

Minutes*

Faculty Consultative Committee
Thursday, October 19, 1995
12:30 - 3:00
Dale Shephard Room, Campus Club

Present: Carl Adams (chair), John Adams, Dan Feeney, Virginia Gray, Roberta Humphreys, Laura Coffin Koch, Geoffrey Maruyama, Harvey Peterson, Michael Steffes

Regrets: Victor Bloomfield, Lester Drewes, James Gremmels, Robert Jones, Fred Morrison

Absent: Carole Bland

Guests: Senior Vice President E. F. Infante

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

[In these minutes: tenure; semester conversion; miscellany; Finance and Planning issues; campus master plans; parking;

1. A Reporting Issue

Professor Adams convened the meeting at 12:30 and reported that Acting Vice President Brenner took exception to the report in the last BRIEF about the FCC discussion of the Graduate School. The BRIEF report made it sound like the discussion had been very negative, when in fact it was quite informative and constructive. He asked that the minutes of this meeting reflect a consensus that the discussion with Dr. Brenner had been very constructive and carried no negative implications.

2. The Discussion About Tenure

Professor Adams then said there are two parts to the tenure discussion now taking place. First, he has signed a joint charge letter that sets up a coordinating task group, with John Adams as chair and with other faculty members on it, with the charge to lead and guide the tenure discussions and presentations. Where administrative actions are necessary, they will be sought from the administration; where legislative changes are sought, they will be requested from the Committee on Faculty Affairs. The task group, however, will not be the ones making changes. This seems to be a useful mechanism, he said, for the governance system and administration to work together.

It is not clear whose agenda is being advanced, said one Committee member. Tenure has been talked about for a couple of years; it is now the focus of attention in the Academic Health Center (what to do with people tenured on soft money), there is a "law" that no salaries can be adjusted downward, there are questions about probationary and part-time appointments that should be in the conversation, and it

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may be necessary to change the ways business is done while still protecting tenure.

Professor Adams offered a synopsis of the Board of Regents' activity on the subject. The Board, without interaction with the governance structure, has asked for a series of discussions of tenure; the administration arranged for the Regents to meet last week with Judith Gappa, which included no judgments about tenure but rather a report on it.

His sense, he said, is that the Board is not on any campaign to get rid of tenure, but Board members want to be sure they have reviewed current thinking about it. The Board appears to support tenure, and the President has made his support for it clear. Four or five specific items, however, have been raised.

- To whom should tenure apply? Has it been given to some who do not need it? (e.g., clinicians tenured on soft funds).
- Should tenure be in units? The Tenure Code is ambiguous; it implies that if a unit is eliminated, tenure goes with it; in another part, it says the University should find alternative employment for faculty with tenure.
- Should the length of the probationary period be changed?
- Should compensation be separated so there is a tenured portion and a non-tenured portion? (There is a belief that there have been court cases holding that cutting salaries is the equivalent to removing tenure.)
- In cases of perceived abuse of tenure, there is a need for procedures that allow it to be dealt with. In grievous cases that take a long time, some are offended that the University must keep on the payroll people who are APPEALING judgments.

None of these get at the heart of tenure, he said, but at its application.

It may also be that the wording of the tenure code offends people. It is legalistic and follows no structure of clear principles and concepts and policies; it also includes procedures. This may be an editing and public relations issue.

In the Academic Health Center, Provost Brody has been explicit that tenure is a problem. Academic freedom must be protected, but tenure is not the way to do it. The underlying concern is the need for flexibility, and he sees tenure as a major constraint on the AHC adapting to the circumstances in which it finds itself. Here is a case where a senior administrator needs help and support from the institution to deal with problems, but he may be taking a position which makes the situation more difficult to deal with.

Committee members made a number of observations about the problems in the AHC and their relationship to faculty tenure; most expressed doubt that tenure was the sole or even primary cause of the difficulties facing the AHC. Addressing tenure problems is a long-term solution, not one for the short term; suspending tenure gives administrators an easy way out of the problem. The point was made that it

does not help to assess blame for the present situation and that the historical perspective is less helpful than trying to deal with the problems. Retraining might be one option; allowing people to opt out of tenure might be another.

Financial exigency is not available as a solution for the AHC; the Tenure Code provides that it must apply to the University as a whole. Perhaps the Code should be changed so that it could apply to portions of the institution--or one might want to make the argument that the fiscal condition of the University is at stake and use the financial exigency clause to make changes. That does not appear to be necessary right now, however.

It will be important to work this out for a time the University might move to Responsibility Center Management; what happens when units face a shortfall? Moreover, are faculty put in jeopardy if an irresponsible administration causes budget problems?

One issue that has not received much public attention, it was said, is the economic; some believe that tenure was instituted because organizations could not pay very much, so professors were given job security instead. The economic argument has been made repeatedly, said another Committee member, and it has been identified with the Board as a factor in cost and quality comparisons. It would be necessary to pay more to obtain the same quality faculty if there were no tenure. Most, however, believe the protection of academic freedom to be more important.

The administration would be ignoring reality if it took the view that there will either be tenure or at-will employees (which it does not). Without tenure, the faculty could unionize. There is a set of legal procedures and precedents that surround employment and how people are removed; that entire context must be considered, it was said.

At the same time, there are financial realities that tenured faculty do not think about. During the 1960s and 70s, the faculty got into the habit of thinking the state would provide unlimited amounts of money to the University; that has changed and the situation must now be dealt with. It must get more money (if this were a better university for undergraduates, there would be no problem in charging more tuition and providing financial aid; that is not on the table because some on the Board of Regents believe the best aid is low tuition). As a result, it has insufficient resources and must do something about it; it appears that the legislature is the LEAST likely source of additional funds. The problem needs to be fixed right, and in a way that there is no backlash. The problem exists because the University made long-term commitments on short-term funds; in many private institutions, tenure will not be granted unless there are permanent funds available, and everyone else is a contract employee.

This is not a matter of economics, said another Committee member; the problem is the public perception that faculty don't work hard. Combined with the fact that no one else has tenure, said another. What is to be done with people who work less than 20 hours per week--no matter how few such people there are?

3. The Discussions About the Semester Conversion

Professor Adams then reported that there will also be a joint group appointed to lead, guide, and coordinate administrative and legislative activities with respect to semesters; it will include

representatives from SCEP, SCFA, and Finance and Planning (Laura Koch, Carol Chomsky, and Charles Speaks, respectively) and will be chaired by Provost Shively. There are a number of offices responsible for doing things, and a number of governance bodies that must adopt legislation; this will be a joint group to lead the parties and to allow everyone to do their work in a timely fashion. This group will also charge a second group, the ONLY task of which will be to communicate with the twenty or more groups that need to be in the loop for communication about the change.

The joint group has a substantial faculty orientation, he said, and he is comfortable with it.

4. Other Questions and Issues

Discussion turned to a number of issues.

- The Committee should hear from Dr. Infante about the recent appointment of Dr. Riley as interim chief information officer.
- The Committee should hear about re-engineering and possibly invite Professors Evans and Hamilton. The re-engineering group has been disbanded; the activity remains a rapidly-moving administrative exercise. The governance system need not be inserted in it, but it should ask for information and ask the questions the faculty expect to be asked.
- Grant management tracking is to be moved from ORTTA, but then it is said that nothing will change, only the reporting line. What is happening?
- There was included with the Regents' material for their October meeting a piece on high tuition and high aid; was this circulated because they need to take it seriously or because the administration supports it? The proposal itself takes no recognition that the University is funded very differently from Normandale. Part of the worry is about vouchers, and there should be worry.
- The administration has taken the position, with respect to the National Research Council rankings of graduate programs, that the picture is good. There has been an analysis of the rankings internally demonstrating that the University has slipped from 16th to 21st and all is NOT fine. It is taking the wrong position to say all is fine when the institution is slipping. How is it the University of California at San Diego has gotten ahead of the University in rankings?

If one considers the competition to be public institutions, the situation looks one way; if one looks at all institutions, it is another; overall, the message is one of decline.

5. The Letter From Professor Morrison

Professor Adams then turned the attention of Committee members to the letter from Professor Morrison about the issues before the Finance and Planning Committee. It appears that the \$31 million in cuts does not have the programmatic direction that one might have expected or hoped for under U2000. \$9 million of the cuts are to be taken from the administration, but may come back to haunt departments if it involves creative accounting, shifting costs, and leads to insufficient support for central services such as computing and the libraries. What should be done is not clear, although the Committee should do

more than just worry.

Finance and Planning must continue to look very hard at re-engineering, even though the group working on it has been disbanded. It would not be inappropriate for FCC or SCC to hear from Professors Evans and Hamilton about what has happened and should happen.

As a general observation, Professor Adams said, it appears there is room for dramatic and substantial improvement, but accomplishing it is very, very difficult. He said he would like to hear from Finance and Planning if they should take a stronger position on re-engineering. The changes in information technology were one spin-off from this activity; there is also re-engineering activity occurring in grants management, human resources, and purchasing.

One Committee member asked for a short explanation of why it is hard to connect the accounting system with payroll and other systems and why people cannot look at account balances in research grants.

It is typical, it was said, to have a human resource system that may or may not be connected to the payroll system, which may or may not be connected to financial reporting. They can be thought of as distinct systems. In an ideal world, they would be integrated; the difficulty here is that there are so many systems that integrating them is not as easy as one would like to believe. The University has spent an enormous amount of money to get a system that didn't work, which is why there was the systems development activity, which failed in the eyes of the users. That happens, although it should not, and it is because someone made mistakes.

What is bothersome is that the University found it had a system that did not work, invested millions of dollars in it to make it work, and is now proposing to do so again.

6. Other Issues

CAMPUS MASTER PLANS One Committee member inquired about the status of the campus master plans. Are they ideas for people to mull over or are they a blueprint to remodel the campus? They are the latter, said another Committee member; the University commissioned a consulting firm that has been doing its work, but nothing has been adopted. Among the plans are the demolition of the Union and elimination of the covered walkway between the East and West Banks.

One Committee member reported being asked by a student about the proposed removal of the Union but with no replacement for student activities. The student thought it odd that there would be no attention to student needs--or faculty needs, either.

It was agreed there should be a status report on campus master planning, and noted that the Finance and Planning Committee will hear about it in November.

PARKING One Committee member then noted that the philosophy of parking is that the costs should be approximately equal to those downtown in order to encourage faculty to ride the bus. A more fundamental issue for applied departments, however, is that they are expected to be out in the community; why should faculty be charged downtown rates when they have to have transportation to get

out into the community?

The Finance and Planning Committee took issue with Parking Services over this and other issues, it was reported, and then a new faculty member on the Committee said it was a good idea. The rest of the Committee was dumbfounded.

Who thinks parking is expensive, asked one Committee member? It is practically free!

7. Discussion with Senior Vice President E. F. Infante

Professor Adams welcomed Senior Vice President Infante to the meeting and laid out several questions that had been raised earlier in the meeting. The Committee spent an hour with Dr. Infante discussing a number of issues; they began with a closed session on information technology re-engineering and the associated personnel matters. The subject next addressed was tenure. There should be a target, such as the end of the academic year, for any changes that will be proposed, said one Committee member. The earlier Committee discussion was reviewed for Dr. Infante, and the question of the role of tenure in the situation facing the Academic Health Center; it appears to some that there is a problem with tenure when it really has a lot to do with how the University is run and other systemic issues. The tenure discussion cannot be separated from the other issues.

Dr. Infante noted that one re-engineering activity involves Human Resources; he said that he had told the outside co-chair, Charles Denny, that one item outside their purview was tenure. But there are a number of reasons it is receiving attention. The Board of Regents, representing the people of Minnesota, believe the public want a discussion of it, and they want to be able to say they have looked at tenure, that it is valuable, and that they have made improvements. It would be difficult to imagine a more uncompetitive step to take besides eliminating tenure. There are some elements of the tenure code that could be improved; some parts of it are embarrassing and the code would be better if the principles were separated from the procedures.

One question in this discussion, related one Committee member, was how to react when a senior officer calls for doing away with tenure; that punishes the wrong people. Dr. Infante said people must keep cool; all across the nation academic health centers are the most advanced in discussions about tenure. The major problem is the changing dynamics of medical schools and the clinical faculty. Provost Brody wants the issues on the table.

Dr. Infante discussed several possible changes that might be considered (e.g., separation of compensation from the University for tenure and compensation from other sources, post-tenure reviews, and suspension of faculty without pay after a finding of misconduct).

The Committee also had brief discussion with Dr. Infante about the materials on high tuition and high aid that had been provided to the Board of Regents, about the NRC rankings, and about the possibility of having an A+ grade.

Professor Adams thanked Dr. Infante for joining the meeting, and then adjourned it at 3:00.

-- Gary Engstrand

University of Minnesota