

Minutes\*

**Academic Freedom and Tenure Committee  
Friday, September 18, 2009  
9:30 – 11:30  
300 Morrill Hall**

Present: Barbara Elliott, Karen Miksch (co-chairs), Yusuf Abul-Hajj, Tracey Anderson, Arlene Carney, William Craig, Joseph Gaugler, Linda McLoon, Paula O'Loughlin, Christine Marran, Paul Porter, Terry Simon, Carol Wells

Absent: Barbara Loken, Gary Peter

Guests: Professor Brian Isetts (Academic Health Center Faculty Consultative Committee)

[In these minutes: (1) Academic Health Center issues: faculty forum on clinical scholars; (2) Academic Health Center issues: appointment of faculty; (3) potential inequities in the use of written student comments on rating forms in personnel decisions; (4) best practices, use of student-rating-of-teaching data; (5) committee discussion of AHC issues]

**1. Academic Health Center Issues: Faculty Forum on Clinical Scholars**

Professor Elliott convened the meeting at 9:30 and began by welcoming everyone to the first meeting of the year and asking for a round of introductions. She then turned to Professor Isetts to discuss the AHC Faculty Forum scheduled for October 30.

The forum title is “Valuing Clinical Scholars,” Professor Isetts noted, and he said the reason for the focus is that the Academic Health Center (AHC) has a large number of non-tenure-track faculty who are contributing to the mission of the University (referred to as “Clinical Scholars” in the Medical School). The number of individuals in this rank is growing and the issue is the sense of second-class citizenship felt by many of these non-tenure-track faculty in faculty governance. They are addressing the morale and culture for the people with this status, and considering what the end point might be. Professor Isetts went on to observe that in a “conglomerate university” many faculty do not know what the others are doing. Are the tenured and tenure-track faculty qualified to judge these individuals for hiring and promotion? There is need for an analysis of non-tenure-track faculty contributions to the mission of the University.

Assistant Vice President Barbara Brandt (AHC) is appointing a task force on clinical scholars; the Medical School has relied on non-tenure-track faculty (clinical scholars) the longest and have quite a few full-time individuals in that category who are contributing to the mission, including the scholarly component. He said he has read the Procedures document carefully, but it applies only to candidates for tenure or promotion once tenured

[<http://www.academic.umn.edu/provost/faculty/tenure/pdf/Procedures101207.pdf>]. He raised a number of questions about application of the Procedures to Clinical Scholars.

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

The Faculty Forum will be one step in the analysis of the role of the clinical scholars. Professor Isetts said he would like to have one faculty member from this Committee join the Forum. Questions, for example, that have been raised revolve around whether junior faculty (non-tenure-track) may sit in on discussions of tenure-track faculty (no), whether junior faculty (tenure-track) can sit in on discussions of other junior faculty being evaluated for promotion and tenure (no), and whether tenured faculty may vote on the appointment of non-tenure-track faculty (yes). Another question is whether clinical scientists know what basic scientists are doing, and vice-versa.

Dr. Carney pointed out that the tenure code [Regents Policy, Faculty Tenure, <http://www.academic.umn.edu/provost/policies/documents/FacultyTenure2001.pdf>] is silent on the issue of tenure-track and tenured faculty voting on promotion of non-tenure-track faculty, but the Procedures document addresses procedures for individuals on tenure-track and tenured appointments. No document from this Committee addresses non-tenure-track faculty, although it has discussed development of a procedures document for them, parallel to the one for tenured/tenure-track faculty. Typically, the tenured faculty and others in the clinical faculty ranks make decisions on clinical faculty. Participation of junior faculty in discussions of tenure-track faculty being considered for promotion or tenure is a procedural error that could be raised in the case of tenure denial. It is also not permissible for non-tenure-track faculty to sit in on meetings about promotion and tenure of tenure-track faculty. Professor Isetts reported that he is aware of instances both inside and outside the AHC where this is occurring.

Dr. Carney said that if the meeting is devoted to vote on recommending tenure, only tenured faculty may attend and participate in the meeting. That has been made very clear to departments for this year's voting on candidates. One aspect may be building the case that the Procedures related to promotion (but not tenure) should change, Professor Isetts said, so that perhaps non-tenure-track faculty could participate in the promotion decisions (but not tenure decisions) for tenure-track faculty. Professor Abul-Hajj responded that that would open a Pandora's Box. Dr. Carney said that would require a change in the Regents policy, and while the Committee could recommend such a change, it could not approve changes in the procedures that are contrary to Regents policy.

The issue of non-tenure-track faculty is not limited to the AHC, Professor Isetts said. There are individuals on these appointments in Law and Architecture as well, and many other units. There is a need to start the discussion about their roles, and contributions to achieving the mission of the University.

Professor McLoon asked why, if these individuals are engaged in teaching, research, and service, are they not tenured or tenure-track? That is part of the discussion, Professor Isetts said, but some individuals have consciously chosen the clinical track because they are not sure if they wish to be part of the tenure-track system.

Professor Isetts repeated his view that there needs to be an analysis of the contributions of clinical scholars to the mission. Professor McLoon said that every department has a 7.12 statement for tenured and tenure-track faculty that defines what is needed to be tenured and promoted. AHC Departments also (supposedly) have standards for promotion for Clinical Scholars—and the two standards are not the same.

Professor Miksch agreed to represent the Committee at the Faculty Forum.

## **2. Academic Health Center Issues: Appointment of Faculty**

Professor Elliott agreed that the next item of discussion could be off the record. The question at hand was about a dean hiring and promoting faculty without consulting the faculty in the department. Committee members made several points about the matter.

- Faculty members vote to recommend tenure, not the level of appointment.
- No one has been hired in the college in question with tenure without a faculty recommendation to grant tenure.
- The promotion-and-tenure committee may be asked about granting tenure after the appointment (to rank) has already been made. It is a common practice in the AHC to issue an offer letter indicating tenure will be contingent on approval—and some individuals have not been granted tenure in the past. This is not, however, an ideal practice. In other colleges it is more typical that Dr. Carney and others see the file before an offer is made.
- Dr. Carney noted that the tenure code and the Procedures do not guide hiring practices. Units must follow the usual Human Resources rules, but none of the documents speak to the rank at which an individual is to be hired. Her concern is that the faculty in the unit have the opportunity to vote on whether to recommend granting tenure. The Procedures cover promotion and tenure, Professor Miksch agreed, but hiring is covered by college procedures.
- If a dean is hiring without receiving the advice of a department chair, does that not suggest there is a problem in the department?
- The tenure code does not require a faculty vote prior to hiring someone. As long as an offer letter does not offer tenure, the practice is acceptable.

The discussion turned briefly to voting by those who hold joint appointments. Professor Wells reported that she has voted on promotion but not tenure for candidates in Surgery, where she holds an appointment but which is not where she is tenured. Dr. Carney pointed out that faculty members are not tenured in departments, they are tenured in the University. If someone clearly has a split appointment, he or she may (and has an obligation to) vote in both departments if both appointments are with tenure. In the case of adjunct appointments (internal to the University), it is up to the department granting the adjunct appointment to decide on the level of participation of adjunct faculty. In small units, departments can ask the Provost's office to include other faculty to participate in promotion and tenure recommendations. A department is a faculty member's APPOINTMENT home and he or she can vote in both if appointed to both. In the case of courtesy appointments (e.g., adjunct), the faculty member must be invited to participate.

### **3. Potential Inequities in the Use of Written Student Comments on Rating Forms in Personnel Decisions**

Vice Provost Carney said that she has been concerned since last year about the University policy on evaluation of instruction, because the policy provisions that create the Student-Rating-of-Teaching (SRT) system, recommended by the Committee on Educational Policy and the Faculty Consultative Committee, approved by the Faculty Senate, and adopted by the administration, leave it up to the faculty governance body of each college and campus to decide how the written comments will be used in personnel

decisions. Over the years there has been heated debate about the use of written comments on the SRT forms. Faculty members have argued passionately on both sides.

When the policy was amended earlier, it left the decision about the use of written comments up to the colleges/campuses. As revised last year, the decision is left up to the faculty governance system in each college. Several of the large colleges (CLA, IT, CEHD) as well as the Morris campus use the written comments as part of the personnel process—more units use them than do not. The policy presumes there will be a vote by the college faculty governance body.

Vice Provost Carney observed that even in a decentralized institution such as the University, tenure decisions have a central component as well. She said she did not know if all college faculty groups know they are supposed to make a decision about the use of student comments. She is now responsible for the SRT procedure and worries about the implications if one college uses the written comments in tenure decisions while another one does not. Two faculty members with the same SRT scores but in different colleges, and both with a number of negative written comments, could be treated differently. In one college, where the negative written comments are not part of the file, the unit could recommend granting tenure; in the other, where the faculty see the negative comments, the unit might vote against recommending tenure. The Committee was privy to a compelling presentation from Professor Gonzales last year about the disproportionate impact of even a few negative comments on a file.

Her concern, Dr. Carney said, is not whether the written comments are used or not, it is about the fairness of the process. There are few units that do not use them at all, but the way they are used varies. Some include the comments in supplemental materials, some in the primary file. Does the Committee share her concern about the potential unfairness? She worries that something could serve as an advantage or disadvantage to a faculty member, depending on his or her college.

Professor McLoon said she has spoken to this issue before. In her view, the comments are to help someone be a better teacher and should not be used in the promotion-and-tenure process. She is not there to be a friend to the students, she is there to teach them. What should be assessed is whether there was adequate knowledge acquisition by the students, which is about accountability for learning. Unfortunately there is currently no determination by the University of how much students have learned in a course.

Professor Abul-Hajj noted that he had been chair of his department for over 20 years and had seen a lot of student evaluations. In most cases, if the class received a 70% response rate, it was lucky. There might only be ten comments. Normally, if a student likes a faculty member, he or she will say nothing; it is only those who do not like the instructor who write comments. An individual can receive a few bad comments but also very high scores on the forms. He pointed out that 7.12 statements differ and urged that colleges and departments should be allowed to use the written comments differently as well. (Dr. Carney said that the response rate for the in-class paper rating forms is over 80% and for the online forms is about 40%. The results in the AHC differ because they use an outside vendor.)

Professor Anderson said there are so many other sources of information about an instructor's teaching and research that it is unlikely anyone would be denied tenure solely because of written comments on student rating forms. The Morris campus, for example, does not rely only on information about teaching (although it relies on it more than the Twin Cities campus because of its mission) in making personnel decisions. Apart from Crookston and Duluth, Dr. Carney said, the vast majority of units that rely on information about teaching use only the SRT results. There will be a recommended set of best practices in the use of SRT data, but there is a lot of emphasis on them. She said she was a little less concerned

about variations in practice than she was before because the SRT has better questions and the comments are more directed.

Professor McLoon asked if the faculty governance bodies responsible for making a decision about the use of written comments are elected. That depends on the college, Dr. Carney said. The CLA Assembly is elected by the faculty. Most such bodies outside the AHC are elected. A lot of them also include non-tenure-track faculty, Professor Abul-Hajj pointed out. This issue affects P&A staff as well as graduate assistants, Dr. Carney responded, although how the results are handled for those groups also varies between the units. It is a broad policy, and relates to tenure for this Committee, but it has a big impact on a lot of people.

Professor Gaugler said there has always been a de facto reliance on SRT numbers to evaluation teaching. Do other institutions do something different? A faculty committee has developed a set of best practices for the peer review of teaching, Dr. Carney said, that are very good: they are high-quality, meaningful, and can realistically be done. The University is really ahead of the curve on student rating because it worked hard on developing the questions. There is very good news for the University in the SRT results: with data from three semesters, consisting of over 140,000 responses each semester across all classes, she can report that the teaching scores are remarkably high. On a 6-point scale, the cumulative response to the question "the instructor treated me with respect" is 5.6, which is extraordinary. The one dip in the numbers comes in response to the question about instructors providing feedback, so now the results can be provided to the faculty and the issue of feedback addressed. The SRT questions are good, Dr. Carney said; what needs to change is the culture in terms of the use of peer review as a clear and replicable practice (so it is not different for different people). Peer review is generally used more at institutions that are more focused on teaching; Minnesota is unusual among research universities in focusing on peer review of teaching.

Professor Anderson reported that the Morris campus is gearing up for accreditation, and assessment of learning is no longer optional, she said. They are being pressed hard on that question. The optional question bank links the questions to the student-learning outcomes, Dr. Carney noted, something that is unique.

What about self-assessment of teaching, Professor Elliott asked? That is part of the process, Dr. Carney said. A third faculty committee, also relying on expertise inside the institution, has developed a set of questions for the optional question bank. The faculty member decides which ones to use, if any, and the results are formative, not summative. The University will use the aggregated results from the optional questions to examine the relationship between teaching and the student-learning outcomes.

Professor Elliott asked for a vote on the issue, and proposed this statement: The Committee finds acceptable the fact that different colleges use the written comments on Student-Rating-of-Teaching forms differently in personnel decisions. The Committee voted 10-1 in favor of the statement.

Dr. Craig voted against the motion because he said he was impressed with Dr. Carney's argument about the potential inconsistent treatment. Dr. Carney responded that she, in turn, had thought the observation about different 7.12 statements was also well taken and that she was less concerned about the potential problems, given the Committee's views.

#### **4. Best Practices, Use of Student-Rating-of-Teaching Data**

Professor Elliott asked Vice Provost Carney to report on the best practices recommendations on the use of SRT data.

Dr. Carney noted that the new SRT form was first used in spring, 2008. There is variation in how units present SRT data and the earlier Student Evaluation of Teaching (SET) scores. The report that has been presented to her will lead to changes in the middle of this year. The recommendations were produced by an ad hoc committee that included Professors Gaugler and Miksch from this Committee and Professors George Sheets and Virginia Zuiker from the Committee on Faculty Affairs, with participation by Professor Gonzales, the chair of the Faculty Consultative Committee. The group also included Dr. Dohm, who heads the Office of Measurement Services, and herself. They met two times and reached consensus very quickly.

The SET questions were terrible, Dr. Carney said, and there was tremendous variation in the way the SET data were used. With the SET scores, it was all about the number and difference from the mean or the median, often with no discussion of the variance—an omission faculty members would never tolerate in their research. Moreover, when candidates are being considered for tenure, their research is not being compared with that of a full professor—but their SET/SRT results are often compared with a department mean that includes senior faculty.

The ad hoc committee focused on a different way to consider the SRT results. The attention has been on the number, Dr. Carney said, which is almost irrelevant to her. She focuses on the adjective attached to the number (unlike the SET form, the new SRT forms have an adjective attached to each of the six points on the rating scales). The ad hoc committee agreed with this approach and suggested that departments have a benchmark, its aspirations (e.g., all the faculty will be above 5--on the scale with 6 as the best—on the item about preparedness). The department could tell probationary faculty, for example, that by the time they come up for tenure, their "preparedness" score will need to be above 5. The committee talked about each department developing a set of benchmarks, which would mean one would not worry if someone were below the mean of the department. Dr. Carney pointed out that with only three semesters of data, it is at present not appropriate to calculate department means.

There will be a short report, something that faculty will read, Dr. Carney said. They have also talked about aggregating data on probationary faculty by area (social sciences, biological sciences, arts and humanities, etc.) in order to see what probationary faculty experience when teaching at 1XXX courses, 3XXX courses, etc., to see if there are differences across fields. This analysis will not be done immediately but she knows that people will want comparative data, and will want departmental data, but she would like people to think about the data in a different way. She also told the Committee, in response to a question from Professor Anderson, that the data will be coded for class size and by rank as well. If the sciences are "harder" than other disciplines, the data will permit comparisons within the sciences.

Professor Gaugler said that the average of the results for a probationary faculty over five years is not as interesting as the trajectory of the numbers during the probationary period. It is more interesting if someone improves and exceeds the benchmark. That point will also be made in the report, Dr. Carney said. She said she gets concerned when a department head holds bad first-year teaching against a probationary faculty member. Some probationary faculty improve; others, unfortunately, do not.

At present the ways SRT data are presented in files are wildly different. The process would be fairer if at least the data are presented in the same way within each department. The important point for her, Dr. Carney said, is that departments are using the criteria they should when making a decision.

Dr. Carney repeated the point about the good news revealed by the aggregate data. The University can tell people to look at the data, semester after semester: no matter what class students are in or who is teaching it, the results are very good. No one can fudge the data, with 140,000 surveys each semester. As important, she told the Committee, the standard deviation is very low.

The information about best practices will be communicated to the faculty very soon, along with the results from the peer-review committee, but they will not have any impact on the promotion and tenure process that began this fall. Dr. Carney said the ad hoc committees did very good work and that she appreciated the faculty participation—the efforts were a model of how a major research university takes teaching seriously and wants faculty members treated fairly.

Professor Elliott thanked Dr. Carney for her report.

## **5. Committee Discussion of AHC Matters**

Committee members spent time discussing voting issues related to tenured/tenure-track and non-tenure-track faculty.

-- At one time there was a variance granted to the AHC to allow clinical faculty of higher rank to vote on the promotion (but not the tenure) of tenure-track faculty. This Committee decided that was a violation of the principles of the tenure code, so the practice is no longer permitted.

-- Some units have 7.12-like statements for Clinical Scholars and teaching scholars.

-- Some clinical faculty feel they are contributing to the teaching, research, and service missions and wonder why they are left out of these decisions. Some clinical faculty look like they could be on the tenure track, but some clearly do not, Dr. Carney observed. In both cases, however, they are making valuable contributions to the University.

-- One can readily support the idea that clinical faculty should vote on the promotion of clinical faculty, but not on promotion of tenure-track and tenured faculty. The latter violates the spirit of tenure. It also begins to create the perception that tenured and non-tenured faculty are interchangeable, which is not true.

-- The numbers of non-tenure-track faculty, it was reported last year to the Committee on Faculty Affairs, are NOT increasing at the University of Minnesota except in the Medical School and in Nursing. In all the other colleges, the numbers of non-tenure-track faculty are small and seem to fluctuate randomly from year to year. There is no upward trend.

Dr. Carney said she would be glad to convey a message that this Committee is concerned about the voting process used in some departments.

Professor Elliott adjourned the meeting at 11:35.

-- Gary Engstrand