

Minutes*

**Academic Freedom and Tenure Committee
Friday, January 25, 2013
10:00 – 12:00
238A Morrill Hall**

Present: Carl Flink, Karen Miksch (co-chairs), Phil Buhlmann, Arlene Carney, William Craig, Barbara Elliott, Brian Horgan, Teresa Kimberley, Jessica Larson, Gary Peter, Carol Wells

Absent: William Bart, Karen Ho

Guests: Scott Petty (informal graduate student representative); Professor Elaine Tarone (College of Liberal Arts)

[In these minutes: (1) draft interpretation of the tenure policy; (2) Committee on Committees recommendations; (3) role of a dean in closing graduate admissions to a program; (4) amendments to the policy governing study abroad (as it applies to graduate student field research)]

1. Draft Interpretation of the Tenure Policy

Professor Miksch convened the meeting at 10:00 and turned to the draft interpretation of the tenure policy. She recalled that when Professor Horgan brought the revised Senate Judicial Committee (SJC) Rules of Procedure to this Committee for approval, this Committee wanted it to be clear to people when SJC had original jurisdiction—when people did not need to exhaust other remedies before bringing their matter to SJC. The revised SJC Rules accurately list when SJC has original jurisdiction; unfortunately, the revisions to the tenure policy (section 15) omitted three of the instances when SJC has original jurisdiction, even though other places in the tenure policy provide original jurisdiction.

Professor Miksch said that she had been asked to develop an Interpretation of the tenure policy that clarifies the matter; once the Committee has approved it, the Committee can bring it to the provost and Vice Provost Carney for review. If they approve it, the Interpretation will then go to the Faculty Senate and the Board of Regents for review.

Vice Provost Carney noted that in each case, the letter from the provost to the faculty member informs the person that they can appeal to SJC; there is no attempt to hide anything. She said she did not challenge the draft Interpretation, she only wished to make it clear that for an individual involved in a case, there is no uncertainty about his or her options. Professor Horgan agreed and said that the proposed Interpretation simply adds clarity to the tenure policy.

Professor Miksch recalled that the Committee has talked in the past about how it would be desirable to have the ability to make technical corrections to the tenure policy. Inasmuch as that option is not available, the Committee can propose an Interpretation. It does not change anything substantive, it only makes clear the itemization of instances of SJC original jurisdiction. She said she did not believe that the Interpretation requires changing the date on the tenure policy.

* 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.

Committee members discussed with Vice Provost Carney the implications of changing the date of the policy; she commented that if the date is changed, then the Committee may just as well recommend making changes to section 15 to make the policy accurate and clear. Professor Horgan suggested that the Committee first determine whether or not a date change is required; if not, it can propose an Interpretation, and if so, it can propose amending the policy. The Committee concurred. Professor Miksch said she would work with Vice Provost Carney to ascertain the dating question. Dr. Carney reminded the Committee that changes to the tenure policy apply to everyone; only the specific language of sections 7.11 and 9.5 apply at the time someone is hired.

2. Committee on Committees Recommendations

Professor Miksch reviewed the draft recommendations from the Committee on Committees (ConC) concerning this Committee. She recalled that ConC members had met with this Committee and had also interviewed her and Professor Flink. They asked for Committee comment on the recommendations.

The comment from the Committee on Committees was this:

While no specific requests or recommendations for changes emerged from this visit, AF&T members reiterated the importance of continuing representation and attendance in person by coordinate campus representatives, and the importance that the ConC continue to provide a broadly representative mix of nominations for membership. Co-Chair Carl Flink suggested that more CLA members would be useful, given the wide variety of units in that college.

Professor Miksch recalled that the Committee had agreed it would benefit from the addition of two graduate students for discussions of academic freedom. Mr. Petty said it would also be valuable for graduate students to understand tenure and career progression, in addition to academic freedom issues.

Professor Flink said that ConC had also asked Committee members to identify potential future members of this Committee; he urged that Committee members think about individuals they would recommend for membership.

3. Role of a Dean in Closing Graduate Admissions to a Program

Professor Flink welcomed Professor Tarone to the meeting. She had raised a question about whether a dean may close admissions to a graduate program without discussing the decision with the faculty. Professor Flink read from Professor Tarone's message:

I would like to propose an item for the agenda of the Academic Freedom and Tenure Committee: can a dean close admissions to a graduate program without consulting with that program's faculty? (according to Section 12 of the Tenure Code, programmatic changes must involve such consultation)

On Oct 28, 2011, Dean Parente closed admissions to the MA ESL program; as a longtime member of that program's graduate faculty, I was not consulted. I filed a complaint against CLA Dean Parente with the Senate Judicial Committee. The Dean argued that his closure of

admissions to the M.A. program in English as a Second Language was not a programmatic change, because the program still existed on the books. I argued that without graduate students that program in fact could not function, and so his action constituted a programmatic change. The Senate Judicial Committee declined to consider this argument in my particular case (they found my academic freedom had not been violated since I had another position at the U while on leave from my graduate program).

Professor Tarone said the crucial question arises from section 12 of the tenure policy, which deals with programmatic change. [The tenure policy is here: <http://www1.umn.edu/regents/policies/humanresources/FacultyTenure.pdf>] There is no definition of programmatic change, which opens the door for a dean to close admissions to a graduate program without consulting the faculty because he or she can say that doing so is not programmatic change. Section 12 has no teeth without a definition, she said.

Professor Flink said he saw a narrow question before the Committee: If graduate admissions to a program are closed, is that programmatic change? More broadly, there is the problem of the lack of definition of programmatic change. Professor Miksch said she believed the second question is more important for this Committee and noted that Professor Kimberly and Vice Provost Carney have been working on developing a draft procedural document for the committee to review that would accompany section 12; transparency and consistency would help. Professor Tarone, noting she has served for several years on the Senate Committee on Educational Policy, said she is trying to approach the question from a policy standpoint; the issue raises questions of interpretation in a way that may not have been intended.

Mr. Petty reported that the Council of Graduate Students (COGS) is of the opinion that to starve a program through closing graduate admissions is programmatic change.

Vice Provost Carney said that every program is still in existence until the Board of Regents says it is not. Programmatic change is a very specific process. This issue gets at a broader question: Is a college ever allowed to change its majors? The University has closed a number of graduate programs because they had no students. It is important to recognize that the University has the right, through the deans, under Regents' policy, to make programmatic changes—or otherwise it could never change. The question the Committee should consider is whether there is a process in place to make changes.

Professor Tarone said the question is not whether programs will change, it is whether the faculty should be consulted by the administration prior to making those changes. Vice Provost Carney said that if a program is not closed, it is not programmatic change; suspending admissions is different from programmatic change. Professor Tarone said that the question she brings before the Committee is precisely whether closure of admissions constitutes programmatic change, which, according to section 12, requires faculty consultation.

The debate hinges on what the appropriate level of consultation is, Professor Flink said. There is value in saying that a program should change and having consultation—which still leaves the dean the authority to make the change. There are, he said, gradations of programmatic change. Professor Kimberley agreed that consulting the faculty is important and that there are gradations in consultation—written, conversational, a faculty vote—and the occasions when a vote is needed, for example, should be defined. Dr. Carney said the section 12 authors were clear: there is to be consultation but consent is not

required. But consultation is required; the faculty should not be surprised by an action, Professor Tarone commented, if there has been consultation.

Professor Wells observed that programmatic change is not equal to program closure. Vice Provost Carney said that even if a college changes aspects of a major, the change goes to the Board of Regents. Any level of program change goes to the Board through a process, even changes in the number of credits required. She agreed with Professor Wells that the two are not equal. Professor Wells asked if suspension of graduate admissions must go to the Regents—or is that not programmatic change?

Vice Provost Carney again distinguished between programmatic change (closing, moving to another college) and suspending admissions. She noted that there have been a number of instances of admission suspension because there were no faculty in a program. Is a cap on graduate admissions programmatic change, Professor Flink asked? CLA departments have faced such caps and the question may be one worth talking about. He said he appreciated the concern if a group of faculty members are surprised to learn there will be no more graduate admissions; this Committee could help define how such a decision is made. He said he could see the logic of suspending admissions because a program does not have a critical mass of faculty—and suspending admissions until there is; is that programmatic change? Or what if the lack of critical mass is temporary because faculty members are on leave, Professor Larson asked? There are many possible permutations, Professor Flink concluded, and the Committee cannot address them all at this meeting.

Mr. Petty said there are procedural protections associated with programmatic changes. In the worst case, a dean wants to make programmatic change but does so by sabotage, not hiring replacement faculty, and then five years later says it is necessary to go through the process for programmatic change. That is one way to look at it, Dr. Carney said; another example, however, is when two or three faculty members in an area retire or leave and the dean asks whether the college or department should hire in other areas. Mr. Petty agreed but said that if the purpose of section 12 is procedural protection, someone should not be able to circumvent it. He said that as an economist, he certainly understands the idea of reallocation of resources, but the policy should not allow someone to avoid the procedural protections. Professor Tarone said she believed there would be better economic decisions when deans consult with faculty first since the faculty have better access to disciplinary contexts than deans; the faculty understand that change must occur and if their expert information is considered and the decision of the dean is still is against them, that is the way it goes.

Professor Buhlmann said that as someone from a department with 200 graduate students and over \$10 million in grants per year, it is inconceivable that the faculty would not be consulted on programmatic changes—and it would be horrible if they were not. If they are, the dean can then make the decision he wishes. But having no graduate students affects one's entire career. That depends on the program, Dr. Carney said; it is not true for Master's programs. The big issue is what is, what should constitute, consultation?

Professor Flink thanked Professor Tarone for bringing the issue to the Committee's attention.

The Committee agreed it would return to the issue, most likely through the development of a procedural document to accompany section 12 of the tenure policy.

4. International Travel Risk Assessment and Advisory Committee (ITRAAC)

Professor Flink asked Committee members to review proposed amendments to the policy Education Abroad Opportunities: Addressing Health and Safety Risks and its associated administrative procedure, in particular the responsibilities of the International Travel Risk Assessment and Advisory Committee (ITRAAC).

Committee members worked on the draft that Professor Flink had provided; the primary goal of the proposed changes is to remove the authority of ITRAAC to disapprove graduate student field research abroad when it would take place in a location where significant health or safety concerns may exist. ITRAAC would be invited to issue an advisory opinion, if it wished, but final approval would rest with the student's adviser and department chair (and if they are the same person, then the Director of Graduate Studies from the relevant department would also need to approve the travel).

At the conclusion of the editing, the Committee voted unanimously to approve the changes. Professor Flink said the next step would be to send the proposal to ITRAAC and invite its members to join a meeting of the Committee for consultation before the Committee forwards its proposal onto the Senate.

Professor Flink adjourned the meeting at 11:40.

-- Gary Engstrand

University of Minnesota