

MAY 18, 1995

The fourth meeting of the Faculty Senate for 1994-95, was convened in 25 Law Center, Minneapolis campus, on Thursday, May 18, 1995, at 3:56 p.m. (immediately following the University Senate meeting). Coordinate campuses were linked by telephone. Checking or signing the roll as present were 117 voting faculty members. President Nils Hasselmo, presided.

I. ADMINISTRATIVE RESPONSE TO FACULTY SENATE ACTIONS
Information

- A. Resolution Concerning the Compensation Working Group Report
 Approved by: the Faculty Senate April 20, 1995
 the Administration - no action required (acknowledgement received)
 the Board of Regents - no action required
 (The report was presented to the Administrative Council, the Executive Council,
 and the Board of Regents in March 1995)

II. ELECTION OF VICE CHAIR FOR 1995-96
Action

Professor Roberta Humphreys was elected vice chair of the Faculty Senate for 1995-96.

III. FACULTY CONSULTATIVE COMMITTEE
Institutional-level Critical Measures and Performance Goals
Action

MOTION:

That the Faculty Senate endorse the following seven "second phase" critical measures:

- Student Experience
- Post-Graduation Experience
- Scholarship, Research, Artistic Accomplishment
- Overall Satisfaction of Minnesota Citizens
- Faculty and Staff Experience
- Facilities Infrastructure
- Resource Development

and the process whereby specific performance goals will be defined and redefined in the future.

COMMENT:

The U2000 agenda addresses six areas of activity and concern (research, graduate and professional education, undergraduate education, access and outreach, user-friendliness, and diversity). Academic Affairs developed eighteen "critical measures" that will be used to assess University progress toward U2000. Information technology and research equipment may become a nineteenth measure. For each of the "measures," a series of "performance goals" is being developed by faculty and Academic Administration to guide and monitor our performance as an institution.

The five first phase critical measures (characteristics of entering students, graduation rate, underrepresented groups/diversity, sponsored funding, investment per student) were developed last summer and approved by the Board

of Regents in December 1994.

The second phase measures will be presented to the Board of Regents for discussion in June and action in July. The measures were developed using a discussion process involving campuses, colleges and administrative units, Senate committees, staff committees, student organizations and groups, the president's minority advisory committees, and others.

The Faculty Consultative Committee has closely monitored the development of the critical measures. The committee endorses the seven second phase measures, and supports Academic Administration's proposed request that the Board of Regents approve the second phase critical measures.

JOHN ADAMS, Chair
Faculty Consultative Committee

DISCUSSION:

Professor John Adams presented the motion to endorse the seven "second phase" critical measures and the process whereby specific performance goals will be defined and redefined in the future. Directing senators attention to the commentary following the motion, he reviewed the background and development of the measures. He reminded the body that Senate committees have been actively involved in their development and will continue that involvement until the completion of the process.

In response to a question concerning the necessity for developing measures, President Hasselmo responded that over the years the University has undertaken alot of "measuring" which has been done in a less than systematic way. Development of the 18 (perhaps 19) critical measures provides a more systematic method of measuring the University and one that will be more cost effective for accreditation purposes. It has, in fact, already helped build credibility with the Legislature.

With no further discussion the motion was approved by a majority of members present and voting.

APPROVED

IV. FACULTY CONSULTATIVE COMMITTEE FACULTY AFFAIRS COMMITTEE/TENURE SUBCOMMITTEE *Regulations Concerning Faculty Tenure* Information and Discussion

Proposed Interpretations to the Regulations Concerning Faculty Tenure

- I. Interpretation of Sections 3-9: Promotion and Tenure Decisions Permitted by Provosts and Chancellors during 1995-96

To accommodate current restructuring of the central administration, final review and related aspects of the promotion and tenure process may occur at the level of provosts and chancellors during the 1995-96 academic year. Provosts and chancellors will receive consultation regarding proper procedures from the Dean of the Graduate School.

COMMENT: The Tenure Subcommittee of the Senate Committee on Faculty Affairs was recently requested by the administration to propose amendments to the *Regulations Concerning Faculty Tenure* (Tenure Regulations) to accommodate current restructuring of central administration. The immediate desire of the administration is that final recommendations for promotion and tenure occur at the level of provosts and chancellors, rather than centrally by the senior vice president for academic affairs (the present procedure). While considering appropriate amendments to the Tenure Regulations, the Tenure Subcommittee concluded that changing aspects of the Tenure Regulations pertaining to promotion and tenure will impact on other aspects of the Regulations (e.g. fiscal emergencies, termination for cause),

which are now responsibilities of central administration. Reassigning these administrative responsibilities described in the Tenure Regulations from central administration to provosts and chancellors could have major effects on the academic affairs and freedom of faculty. Without appropriate regulations in place, a lack of system-wide consistency may occur with the undesirable possibility that future faculty will be employed in one of six different universities.

In order to allow time for broad consultation with faculty and administrators and the preparation of carefully considered amendments to the Tenure Regulations, the Tenure Subcommittee proposes the above Interpretation to the Regulations.

This Interpretation permits promotion and tenure decisions to occur at the level of the provosts and chancellors for the coming academic year. During this time the Tenure Subcommittee requests all faculty to consider the implications for their units or departments of the requested changes in the Regulations. We welcome your comments and suggestions regarding the development of necessary new procedures and the revision of specific sections of the Tenure Regulations.

II. Interpretation of Sections 14 and 15: Working Days

The word "days" is interpreted to imply working days, not calendar days.

COMMENT: The use of the word "days" in the Tenure Regulations is unclear and is now defined as working days.

III. Interpretation of Amendments to Sections 14.1 and 14.2: Timely Responses in Cases of Unrequested Leave of Absence, Termination, or Suspension

The timelines for responses by either the involved faculty member or the administrator(s) may be extended by agreement of the parties to the proceeding or for extraordinary circumstances. An agreement of the parties to extend the time limit shall be in writing, signed by both parties or their representatives. If the parties do not agree, either party may apply to the chair of the Senate Judicial Committee for an extension of the time in which to take the steps required in this section. If the faculty member has failed to act within the time limits prescribed in these sections, the responsible administrator may request the chair of the Senate Judicial Committee to set a specific date by which the faculty member must take action; if the faculty member fails to do so, the petition for review will be dismissed without further proceedings and the requested disciplinary action (or any lesser sanction) may be taken. If the responsible administrator has failed to act within the time limits prescribed in these sections, the faculty member may request the chair of the Senate Judicial Committee to set a specific date by which the administrator must take action; if the administrator fails to do so, the proceedings shall be dismissed and further action can be taken only by reinitiating the entire proceedings.

COMMENT: At the Faculty Senate meeting of May 19, 1994, amendments to the Tenure Regulations providing for a timely response by administrators to reports of Preliminary Proceedings and for sending notices of Formal Actions (Sections 14.1 and 14.2) were approved. The Tenure Regulations currently provide for a timely response by a faculty member to a formal notice of actions to be taken by the administration following the report of a Preliminary Proceeding (Section 14.1). The amendments approved by the Faculty Senate in May 1994 were not presented to the Regents for formal approval. The administration considers the time limits to be difficult to follow under unusual circumstances; for example, when an outside legal counsel for a faculty member has limited availability or when a faculty member on a 9-month appointment wishes to suspend the proceedings during the summer.

FOR INFORMATION:

Following are the amendments approved by the Faculty Senate May 19, 1994:

1. To amend Section 14.1 of the *Regulations Concerning Faculty Tenure*, as follows: (additions are

underlined; deletions are ~~struck out~~)

Section 14.1 Preliminary Proceedings

Only a dean

. . . .

Both the administrator and the faculty member may submit their views, in person or in writing, to the body making the recommendation, but neither of them may participate in the deliberation or vote. The body making the recommendation makes a written report to the administrator within 40 days of submission of the issue to it, indicating the number of votes for and against the proposed action and the reasons articulated. ~~After considering~~ Within 15 days after receiving the report, the administrator makes a written recommendation to the vice president. The recommendation must include a copy of the report of the panel or of the tenured faculty, as the case may be. A copy of the report must be sent to the faculty member.

2. To amend Section 14.2 of the *Regulations Concerning Faculty Tenure*, as follows: (additions are underlined; deletions are ~~struck out~~)

Section 14.2 Formal Action

After receiving the administrator's recommendation, and giving the faculty member an opportunity to comment, the vice president will decide whether to proceed. If the vice president ~~decides does not to~~ proceed within 40 days, the charges are dropped and the faculty member and the academic unit are so notified in writing. If the vice president decides to proceed with formal action, the vice president must give written notice to the faculty member

If the faculty member does not request a hearing within 30 days, the President may take the action proposed in the vice president's notice, without further right to a hearing.

JOHN ADAMS, Chair
Faculty Consultative Committee

DANIEL FEENEY, Chair
Faculty Affairs Committee

MARY DEMPSEY, Chair
Tenure Subcommittee

DISCUSSION:

Professor Mary Dempsey, chair of the Tenure Subcommittee, reviewed the three interpretations and called senators attention to the commentary sections which explain their rationale. Interpretations of the Tenure Regulations, she explained, do not require approval by the Faculty Senate. However, the committees involved in their development want to be sure they are expressing the sense of the Faculty Senate before forwarding them to the administration and Board of Regents and, therefore, they are being brought for information at this meeting and for action at the special June 8 Faculty Senate meeting.

Professor Dempsey particularly called senators attention to Interpretation I which allows promotion and tenure decisions to be made at the provost and chancellor level at least during 1995-96. If the interpretation is approved on June 8, it is the Tenure Subcommittee's intent during 1995-96 to broadly consult with colleagues before proposing specific amendments to the Tenure Regulations formalizing the arrangement.

Interpretation II, said Professor Dempsey, clarifies that use of the word 'days' in the Tenure Regulations

means 'working days' (Monday through Friday, excluding University holidays).

Interpretation III was developed in response to the administration's concern that the May 19, 1994, amendments to Sections 14.1 and 14.2 of the Tenure Regulations relating to timely responses in cases of unrequested leave of absence, termination, or suspension that were approved by the Faculty Senate would be difficult to follow under unusual circumstances. The Interpretation allows for the extension of the timelines by either the involved faculty member or the administrator(s) upon agreement of the parties or for extraordinary circumstances. If approved in June, the original May 19, 1994, amendments will be resubmitted to central administration for reconsideration with the interpretation attached.

One senator suggested the Tenure Subcommittee might want to consider preparing an interpretation that would allow the senior vice president for academic affairs to delegate final responsibility for certain matters to the chancellors and provosts, and other specific conditions as appropriate. That would avoid the laborious task of redrafting the entire Code and permit more flexibility in the correction of problems that may develop.

**V. FACULTY CONSULTATIVE COMMITTEE
FACULTY AFFAIRS COMMITTEE
Professional Commitment Policy
Information and Discussion**

Proposed Policy on Professional Commitment - May 8, 1995 Draft

1 STATEMENT OF GENERAL POLICY

1.1 ACADEMIC EMPLOYEES¹ principal work allegiance is to the University, and their primary responsibilities within the University are teaching and learning, scholarship (including research and artistic creation), service to the University and to the wider community, and/or administration in support of these activities. Because of their special capabilities, ACADEMIC EMPLOYEES are often sought to provide professional expertise for activities beyond the responsibilities of their academic appointment. These EXTRA PROFESSIONAL ACTIVITIES often complement the ACADEMIC EMPLOYEE's primary University responsibilities and thus should be encouraged if they can be accommodated within the TERM OF APPOINTMENT. ACADEMIC EMPLOYEES may engage in EXTRA PROFESSIONAL ACTIVITIES within the limitations set forth in this policy as long as these activities do not interfere with University teaching, research, outreach, and administrative responsibilities.

1.2 The intent of this policy is to: 1) identify professional contributions and services rendered by ACADEMIC EMPLOYEES to the community; 2) establish mechanisms for assuring the accountability of the University and its ACADEMIC EMPLOYEES with respect to EXTRA PROFESSIONAL and BUSINESS activities; and 3) provide principles to reconcile, as equitably as possible, conflicts between EXTRA PROFESSIONAL and BUSINESS demands on ACADEMIC EMPLOYEES and their varied University responsibilities. This policy supersedes and replaces all prior policies on this subject.

2 PROFESSIONAL COMMITMENT

2.1 A full-time ACADEMIC EMPLOYEE devotes primary commitment to University teaching, research, outreach, and/or administrative responsibilities, and where applicable to University patient care. Accordingly, all ACADEMIC EMPLOYEES should arrange all activities that are not part of their University responsibilities so as not to interfere with the primacy of these commitments. ACADEMIC EMPLOYEES may engage in EXTRA PROFESSIONAL ACTIVITIES. However, such activities must conform to the requirements set forth in this policy. Since demands for the talent and expertise of ACADEMIC EMPLOYEES may on occasion affect their

¹Definitions of terms appearing in small capital letters are listed in Appendix A.

responsibilities to the University, guidelines are needed to define these responsibilities. In general, EXTRA PROFESSIONAL ACTIVITIES may be pursued in accordance with this policy unless they:

- 1) interfere with an ACADEMIC EMPLOYEE's ability to carry out his/her responsibilities to the University;
- 2) compete inappropriately with the services or missions of the University; or
- 3) misuse resources or facilities of the University.

3 ACTIVITIES THAT MAY BE CONSIDERED PART OF AN ACADEMIC EMPLOYEE'S WORKLOAD

3.1 The activities below (a-f) are considered service when related to an Academic Employee's University responsibilities and are not considered against the time limitation for EXTRA PROFESSIONAL ACTIVITIES (see Section 5); however, they should not be pursued if they interfere with agreed-upon teaching, research, and outreach activities, or administrative responsibilities in support of these activities. The specific effort allocated for these activities should be agreed upon with the ACADEMIC EMPLOYEE's DEPARTMENT HEAD at least once a year as part of the workload discussion. Before engaging in new activities that would deviate substantially from the annual plan, the employee should discuss the activities with his/her DEPARTMENT HEAD.

- a) Serving as editorial officer or having other duties for a learned journal
- b) Serving on panels for academic, governmental, or not-for-profit entities
- c) Serving on a board of directors or advisory committee of a scholarly or professional organization
- d) Serving as an officer of a scholarly or professional organization
- e) Attending professional meetings or professional development programs
- f) Giving occasional public presentations or participating in colloquia

4 LIMITATION ON BUSINESS ACTIVITIES

4.1 ACADEMIC EMPLOYEES may engage in BUSINESS activities unrelated to their professional expertise insofar as they do not interfere with the primacy of their University obligations.

5 TIME LIMITATION FOR EXTRA PROFESSIONAL ACTIVITIES

5.1 EXTRA PROFESSIONAL ACTIVITIES of a full-time ACADEMIC EMPLOYEE must not exceed an average of one day per seven-day week for the TERM OF APPOINTMENT. For those with "B" appointments, this amounts to a maximum of 39 days in the TERM OF APPOINTMENT; for those with "A" appointments, this amounts to a maximum of 48 days in the 11 months of active service. A day will be considered approximately 8-10 hours of EXTRA PROFESSIONAL ACTIVITIES and preparation time regardless of when or where this occurs during the seven-day week. Preparation time and travel time devoted to EXTRA PROFESSIONAL ACTIVITIES are counted toward the time limit.

5.2 ACADEMIC EMPLOYEES (100%) must comply with the time limitations specified within this policy. The allowable time for EXTRA PROFESSIONAL ACTIVITIES for ACADEMIC EMPLOYEES who hold appointments greater than or equal to 67% time but less than 100% will be proportionately reduced in accordance with their appointment percentage. ACADEMIC EMPLOYEES holding appointments less than 67% time may engage in EXTRA PROFESSIONAL ACTIVITIES only during their noncontractual time. Reporting requirements, however, apply to all ACADEMIC EMPLOYEES with an appointment of 50% time or more.

6 LIMITATION ON ACTIVITIES THAT MAY COMPETE WITH THE UNIVERSITY

6.1 EXTRA PROFESSIONAL ACTIVITIES often elicit greater visibility and recognition for the University. However, they may also compete with the missions of the University. EXTRA PROFESSIONAL ACTIVITIES must not unduly compete with services or activities that are within the area of the ACADEMIC EMPLOYEE's field of appointment. Competition is undue if it draws students, clients, or patients, or substantial resources from University offerings and facilities, or if the ACADEMIC EMPLOYEE's connection with the University is exploited for the purposes of the other institution or BUSINESS.

6.2 All ACADEMIC EMPLOYEES holding appointments of 50% time or more and planning to participate in EXTRA PROFESSIONAL or BUSINESS activities that have the potential to compete with the missions of the University must obtain written approval before engaging in the activity unless specified under the terms of their appointment.

7 EXTRA PROFESSIONAL COMMITMENTS THAT DO NOT REQUIRE PRIOR APPROVAL

7.1 External and Internal Consulting

Engaging in external or internal consulting insofar as the activities comply with Sections 5 and 6.

8 EXTRA PROFESSIONAL OR BUSINESS COMMITMENTS THAT REQUIRE PRIOR APPROVAL

All of the activities listed in this section require prior approval and are subject to the limitations set forth in Sections 5 and 6.

8.1 Board Memberships

a) Serving as a corporate officer or on a board of directors of a BUSINESS.

8.2 Competing Business Activities

b) Being employed by or consulting for a BUSINESS related to his/her professional responsibilities that competes or has the potential to compete with services provided by the University that are part of the employee's University responsibilities.

8.3 Research Activities

c) Applying for, receiving, and conducting any sponsored research activities for another organization that ordinarily would be conducted under the auspices of the University.

8.4 Instructional Activities

All instructional activities outside the agreed-upon workload require prior approval of the DEPARTMENT HEAD. DEPARTMENT HEADS will determine the amount of EXTRA PROFESSIONAL time to be calculated for extra teaching, whether external or internal, credit or non-credit. As a guideline, 8-10 hours of instructional activities (including preparation, instruction, evaluation, and consultation) will be considered equivalent to one day of EXTRA PROFESSIONAL ACTIVITIES (see Section 5); however, the ratio may be adjusted upon agreement with the DEPARTMENT HEAD.

d) Teaching concurrently for another higher educational institution during the TERM OF APPOINTMENT.

e) Teaching non-credit courses or performing other non-credit instructional activities for non-University entities during the TERM OF APPOINTMENT.

f) Teaching for Continuing Education and Extension for extra compensation during the TERM OF APPOINTMENT.

g) Performing other teaching or teaching-related activities for the unit in which an ACADEMIC EMPLOYEE holds an appointment or for another unit within the University for extra compensation during the TERM OF APPOINTMENT.

8.5 International Projects Administered by the University

- h) Participating in certain University-sponsored international activities. Such activities may be treated in one of four ways, based on arrangements between the ACADEMIC EMPLOYEE and the DEPARTMENT HEAD.
- (1) The activity may be inloaded as part of the agreed-upon workload.
 - (2) When participation in a University-sponsored international activity is done as part of the normal work load but involves special responsibilities, an ACADEMIC EMPLOYEE may receive a salary augmentation and the time committed does not affect the time limitations described in Section 5.1.
 - (3) When the activity involves special (difficult) work environments, approval may be sought to have the activity considered and compensated as an EXTRA PROFESSIONAL ACTIVITY and subject to the time limitations described in Section 5.1, or
 - (4) When the activity involves special (difficult) work environments, it may be compensated with funds deposited into a departmental account to be used to subsidize the faculty or academic staff member's travel, research assistant, or other professional development. ACADEMIC EMPLOYEES on nine-month appointments may, as an alternative, use the compensation available for such an activity to fund a summer appointment, assuming they intend to work during summer period.

9 HOLDING PUBLIC OFFICE OR PUBLIC SERVICE POSITIONS

9.1 ACADEMIC EMPLOYEES share with their fellow citizens the right to campaign for and to hold public office without their employer's prior approval. It is desirable, however, that any ACADEMIC EMPLOYEE contemplating candidacy for elective political office or appointment to public office where the duties of a campaign or the holding of the office would interfere with the fulfillment of University responsibilities, consult in advance with the appropriate collegiate and administrative units of the University. Consultation should focus on the question of whether or not temporary suspension of some portion of the ACADEMIC EMPLOYEE's responsibilities can be accommodated without serious impairment of the function of the department or unit involved.

9.2 When an ACADEMIC EMPLOYEE is appointed to or elected to public office, e.g., to the state legislature, requiring absence from University duties for continuous periods of time of one year or less, it is anticipated that leave of absence procedures or other appropriate arrangements such as a special contract or a reduced teaching load with a commensurate adjustment in salary, for the year or portions thereof, will be invoked. The ACADEMIC EMPLOYEE must provide to the unit administrator as much notice as possible to insure that ample time will be provided the unit to replace or otherwise arrange to meet the absent ACADEMIC EMPLOYEE's responsibilities. Prior written approval by the Senior Academic Vice President is required for any full or partial leave of absence.

9.3 When an ACADEMIC EMPLOYEE is appointed to or elected to public office requiring continuous full-time service for a specified period of more than two years, it is expected that a determination will be made by the Senior Vice President if the leave should be extended.

When an ACADEMIC EMPLOYEE's re-election or reappointment to public office causes continuous absence to exceed two years, it is expected that a determination will be made by the Senior Vice President if the leave should be extended. In the case of appointments for an indeterminate period of time, full or partial leaves of absence may be negotiated annually; if requests for leave extend beyond reasonable limits, resignation may be expected.

9.4 The purpose of this section of the policy is to balance public service of University ACADEMIC EMPLOYEES with the University's primary obligations to maintain its teaching programs and foster research and creative

activity. At the same time, it seeks to encourage public service, including the holding of public office and, in any case, not to interfere with ACADEMIC EMPLOYEES' right freely to participate in the political process.

10 IMPLEMENTATION - PROFESSIONAL COMMITMENT

Reporting Requirements

Prior Approval

10.1 Prior written approval of the Department Head must be secured annually for those activities specified as requiring such approval. The ACADEMIC EMPLOYEE contemplating such activity must initiate the request for approval. If the ACADEMIC EMPLOYEE seeking approval for an EXTRA PROFESSIONAL activity is a DEPARTMENT HEAD or other administrator, the request must be submitted to the ACADEMIC EMPLOYEE's immediate supervisor.

10.2 The request form for approval must include the following information: name of ACADEMIC EMPLOYEE; name of entity for which activity will be performed; type of activity involved; whether it is to be performed on or off campus; period of time during which such activity is to be performed; estimated amount and distribution of time, in days or fractions thereof, to be spent on the activity; whether or not this activity will be compensated (a "compensated" activity is one for which honoraria, fees, or other benefits over and above expenses are received; reimbursement for expenses is not to be construed as compensation); and signature and date. The DEPARTMENT HEAD may require the ACADEMIC EMPLOYEE to submit additional information about the activity as it relates to compliance with this policy. This requirement for additional information may be appealed to the next level of administrator.

10.3 The request for approval must be submitted to the DEPARTMENT HEAD. The DEPARTMENT HEAD must respond in writing to the request to participate in EXTRA PROFESSIONAL or BUSINESS² activities within 10 working days of receiving a request. An activity may be limited or denied approval if it competes with University missions or interferes with workload agreements. A specific written explanation of any limitation or denial must be provided to the ACADEMIC EMPLOYEE. An ACADEMIC EMPLOYEE may appeal the DEPARTMENT HEAD's action to the appropriate dean or vice chancellor for academic affairs. That administrator's decision may be appealed to the appropriate provost or chancellor if the ACADEMIC EMPLOYEE believes the action violates this policy or constitutes an abuse of discretion. The provost or chancellor will have final authority in this matter.

11 ANNUAL REPORTING

11.1 All ACADEMIC EMPLOYEES with appointment of 50% time or more must report to their DEPARTMENT HEAD on an annual basis those activities (specified in Sections 5 and 6 as requiring such reporting) that occurred during the previous year.

11.2 Annual reports on appropriate forms must be filed in the ACADEMIC EMPLOYEE's departmental office, which will keep them for at least five years. Copies of these annual reports must be forwarded to the dean or vice chancellor for academic affairs. The DEPARTMENT HEAD must also include a written statement of denied requests and the reasons therefor.

11.3 The dean or vice chancellor must submit these annual reports and the statement about denials to the appropriate provost or chancellor and to the Senior Vice President for Academic Affairs. The dean or vice chancellor must also include a written statement of the denied requests and the reasons therefor.

11.4 The Senior Vice President for Academic Affairs will maintain these records and will make this information public in manners consistent with University procedures, giving proper attention to rights of privacy of individual ACADEMIC EMPLOYEES.

² For activities that may compete with the mission of the University.

11.5 The Senior Vice President for Academic Affairs will present to the Board of Regents annually aggregate summaries of EXTRA PROFESSIONAL ACTIVITY with the certification that all requests have been examined and conform to Regents' and appropriate administrative policies relating to EXTRA PROFESSIONAL ACTIVITIES.

12 PROCEDURES FOR MONITORING

12.1 If the University has reason to believe that an ACADEMIC EMPLOYEE is engaged in BUSINESS or EXTRA PROFESSIONAL ACTIVITIES to such an extent that it compromises his/her ability to carry out University responsibilities, appropriate University officials may ask the ACADEMIC EMPLOYEE to document his/her outside activities and to show that his/her University duties are being fully met.

12.2 The appropriate provost or chancellor, in cooperation with the appropriate dean, will periodically review a random sample of individual and unit reports in order to evaluate the approval and reporting systems, and will make recommendations regarding the effectiveness of this policy to the president.

13 COMPLIANCE

13.1 The University expects ACADEMIC EMPLOYEES to comply fully and promptly with all the requirements of this policy. Breaches of this policy include, but are not limited to, failing to secure prior written approval for those activities that require it, intentionally filing an incomplete, erroneous, or misleading request for approval or annual report, failing to obtain DEPARTMENT HEAD's written approval to participate in service activities as part of the workload, or failing to provide additional information as required by the approving authority. A violation of this policy may be the basis for discipline of an ACADEMIC EMPLOYEE. If sanctions are necessary, they will be imposed in accordance with the Regulations Concerning Faculty Tenure and the Academic Professional and Administrative Staff Policies and Procedures. The potential sanctions may include, but are not limited to, the following:

- * Letter of admonition;
- * Withdrawing approval for the ACADEMIC EMPLOYEE to participate in EXTRA PROFESSIONAL and BUSINESS activities;
- * Reduction of pay or percentage of appointment;
- * Suspension;
- * Nonrenewal of appointment;
- * Dismissal.

14 APPENDIX A - OPERATING DEFINITIONS

14.1 ACADEMIC EMPLOYEE means any person possessing either a full-time (any employee holding an appointment of at least 67 percent time) or part-time academic or staff appointment at the University and includes all persons with the following class numbers: Academic Administrative 93xx; Faculty 94xx; Minnesota Extension Service 96xx; and Academic Professionals 97xx.

14.2 BUSINESS means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other nongovernmental legal entity organized for profit, not-for-profit, or charitable purposes.

14.3 DEPARTMENT HEAD is used as a generic term for the immediate administrator, which is normally the department head, department chair, division head, or director.

14.4 EXTRA PROFESSIONAL ACTIVITY means any internal or external activity (beyond workload responsibilities), including BUSINESS activities related to an ACADEMIC EMPLOYEE's appointment, of a nature requiring the special training, expertise, and/or certification that qualifies the ACADEMIC EMPLOYEE for the particular University appointment.

For certain ACADEMIC EMPLOYEES, the distinction between involvement in community activities as a citizen and involvement in such activities as a professional is difficult to determine. If community activities are citizen-related rather than professional activities, they may be exempt from the prior approval and reporting requirements of this policy. ACADEMIC EMPLOYEES holding elected positions must comply with section 9 of this policy.

14.5 TERM OF APPOINTMENT is the contract period for ACADEMIC EMPLOYEES during University calendar year (July 1 to June 30). For those with academic year appointments ("B appointment"), this is a nine-month appointment (39 weeks with no vacation period). ACADEMIC EMPLOYEES with "A" appointments have an eleven-month appointment (48 weeks plus 22 vacation days in a calendar year). ACADEMIC EMPLOYEES and DEPARTMENT HEADS are encouraged to discuss the appropriateness of the activities before they are initiated

DISCUSSION:

Professor John Adams, Chair of the Faculty Consultative Committee, called upon Acting Vice President Mark Brenner to open the discussion of the proposed Policy on Professional Commitment that was prepared by the Academic Integrity Committee (AIC). The AIC, said Dr. Brenner, has been working on the proposed policy for the past 15 months and has consulted extensively with appropriate Senate committees and others. As a result, it has undergone numerous revisions. The policy, he said, is intended to address public accountability both to members within the academic community and to outside observers. It rearticulates the fact that extracurricular activities often complement academic employees' activities and those should be encouraged provided they are done within the reasonable limitations as described in the policy. The proposed policy, he said, is intended to replace the current Conflict of Interest Policy. Before opening the floor for discussion, Dr. Brenner briefly reviewed certain components of the document.

Professor Carl Adams recognized the efforts of Dr. Brenner and the Academic Integrity Committee in dealing with a very difficult issue. He then remarked on the following alternative policy which he had prepared and distributed to Faculty Senate members:

POLICY ON ACADEMIC EMPLOYEE'S EXTRA* WORK

Background - All academic employees are expected to fully and professionally meet the obligations of their appointments as addressed under the Workload, Conflict of Interest, and Academic Freedom and Responsibility policies of the University. It is recognized that many extra activities can complement the work an employee performs under their base appointment and are therefore to be encouraged. The involvement of professional school faculty with professional practice can stimulate research, provide access to needed data, and improve instruction. The ability to relate university research to industry capabilities and needs can result in very complementary and synergistic work. However, excessive extra work would by definition have undesirable effects on the employee and/or the University. The primary concern regarding extra work is that such activities not detract in any way from the obligation of the employee to meet the requirements of his/her basic University appointment. A secondary concern is that extra outside work activities not result in material harm to the University through inappropriate support of activities that compete directly with the service provided by the University. Competition in general is healthy but, in some circumstances, the University could be put in the position of bearing an unfair proportion of the costs of individual preparation and development.

In the following sections, the two principal concerns are discussed further and appropriate limitations are stated, reporting requirements are specified, and compliance with the limitations is addressed.

* Extra refers to work activities beyond those relative to one's basic appointment. Work activities are generally related to a job or employment. They would also include significant activities in pursuit of a particular job, e.g., campaigning for public office.

Extra Work that May Detract From Basic Obligations

General Limitation

As Noted in the various University policies (Workload, Conflict of Interest, and Academic Freedom and Responsibility) covering the obligations of a basic appointment, the work of academic employees is primarily professional, integrated (across teaching, research and outreach), and varied (e.g. clinic services). Such, work cannot be easily bounded by statements of hourly commitment or even output measures. Thus, the setting of limits on extra work to prevent excessive involvement must be somewhat arbitrary. Historical precedent and experience provide some basis for arbitrary limit. Therefore, unless specifically withheld, the University extends the privilege of engaging in extra work to all academic employees. Under this privilege, all activities beyond those addressed in an individual's workload plan should be limited to an average of one day per seven-day week for the term of an individual's appointment. For those with "B" appointments, this amounts to a maximum of 39 days in the term of appointment; for those with "A" appointments, this amounts to a maximum of 48 days in the 11 months of active service. A day will be considered approximately 8-10 hours of extra activities and preparation time regardless of when or where this occurs during the seven-day week. Preparation time and travel time devoted to extra activities are counted toward the time limit.

The allowable time for extra activities obviously should increase as the level of one's basic appointment decreases. Thus, reduction in appointment below 100% time down to the 50% level will increase the limit for extra work in the proportion .05 days (8-10 hours) per percentage point reduction. Below a 50% appointment there is no specific limit on extra work. Reporting requirements apply to all academic employees with an appointment of 50% time or more.

Because previous policies have treated some development and service activities differently from what is intended in this policy, it is useful to identify some extraordinary development and service activities that should be considered part of an academic employee's usual workload and declare the presumption that all work on such activities will be addressed as part of the individual's annual workload plan related to his/her basic appointment. Such activities include:

- a) Serving as editorial officer or having other duties for a learned journal of a scholarly or professional organization.
- b) Serving on review panels for academic, governmental, or non-profit entities.
- c) Serving on a board of directors or advisory committee of a scholarly or professional organization.
- d) Serving as an officer of a scholarly or professional organization.
- e) Attending professional meetings or professional development programs.
- f) Giving occasional public presentations or participating in colloquia.

Specific Case Involving Political Activities

Involvement in political activities may be seen as a sensitive special case of the general limitation on

extra work. Academic employees share with their fellow citizens the right to campaign for and to hold public office and, in any case, not to interfere with any academic employees' right freely to participate in the political process. However, such participation may have a similar form and effect as extra work performed in other venues. If the pursuit of public office and other forms of extra work exceed in total the allowed limits for extra work, the academic employee should consult with appropriate collegiate and administrative units of the University. Consultation should focus on the questions of whether or not temporary suspension or modification of the academic employee's appointment and responsibilities is appropriate and whether such changes can be accommodated without serious impairment of the functions of the department or unit involved.

When an academic employee is appointed or elected to a public office, e.g., to the state legislature, requiring extra work beyond the allowable limits, appropriate arrangements such as a leave of absence, a special contract, or a reduced teaching load with a commensurate adjustment in salary must be made. The academic employee must provide the unit administrator as much notice as possible to ensure that ample time will be provided the unit to arrange to meet the academic employee's responsibilities.

If the specified term or period of appointment is longer than two years or if re-election or reappointment to public office extends beyond two years, the appropriate official of the University may determine if resignation is appropriate or if the special arrangements in place can be renegotiated and possibly renewed annually.

Extra Outside Work That May Harm The University

All Academic employees are expected to be concerned for the welfare of the University. In areas where an academic employee engages in extra work for an entity that provides services in competition with the University, special care must be given to ensuring that the University is treated fairly. The University may, for example, have directly or indirectly borne significant extraordinary costs in development that should be recovered. While competition is generally healthy; unfair competition could hurt the University. Such cases are likely to be highly judgmental but it is the responsibility of the academic employee to be alert to such circumstances and to consult with an appropriate supervisor if there is any significant possibility of damage to the University's interests.

Reporting

In conjunction with the annual workload plan discussion, each academic employee must annually file a report of the past period's activities to include those covered by the related annual workload plan and all significant extra work activities.

Compliance

The University expects all academic employees to comply fully and promptly with the spirit as well as all the specific requirements of this policy. If upon reviewing the activities of an individual, an appropriate supervisor questions the compliance of activities with the policy, he/she will initiate a discussion to clarify the situation.

A violation of this policy may be the basis for discipline of an academic employee. If sanctions are necessary, they will be imposed in accordance with the Regulations Concerning Faculty Tenure and Academic Professional and Administrative Staff Policies and Procedures. The potential sanctions may include, but are not limited to, the following:

- * Letter of admonition;
- * Restriction of the privilege to engage in extra work;
- * Reduction of pay;
- * Suspension;
- * Nonrenewal of appointment;

* Dismissal.

The intent of the alternative proposal, said Professor Adams, is to provide faculty senators an opportunity to look at the issue from a somewhat different orientation. While it is important to have a commitment to the University, he said, there is a difference between placing on the faculty what might be complex policies in an effort to get at issues of accountability and performance. Professor Adams believes there is more complexity in the AIC policy than there needs to be. The basic logic flow of his alternative proposal is: 1) the University has policies that govern the basic work relationship that should be followed; 2) the University is rightly concerned about the negative impact that excessive extra work could have on the performance of academic employees' basic obligations--thus, extra work should be limited to an average of one day per week; 3) outside work may place the University in an unfair competition if it does not allow the University to recover extraordinary development costs or other investments--employees must be sensitive to this issue and protect the significant interests of the University; 4) employees must annually report all significant work activities, both the activities covered by the basic workload agreement and extra work; and 5) compliance actions result from the review of the annual reports and subsequent follow up--sanctions are imposed in accordance with the Tenure Regulations and the Academic Professional and Administrative Staff Policies and Procedures.

One senator expressed frustration and concern that the Academic Staff Advisory Committee, which represents nearly 3,000 P&A employees, had not been consulted about the proposed policy which clearly includes that category of employees. She strongly encouraged that this be done before the policy is brought for action.

A suggestion was made that section 3.1 of the AIC's document should include language that clarifies that items "a-f" are examples of what is considered service. Dr. Brenner concurred with the suggestion and will modify the language accordingly.

Another person considered the policy, as presently written, an insult to the 9-month faculty. The 9-month academic year is a fiction, he said, because faculty are paid on the basis of the instructional year. It does not mean that faculty work entirely during their 9-month contract period and not at all during the other 3 months. In fact, it is a continuum. Academic work is often done during the 3-month period that the faculty are not paid. In most instances that is when faculty have the time to do their research and writing. "If the University is going to restrict a faculty member's outside work during the 9-month period, it must give him/her credit for his/her inside work during the 3-month period," concluded the senator.

It is a matter of concern for many faculty, said the Faculty Consultative Committee chair, to be paid for 39 weeks while often working 52 and feel restricted at the same time.

Dr. Brenner said it is not the University's intent to place repressive boundaries on one's time but to find some reasonable ways to create an even playing field for faculty to participate in extra professional activities yet not have colleagues be suspect of them. It will be important for academic employees to have a reasonable working relationship with their administrator because in practice there are tradeoffs. The AIC believes it is important for academic employees to be open about their outside professional activities. The committee is not trying to find ways to put people in corners--it is trying to define some reasonable ways by which employees can all work together.

Another senator suggested that the University's mission is so broad that almost anything faculty do outside of the University could be construed as competing with the University. "If a faculty member so much as smiles wrong at his/her department chair or dean, he/she could be turned down for consulting work," argued the senator. Also of concern to faculty, he said, is the possibility that if a person is successful in an outside endeavor the University could choose to duplicate that effort, thus, creating the conflict. The University should develop an "innovative" document that helps faculty rather than one that has the potential for hurting faculty, particularly during a time when the University's compensation levels have not kept abreast with inflation.

"Why should the University be protected from having competition from a faculty member as long as the faculty member fulfills his/her workload responsibilities with the University?" inquired one person.

The problem occurs, responded Dr. Brenner, when the University provides a service (for a fee) and an

individual decides to establish an enterprise outside the University that provides the same service and then he/she refers people to the outside service. The individual may well have honed his/her skills at University expense and now provides the service outside the University.

Some senators expressed a preference for Professor Adams' document which does not lead the University into a long list of approved or disapproved internal activities that will require greater bureaucracy to implement.

A final question that was raised concerned defining consulting in terms of 1 day out of 7--Does that mean the University owns Saturday and Sunday as well?

Dr. Brenner again responded to the question by stating that the document defines a boundary for the number of days a person may use in a given year for extra professional activities. There is no expectation of what a person must do on weekends.

In conclusion, Professor John Adams encouraged senators with further comments to submit them directly to Dr. Brenner.

VI. OLD BUSINESS

NONE

VII. NEW BUSINESS

NONE

VIII. ADJOURNMENT

The meeting was adjourned at 4:45 p.m.

**Martha Kvanbeck
Abstractor**