FACULTY SENATE BYLAWS AMENDMENT
Faculty Consultative Committee Charge

MOTION:

To amend Article IV, Section 5(H) of the Faculty Senate Bylaws as follows (language to be added is underlined, language to be deleted is ~~struck out~~).

H. FACULTY CONSULTATIVE COMMITTEE

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Duties and Responsibilities

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Executive

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d. To forward annually to the Twin Cities Faculty Delegation the slate of candidates for the Nominating Committee. The slate of candidates for the Nominating Committee shall contain twice the number of candidates as there are positions to be filled and the candidates shall be paired. The proposed slate will be provided to the Faculty Consultative Committee by the Committee on Committees. In the event that additional nominations are made by members of the Faculty Consultative Committee, the Faculty Consultative Committee shall vote by secret ballot to reduce the slate to twice the number to be elected before forwarding the final slate to the Twin Cities Faculty Delegation.

e. To forward annually to the Twin Cities Faculty Delegation the slate of candidates for the Committee on Committees. The slate of candidates for the Committee on Committees, shall contain the same number of candidates as there are positions to be filled. A proposed slate will be provided to the Faculty Consultative Committee by the Nominating Committee. In the event that additional nominations are made by members of the Faculty Consultative Committee, the Faculty Consultative Committee shall vote by secret ballot to determine the final slate to be forwarded to the Twin Cities Faculty Delegation.

...

[Subsequent bullets will be relettered.]

CATHERINE FRENCH, CHAIR
NOMINATING COMMITTEE

18. FACULTY SENATE BYLAWS AMENDMENT
Nominating Committee Charge

MOTION:

To amend Article IV, Section 5(K) of the Faculty Senate Bylaws as follows (language to be added is underlined, language to be deleted is ~~struck out~~).

K. NOMINATING COMMITTEE

The Nominating Committee is responsible for identifying Twin Cities faculty candidates for the Committee on Committees and for the Faculty Consultative Committee and for overseeing elections to those two committees.

Membership

The Nominating Committee shall consist of at least nine tenured or tenure-track faculty elected by the Twin Cities Faculty Delegation in the manner described below. In case of a vacancy, the remaining members, by majority vote, shall fill the vacancy by interim appointment until the next general election.

~~The Twin Cities members of the Faculty Consultative Committee shall nominate and certify as available twice as many tenured or tenure-track faculty members as there are faculty seats available seats on the Nominating Committee.~~

~~The nominations will be presented at a spring semester meeting of the Twin Cities Faculty Delegation. Additional nominations, certified as available, may be made by: (1) petition of 12 voting members of the faculty provided that the petition is in the hands of the clerk of the Senate the day before the Twin Cities Faculty Delegation meeting; (2) nomination on the floor of the Twin Cities Faculty Delegation. In the event there are additional nominations, the Twin Cities Faculty Delegation shall by vote reduce the slate to twice the number to be elected, and shall forward the results to the clerk of the Senate.~~

~~The Twin Cities Faculty Delegation shall then vote on the slate by secret ballot at the spring semester meeting when the slate of candidates is presented. In case of a tie, the clerk shall choose the successful candidate by lot.~~

~~In those instances when an incumbent member of the Nominating Committee is eligible for re-election, the Faculty Consultative Committee may present to the Twin Cities Faculty Delegation the name of that individual for confirmation of reappointment without another candidate on the ballot to fill the position. A proposed confirmation of reappointment would not preclude additional nominations made according to the provisions of the preceding paragraph; any such nomination must stipulate against whom the nominee will run.~~

For the purposes of this section of the Bylaws, action by “Faculty Committee on Committees” means action taken by the Twin Cities faculty members of the Committee on Committees and action taken by the “Twin Cities Faculty Delegation” means action taken by the Twin Cities tenured and tenure-track faculty members of the Faculty Senate.

The Faculty Committee on Committees each year shall submit to the Faculty Consultative Committee for its approval a proposed slate to be considered for election to the Nominating Committee. In those instances when an incumbent member of the Nominating Committee is eligible for re-election and is willing to serve, the Faculty Committee on Committees may present to Faculty Consultative Committee the name of that individual for confirmation of reappointment without another candidate on the ballot to fill the position. For all other positions, the Faculty Committee on Committees will propose a slate composed of twice as many tenure-track or tenured faculty members as there are positions to be filled, each confirmed as willing to serve. The Faculty Committee on Committees will strive to include a diverse pool of candidates and, to ensure that the Nominating Committee as a whole will include balanced representation

from across the Twin Cities campus, the Faculty Committee on Committees shall select candidates from appropriate academic units, and the slate of nominees, other than those for reappointment, shall pair candidates from related academic units. The slate and the proposed reappointments shall be submitted to the Faculty Consultative Committee for approval. In the event that additional nominations are made by members of the Faculty Consultative Committee, the Faculty Consultative Committee shall vote by secret ballot to reduce the slate to twice the number to be chosen through contested election, continuing to strive for appropriate balance on the slate. The final slate and the approved nominations for reappointment shall be announced in the Faculty Senate docket for a spring semester meeting.

Additional nominations of tenured or tenure-track faculty, confirmed as willing to serve, may be made by: (1) petition of 12 voting members of the Twin Cities Faculty Delegation, provided that the petition is in the hands of the clerk of the Senate the day before the Faculty Senate meeting at which the slate is to be presented; (2) nomination on the floor of the Faculty Senate by members of the Twin Cities Faculty Delegation when the slate is presented. Such nominees may be named to run against a pair of candidates or against a candidate for reappointment. To ensure appropriate balanced representation on the Nominating Committee, any additional nominations shall specify against whom the nominee will run.

After a final slate is selected as specified above, the clerk of the Senate shall present the final slate to the Twin Cities Faculty Delegation for a vote. The election for contested seats will be conducted by secret ballot. The candidate receiving the most votes in each pair or group will be elected. Uncontested elections for reappointment may be conducted by voice vote.

In case of a tie in any Senate vote in the election process, the clerk shall choose the successful candidate(s) by lot.

The Nominating Committee shall elect its chair from amongst its members for a one-year term of office. The chair is eligible for re-election to that position.

Duties and Responsibilities

a. ~~The Nominating Committee shall nominate and certify as available twice as many faculty candidates for the Faculty Consultative Committee, who are confirmed as willing to serve, as are to be elected each year from the Twin Cities campus and from those faculty from the Duluth campus eligible to vote in Senate elections to the Faculty Consultative Committee. To achieve balanced representation across the Twin Cities campus, the Nominating Committee may choose to pair candidates. These~~ The final slate of candidates shall be announced in the Twin Cities Faculty Delegation Faculty Senate docket for a spring semester meeting. Additional nominations, certified as available, of eligible faculty, confirmed as willing to serve, may be made by: (1) petition of 12 voting members of the faculties-Twin Cities faculty, provided that the petition is in the hands of the clerk of the Senate the day before the Twin Cities Faculty Delegation Faculty Senate meeting; (2) nomination on the floor of the Twin Cities Faculty Delegation-Faculty Senate by members of the Twin Cities Faculty Delegation when the slate is presented. If the nominees are paired, any additional nomination shall specify against which pair the nominee will run. In the event there are additional nominations, the Twin Cities Faculty Delegation shall by-vote in order to reduce the slate to twice the number to be elected. The vote shall be taken by secret ballot in a manner determined by the Twin Cities Faculty Delegation. The clerk of the Senate shall present the final slate to and shall forward the results to the clerk of the Twin Cities Faculty Delegation for its approval. The slate as approved shall be presented to the faculty for an election, conducted Election procedures shall be in accordance with Article III IV, Section 35(H), of the Faculty Senate Bylaws.

~~b. The Nominating Committee shall nominate and certify as available twice as many faculty candidates for the Committee on Committees each year shall submit to the Faculty Consultative Committee for its approval a proposed slate to be considered for election to the Committee on Committees, composed of as many tenured and tenure-track faculty members, confirmed as willing to serve, as there are positions to be filled, as are to be elected each year. The Nominating Committee will strive to include a diverse pool of candidates and, to ensure that the Committee on Committees as a whole will include a balanced representation from across the Twin Cities, the Nominating Committee shall select candidates from appropriate academic units to fill the vacancies. In the event that additional nominations are made by members of the Faculty Consultative Committee, the Faculty Consultative Committee shall vote by secret ballot to determine the slate to be forwarded to the Twin Cities Faculty Delegation, continuing to strive for appropriate balance on the slate. -~~

~~1. The faculty final slate of candidates for the Committee on Committees shall be announced in the Twin Cities Faculty Delegation on the Faculty Senate docket at for a spring semester meeting. Additional nominations, certify as available, of individuals confirmed as willing to serve, may be made by: (1) petition of 12 voting members of the Twin Cities faculty, or academic professional staff eligible to serve in the Twin Cities Faculty Delegation, provided that the petition is in the hands of the clerk of the Twin Cities Faculty Delegation Senate the day before the Twin Cities Faculty Delegation Faculty Senate meeting; or (2) nomination on the floor of the Twin Cities Faculty Delegation Faculty Senate by members of the Twin Cities Faculty Delegation when the slate is presented. To ensure appropriately balanced representation on the Committee on Committees, any additional nomination shall specify against which candidate the nominee will run. In the event there are additional nominations, the Twin Cities Faculty Delegation shall vote by secret ballot on any contested position(s) and the individuals who receive the most votes will be elected to the positions. For any uncontested positions, the election may be conducted by a voice vote. At the meeting when the slate is presented and approved, the Twin Cities Faculty Delegation shall elect by secret ballot members of the Committee on Committees for three year terms. In case of a tie in any Senate vote in the election process, the clerk shall choose the successful candidate(s) by lot.~~

~~e. In those instances when a member of the Committee on Committees is eligible for re-election, the Nominating Committee may present the name of that individual to the Twin Cities Faculty Delegation for confirmation of reappointment without another candidate on the ballot to fill the position. A proposed confirmation of reappointment would not preclude additional nominations made according to the provisions of the preceding paragraph; any such nomination must stipulate against whom the nominee will run.~~

~~d. c. To oversee the conduct of the elections of the members of the Committee on Committees and the Twin Cities members of the Faculty Consultative Committee.~~

~~e. d. To report to the Faculty Consultative Committee any issues or problems it encounters which require the attention of the Twin Cities Faculty Delegation.~~

**CATHERINE FRENCH, CHAIR
NOMINATING COMMITTEE**

DISCUSSION:

Professor Carol Chomsky presented the proposed bylaw amendments to clean up language and incorporate two changes in the process. The first is that the Committee on Committees (ConC) will provide names for the Nominating Committee to the Faculty Consultative Committee (FCC). Currently, ConC is not involved in this process.

Second, the Nominating Committee will only need to send forward one name for each open seat on the ConC. Currently, the Nominating Committee needs to forward two names for each open seat.

Both of these changes still allow for nominations from the floor of the Faculty Senate.

With no discussion, a vote was taken and the motion was approved with 100 in favor and none opposed.

APPROVED

END OF MOTION A

**19. FACULTY AFFAIRS COMMITTEE
FINANCE AND PLANNING COMMITTEE
Health Care Savings Plan
Discussion by Faculty Members Only**

MOTION:

That the Faculty Senate advises the President that it revises its motion of May 1, 2008, which read as follows:

"The Faculty Senate recommends to the President that the University adopt a Health Care Savings Plan for the faculty that uses the 0.5% of the 2.5% faculty contribution to the Faculty Retirement Plan. If there are questions about the details of the plan, the administration will consult with the appropriate Faculty Senate committees and the Faculty Senate."

To now read:

The Faculty Senate recommends to the President that the University redirect 2.0 percentage points of the 13% points the University currently contributes to the individual's Faculty Retirement Plan to the individual's Health Care Savings Plan.

Approved unanimously January 27, 2009, by the faculty members of the Faculty Affairs Committee and the faculty members of the Finance and Planning Committee at the Faculty Affairs Committee meeting

Endorsed unanimously January 29, 2009, by the Faculty Consultative Committee

COMMENT:

At the urging of a number of constituents, the Senate Committee on Faculty Affairs (SCFA), in conjunction with the Senate Committee on Finance and Planning (SCFP), revisited the Health Care Savings Plan (HCSP) option for faculty. In brief, the HCSP is a vehicle to allow employees, group by group, to save money for health-care expenses after they leave the University or retire. It is the only fringe benefit program that allows tax-exempt contributions and tax-exempt withdrawals. Because it is a tax-free vehicle, it allows retirees to save substantial money, but the plan must be the same for each employee in each group (by federal law). Civil Service employees have already adopted an HCSP.

It is estimated by Money magazine that a person retiring in 2016 may need savings of \$200,000 to cover Medicare premiums and out-of-pocket costs. HCSP savings may be used for a wide

range of expenses from aspirin to long-term health insurance to traditional reimbursable costs. HCSP savings never expire. Both SCFA and SCFP believe that it is in the best interests of the faculty that HCSP accounts be established through the redirection of 2.0 percentage points of the University's contribution.

**KATHRYN HANNA, CHAIR
FACULTY AFFAIRS COMMITTEE**

**JUDITH MARTIN, CHAIR
FINANCE AND PLANNING COMMITTEE**

DISCUSSION:

Professor Kathryn Hanna, Chair of the Faculty Affairs Committee (SCFA), said that this motion revisits a subject that was approved by the Faculty Senate in the spring of 2008. SCFA and the Senate Committee on Finance and Planning (SCFP) decided that the previous proposal was not proactive enough in taking advantage of this new legislation.

She said that everyone has significant costs when they retire, and this plan is a tax-advantaged way to save for these future costs. Currently the University directs 13 percent of everyone's salary into a retirement plan. This proposal would redirect 2 percentage points of the 13 percent into a health care savings plan (HCSP) that is managed by the Minnesota State Retirement System (MSRS). MSRS has seven different options for investment of these funds, including two conservative options. Upon death, the remaining funds can be used tax-free for health-care expenses for a spouse, child, or beneficiary.

A senator said that this is an improvement over the previous version since it is not funds taken from salary. However, the proposal is discriminatory since it cannot be used by domestic partners. Also, this plan is part of a scheme to address health care costs by having the consumer pay, which is extremely inefficient. These funds will be managed by the same people who have been managing retirement funds. Lastly, she wondered if this is an excuse for the University to reduce this funding further.

Q: Does the HCSP transfer outside the United States?

A: No. If someone has citizenship in a foreign country, he or she would apply for an exemption with MSRS.

A senator does not believe that the University is backing away from its commitment to retirement, but this an opportunity for faculty to make an investment in their best interest.

Q: How does the HCSP relate to the health savings account (HSA) currently available?

A: A HSA is tied to a particular medical plan. The HCSP is not tied to a medical plan but is an additional account. There is no relation or complication between the two accounts.

Q: Can faculty add additional contributions?

A: Federal regulations stipulate that everyone has to contribute at the same rate, so faculty cannot add more to their account separate from the University's standard contribution.

Q: Is there the possibility of GLBT faculty to opt-out?

A: No. This is decided by federal tax law.

Q: For people who are eligible to opt-out of the plan, what would happen to the two percent contribution?

A: This has not yet been decided.

20. ACADEMIC FREEDOM AND TENURE COMMITTEE
Border Searches of Electronic Materials
Action by the Faculty Senate

MOTION:

To send the following to the Minnesota Congressional Delegation:

The Members of the Faculty Senate of the University of Minnesota write to express their grave concern at the change in Department of Homeland Security policy that enables Customs and Border Patrol Agents to seize and copy electronic and printed materials at will, without even "suspicion of illegal activity" ("probable cause"), by which their efforts were limited until July 2008. We believe that what today affects only border crossings, tomorrow could spread internally. This freely invasive practice is a threat to the integrity of the research of all scientists and other scholars who cross borders and, often, collaborate with scientists and scholars abroad. We urge you to do all you can to restore to Agents' practice the entirely reasonable requirement of "suspicion of illegal activity" that previously obtained.

COMMENT:

The Committee on Academic Freedom and Tenure received the following information from the national office of the American Association of University Professors, and in response, recommends the motion for adoption by the Faculty Senate, to be forwarded to the members of the Minnesota Congressional delegation.

Subject: AAUP Legislative Alert: Border Searches of Electronic Materials

October 14, 2008

Over the past few months there has been a great deal of publicity surrounding the searches of electronic materials at the border. Until recently, Customs and Border Patrol agents could seize and copy electronic and printed materials if they had probable cause to believe that the law was being broken. In July 2008, the Department of Homeland Security revealed that its internal policies no longer require any suspicion of illegal activity to search and seize travelers' materials. While privacy issues are everyone's concern, and all citizens should actively defend their civil liberties, faculty members have particular areas of concern about this policy due to their research and collaboration with colleagues around the world. Below, we offer links to press coverage and a congressional hearing on the issue.

Please consider calling your representatives and senators to express your concerns about this issue.

Talking points are directly below.

Obtain the contact information for your elected officials, as well as some general pointers on grassroots advocacy by visiting the AAUP's online advocacy center.

You could also call or e-mail the offices of Senator Russ Feingold and Senator Patrick Leahy to thank them for convening a hearing on this vital issue and encourage them to continue their oversight work.

Talking Points

-- Professors commonly collaborate on research with colleagues in other countries. In places with restrictive governments, researchers and scholars may be taking risks to work on certain projects. Knowing that such collaboration will no longer be kept confidential may have a chilling effect on collaboration across borders.

-- Similarly, faculty working in areas such as human rights may have a much more difficult time making contacts or finding sources, if they cannot guarantee the anonymity of sources of information. This would greatly impede the amount and quality of information obtained about various political and socio-economic situations around the world, of which academics are a vital source.

-- There is little or no information about how information that is copied and kept by Homeland Security will be kept secure, leading to concerns about the protection of original research. This extends to projects that may have patents pending or are in an otherwise precarious stage of development.

-- It is unlikely that the Customs and Border Protection agents conducting such searches at the border would have the specialized knowledge to determine whether or not certain types of data, particularly in areas of science such as engineering or biochemistry, pose a genuine threat.

-- The invasion of privacy may extend well beyond the individual whose possessions are being searched. Many faculty members have outside practices or jobs. An adjunct at a school of law may have confidential client records. An instructor from a psychology department may have patient records. Thus, obligations of confidentiality may be breached through no fault of the professional's own under these searches.

Press coverage of this issue:

"Expanded Powers to Search Travelers at Border Detailed" Washington Post, 9/23/08

"Search and Replace" [editorial], Washington Post, 8/13/08

"US Border Agency Says It Can Seize Laptops" PC World, 8/3/08

"Travelers' Laptops May Be Detained At Border: No Suspicion Required Under DHS Policies" Washington Post, 8/1/08

Congressional Hearing: Senate Judiciary Committee, "Laptop Searches and Other Violations of Privacy Faced by Americans Returning from Overseas Travel"

Sincerely,
Cary Nelson, AAUP president
Nicole Byrd, AAUP government relations associate

**TOM CLAYTON, CHAIR
ACADEMIC FREEDOM AND TENURE COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

21. EDUCATIONAL POLICY COMMITTEE
Revised Educational Policies
Discussion by the Faculty Senate

List of Educational Policies to be discussed:

- Academic Probation and Suspension: Twin Cities, Morris, Rochester
- Admissions for Undergraduates: Twin Cities
- Class Scheduling for Undergraduate and Graduate Classes: Twin Cities, Morris, Rochester
- Classroom Management: Twin Cities, Morris, Rochester
- Declaring a Major: Twin Cities, Morris, Rochester
- Degrees with Distinction and Degrees with Honors: Twin Cities, Morris, Rochester
- Directed Study, Directed Readings, and Directed Research Courses: Twin Cities, Morris, Rochester
- Grade Accountability: Twin Cities, Morris, Rochester
- Holds on Records and Registration: Twin Cities, Morris, Rochester
- Instructional Time per Course Credit: Twin Cities, Morris, Rochester
- Intercollegiate Athletic Events During Study Day and Finals Week: Twin Cities, Morris, Rochester
- Maintaining Course Records: Twin Cities, Morris, Rochester
- Makeup Work for Legitimate Absences: Twin Cities, Morris, Rochester
- Mandatory Attendance at First Class Session and Consequences for Absence: Twin Cities, Morris, Rochester
- Mid-Term Alerts on Academic Performance: Twin Cities, Morris, Rochester
- Promoting Timely Graduation by Undergraduates: Twin Cities, Morris, Rochester
- Scheduling Examinations, Final Examinations, and Study Days: Twin Cities, Morris, Rochester
- Special Examinations for Credit and Proficiency: Twin Cities, Morris, Rochester
- Syllabus Requirements and Guidelines: Twin Cities, Morris, Rochester
- Teaching and Learning: Instructor and Unit Responsibilities (Twin Cities, Morris, and Rochester)
- Teaching and Learning: Student Responsibilities (Twin Cities, Morris, and Rochester)
- Transfer of Undergraduate Credit: Twin Cities, Morris, Rochester
- Undergraduate Student Learning and Development Outcomes: Twin Cities
- Use of Personal Electronic Devices in the Classroom: Twin Cities, Morris, Rochester

CATHRINE WAMBACH, CHAIR
EDUCATIONAL POLICY COMMITTEE

DISCUSSION:

Professor Cathrine Wambach, SCEP Chair, said that a year ago a subcommittee was created to begin looking at educational policies with the goals of rewriting them in a form that was suitable to the new policy library, clarify policies in areas where problems had been reported, and make the policies easier to find amid the verbiage.

The revisions were brought to SCEP at regular intervals for input. Comments were also received from FCC, three open forums, a posting on the policy library website, the Registrar's group, and the administrative Policy Advisory Committee.

She then presented the list of policies for review at today's meeting. This is the second set of policies to be brought for comment. The full set of policies will be presented at the April 2 meeting for approval, pending approval from the President's Policy Committee.

There was discussion on the following policies:

Class Scheduling for Undergraduate and Graduate Classes: Twin Cities, Morris, Rochester

A senator noted that applied and 8xxx-level courses do not seem to fit within this policy.

Professor Wambach said that graduate and professional student courses have been exempted from this requirement.

Declaring a Major: Twin Cities, Morris, Rochester

A senator said that this policy should stipulate that it applies only to undergraduates.

Grade Accountability: Twin Cities, Morris, Rochester

Q: Why are students provided with one year to question a grade? Would six months be more realistic?

A: This time period is consistent with the retention of record maintenance.

A senator said that the deadline for grade questions stems from when paper copies of grades were mailed to students. Now that students can look on the web for their grades, this timeframe should be shortened.

Another senator recommended four weeks to initiate a grade question, since this is within the time frame that a faculty member would still have the student's work.

Holds on Records and Registration: Twin Cities, Morris, Rochester

A senator asked that the list of individuals in section 1c include the chief academic officers for the coordinate campuses.

Another senator said that section 1a applies to undergraduate students. He questioned how holds are handled for graduate and professional students.

Instructional Time per Course Credit: Twin Cities, Morris, Rochester

A senator asked if a graduate course that meets twice a week for 2-2.5 hours would be in compliance with this policy.

Professor Wambach said that the college can determine if these classes are in compliance with the policy.

Intercollegiate Athletic Events During Study Day and Finals Week: Twin Cities, Morris, Rochester

A senator stated that this policy should only apply to the Twin Cities.

Another senator said the policy does not address club sports which then creates problems for professors on how to interpret absences. Also, section 5 should be more forceful in stating that faculty need to comply with the provision of the policy

Mandatory Attendance at First Class Session and Consequences for Absence: Twin Cities, Morris, and Rochester

A senator questioned if students just need to inform an instructor or need approval when missing class due to a religious observation.

Maintaining Course Records: Twin Cities, Morris, Rochester

A senator noted that this policy changes record retention from 360 days to 30 days, which then puts it in conflict with retention advised in the grade accountability policy.

Professor Wambach said that there are two items being retained. One is the record of grades for a class, which would be 360 days. The other is the actual materials that students produce. For design and studio courses, 360 days is too long to store projects, so it is being changed to 30 days instead for retaining student work.

Makeup Work for Legitimate Absences: Twin Cities, Morris, Rochester

Q: The route for a club event was that a request was made to SCEP. This policy now states that it goes to the Senior Vice President and Provost. Was this change intended?

A: Yes. The committee felt that the Senior Vice President and Provost was in the best position to determine legitimate absences. An advisory group might be needed to determine reasonable absences.

Q: Does this change conflict with other policies?

A: No.

Q: Should 'reasonable' be added to the policy?

A: The committee did not feel that it should make this decision, which is why it is suggesting an advisory group be formed.

A senator questioned whether the Senior Vice President and Provost is the best person for making decisions for the coordinate campuses.

Mid-Term Alerts on Academic Performance: Twin Cities, Morris, Rochester

Q: Does this policy stipulate using a specific alert system?

A: No. Faculty can use the University system or a departmental version.

A senator suggested that the commas be removed from the first clause.

Scheduling Examinations, Final Examinations, and Study Days: Twin Cities, Morris, Rochester

A senator suggested that the new language from the Intercollegiate Athletic Events During Study Day and Finals Week Policy be added to this policy in section D(3).

Syllabus Requirements and Guidelines: Twin Cities, Morris, Rochester

A senator recommended that all parts of this policy either be 'must' or 'expected,' but not to use both within the one policy.

Teaching and Learning: Instructor and Unit Responsibilities (Twin Cities, Morris, and Rochester)

A senator suggested that a reference to '1xxx-level courses' be added to section B(5).

Teaching and Learning: Student Responsibilities (Twin Cities, Morris, and Rochester)

A senator questioned if students just need to inform an instructor or need approval when missing class due to a religious observation.

22. FACULTY SENATE OLD BUSINESS

NONE

23. FACULTY SENATE NEW BUSINESS

NONE

24. FACULTY SENATE ADJOURNMENT

The Faculty Senate was adjourned at 4:55 p.m.

**Rebecca Hippert
Abstractor**