

Minutes*

**Senate Committee on Faculty Affairs
Tuesday, October 23, 2007
2:30 – 4:15
238A Morrill Hall**

Present: Geoffrey Sirc (chair), Ben Bornshtein, Arlene Carney, Carol Carrier, Dann Chapman, Vladimir Cherkassky, Tom Clayton, Jayne Fulkerson, Kathryn Hanna, Morris Kleiner, Holly Littlefield, Theodor Litman, Anna Masellis, George Sheets, Roderick Squires, Virginia Zuiker

Absent: Stacey Aronson, Erin George, Luis Ramos-Garcia, Larry Wallace

Guests: none

[In these minutes: (1) student-rating-of-teaching questions; (2) external-reviewer anonymity; (3) senior faculty status; (4) closed discussion (conflict of interest)]

1. Student-Rating-of-Teaching Questions

Professor Sirc convened the meeting at 2:35 and began by reporting that the proposed new student-rating questions were discussed by the Faculty Consultative Committee. FCC was not pleased with the new open-ended questions and that the proposed new questions were not part of the pilot study. There was particular concern that the second question presumes the instructor did something to hinder learning and that as worded these would never be approved by the Faculty Senate.

1. What did the instructor do that most helped your learning?
2. What did the instructor do that most hindered your learning?
3. What could you have done to be a better learner?
4. Comments.

FCC wished to combine the first two into one question, delete the third one, and retain the fourth. A revised question would read "What if anything did the instructor do that helped or hindered your learning?" Professor Sirc reported that FCC felt strongly there should be only two open-ended questions or students will not take time to answer them.

Dr. Littlefield maintained that the third question should be retained because it puts the onus on the student to reflect on his or her role in the educational process. Vice Provost Carney said the questions should not get too far away from the conceptual focus, to be both learner-centered and instructor-centered. She agreed that the third question should be retained, especially if these questions are to link to the Student Learning Outcomes.

* 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.

Professor Sheets suggested alternative wording. The first two questions are so general that they are too broad to be useful; include the word "most" in the revised question, so it would read "What if anything did the instructor do that most helped or hindered your learning?"

Vice Provost Carney, on the view from FCC that the two questions should be combined, recalled that the University's consultant, a national expert on constructing these kinds of questions, said it is not a good idea to ask two questions within one; that was part of what was wrong with the last core questions. To combine them would repeat that mistake. Professor Fulkerson agreed.

Professor Masellis suggested "what did you find least helpful?" as a way to avoid suggesting the instructor hindered learning.

Professor Zuiker suggested deleting "if anything."

Professor Kleiner asked what part of the rating form would be used to evaluate the instructor and what part would be used to help instructors improve their teaching. Professor Sirc said he assumed the responses to the open-ended questions would be more formative; who gets to see the written responses is determined by the colleges.

Dr. Carney said it would help to have best practices for the teaching portion of the dossier. Most units focus on the rating questions; the practice varies, but some look only at the number while some relate it to a department mean, but few consider standard deviation or any measure of variance. It would be useful to put together a faculty group to work with her to develop best practices that could help all units and help the promotion-and-tenure process.

Professor Hanna disagreed with FCC's view that there should only be two open-ended questions. She said she has had multiple open-ended questions on her forms for years and students fill them out. They also answered the questions on the pilot, Dr. Carney observed, although Professor Sirc pointed out that there were only two open-ended questions on the pilot study. He said he would bring the Committee's comments to FCC.

2. External Reviewer Anonymity

Professor Sirc turned next to one of the recommendations of the Faculty Culture Task Force, about letters from external reviewers for promotion and tenure cases. He recalled that this had been discussed last year with several representatives from the Faculty Consultative Committee (FCC); this Committee believed that the transparency should be retained while FCC members believed the University should seek an exemption. What does the Committee think? The goal of the discussion is to develop a statement that can be made to FCC and this Committee can be done with the item.

Faculty Culture Task Force Recommendation: "Faculty and administrators who evaluate tenure, promotion, and post-tenure review cases rely heavily on external reviews of discipline specialists. We believe that protecting the anonymity of external reviewers will increase the letters' objectivity and honesty thereby enhancing the rigor of our reviews and facilitation of the goal of promoting the best faculty. We also believe that we must maintain a candidate's right to view and respond to evaluations. In support of these goals, the task force recommends the following:

"13. The University should seek an exemption from Minnesota's open records law to protect the anonymity of external reviewers. Access by the candidate to review letters would be limited to copies with names and institutional affiliations redacted from them. Furthermore, departments should request external reviews from colleagues who lead their discipline and who work at institutions or in departments with equal or greater ranking than that of the candidate's unit."

Committee members had been provided with responses from department chairs and heads about whether such a change should be sought and also with information about the practices at other CIC schools.

Professor Sheets noted that he is a department head and has views on the issue. There is a division in the comments from the department heads, with vehemence on both sides of the issue, and also some who are ambivalent about the idea of anonymity. Most faculty in his department did not respond when emailed about the issue; those who did were split along the same lines as the department chairs. His personal experience is oversight of about 10 promotion-and-tenure cases and about 70 external letters. Only twice have individuals declined to write on grounds of the anonymity issue, so the issue of response refusal is not a problem in his discipline. It may be a problem in other disciplines, but he said he is not sure it is a problem that needs to be dealt with in the manner proposed. He said he favors the open file law and believes that academics should willingly associate their names with their professional views. He said he can see no professional justification for anonymity, even if there may be a practical purpose that it serves (because some individuals will not turn down a request to write letters because of Minnesota law). There is also a concern about a skewing effect (that letters will be predominantly positive because the authors know the candidate will see them), which may occur, he agreed. But with anonymity, negative letters too can be skewed because the author is not accountable for the ideas and opinions expressed. Even if Minnesota is in the minority, he said he believes the open-file practice is good, not bad, and should be held up as a process that others should emulate, not step backwards to anonymity. Professor Sheets repeated that he was not sure it was really a problem in many disciplines; where it is, the problem is within the profession, because academics should be willing to stand by their professional judgments.

Professor Hanna related that when one of her colleagues was promoted, she didn't even know she was being considered for promotion; the "sunshine" law is good for eliminating secrecy. She also suggested that the University needs to be smart and selective about its requests to the legislature, and faculty salaries are more important than anonymity for external reviewers. She said that Dean Morrison had summarized the issue nicely: "I would favor such a move in principle. My impression is that most faculty (or, at least most tenured faculty) would also approve it. Some of the junior faculty would oppose. I seriously doubt that the Legislature would pass it. It rejected a similar bill for MNSCU a year or so ago. The press will oppose it strongly, on principle, and the legislators will react by saying that 'Does it matter that much?' So on balance, I personally believe that we should not pursue this one."

Professor Sirc asked Vice Provost Carney if she sees a "sugar coating" or bias in letters so that one needs to read between the lines. Dr. Carney said she would be troubled if people read between the lines; they should read the discourse. She said that she liked the open file law and has herself written letters that are subject to the law. She likes transparency for faculty who are being judged. It is possible that people dilute what they say, but there are still remarkably candid letters, even when the authors know they will be available to the candidates. Most important is that there be a clear set of standards that units follow.

Dr. Carney said she knows that many people feel strongly about this issue. She sat in on the Faculty Culture Task Force, of which Dean Morrison was a member; a majority of those members believed the names should be redacted. She said she also was struck by the passion of the views that department chairs expressed, and that they were almost evenly split on the issue. She expressed doubt it would be possible to reach a resolution on which it could be said the faculty agree.

Professor Clayton said he also thought it was not worth the effort. He also agreed with the current provisions of the law; anonymous letters encourage people with malicious dispositions to express those malicious dispositions. The problem is that when someone declines to write a letter, the inference is that it would have been negative, but people decline to write letters for many reasons (e.g., they are too busy). If someone declines and SAYS it is because of the Minnesota law, that is an important piece of information, but one cannot otherwise infer anything about a refusal to write.

Professor Kleiner commented that NIH, NSF, and journal submissions are typically blind reviews, a practice that carries over to this issue.

Professor Bornshtein quoted from the response of Professor Ravdin, Department of Medicine: "I favor transparency, and as the Department of Medicine has 420 full-time faculty city-wide and 185 here at the University, it would be impossible for the faculty to appropriately review the dossiers and the individuals under consideration and not learn who the reviewers were. Practically speaking, there are no secrets, open processes are best and this has not been an inhibition for us." All information is discoverable, he said. The point of a change in the law may be to obtain more sincere information, but what is the value of a statement when the person refuses to attach his or her name to it?

Professor Sheets said that blind refereeing is the norm for publication, and double-blind reviews are best. Even when he has received positive reviews, the statements are often balanced, whereas negative reviews tend to be cursory and without a lot of substance—because, he believes, the authors are not accountable.

Professor Kleiner said he agreed with Dean Morrison: he would prefer a blind system but does not believe it would be worth the effort in a potential legislative battle. He served on his college promotion-and-tenure committee and during that time a number of prominent people in the field refused to write letters because of the Minnesota law. But that did not halt the process, Dr. Carney pointed out; Professor Kleiner agreed and said a request to change the law is not a high-enough priority.

Professor Zuiker observed that in the past the process was closed; what was the quality of the faculty then? Now that the process is open, what is the quality of the faculty? Professor Hanna commented that she did not want to see again a totally closed process.

Professor Sirc said he would report the sentiments of the Committee to the Faculty Consultative Committee.

3. Senior Faculty Status

Professor Sirc next drew the attention of Committee members to another recommendation from the Faculty Culture Task Force:

"Too often faculty who have invested their careers in the University of Minnesota are forced to choose between a firm retirement schedule or full time employment. We believe that our faculty culture would benefit by providing the option of part time employment. In order to make better use of our most senior faculty, the task force recommends the following:

"12. The University must create programs for faculty as they transition from tenured faculty lines and into retirement, including a new faculty status such as "Senior Faculty" that would offer salary for teaching, advising, consultation, and service but that also would be distinct from phased retirement.

"Senior Faculty could return 50% of their salary for recruitment purposes while continuing to contribute to the department's research and teaching mission. . . . The University also should improve its programs for emeritus faculty, including mechanisms by which emeriti can teach, offer community programs, utilize office space and receive limited administrative staff support. To support these changes, an emeritus faculty program might be created within an existing office dedicated to faculty support, such as the Office of the Vice Provost for Faculty and Academic Affairs."

The Committee discussed this recommendation briefly last year but reached no conclusion and decided to wait until the tenure code changes were complete. Professor Sirc also reviewed the more detailed recommendations the task force made.

Vice President Carrier said she would want to think more about the proposal. If it had any impact on the phased retirement program, it would be a bad idea, because the phased retirement program is very flexible. One can anywhere from 25-75% time for up to five years, continue to receive a 100% contribution to the retirement plan, and receive a subsidy for health coverage for up to 24 months. She said she would not want to see the University inadvertently move away from a very strong program. There may be merits to the proposal but she would not want to see it interfere with the phased retirement program.

Dr. Carney said the tenure code has not been changed, and it requires at least a 67%-time appointment to retain tenure. The code would have to be changed if the proposal were to be implemented. Phased retirement works because the appointment continues at 100% time but there is a reduced work assignment.

What does this proposal accomplish that phased retirement does not, Professor Sheets asked? The term of appointment could go on indefinitely, Dr. Carney said, unlike phased retirement. It would raise issues about department planning because they would not have a timeline for when "senior faculty" would retire. The senior faculty could potentially also vote on promotion and tenure cases: if they have tenure, they can vote (and those on phased retirement also vote). This is an option to reduce effort without retiring. There is nothing that bars faculty from negotiating a reduced appointment, Dr. Carrier said, although faculty who do so would lose some benefits (to receive health care, an appointment must be at least 75%-time, and to receive retirement benefits it must be at least 67%).

Professor Hanna recalled that at one time there was a 10-year phased retirement program; what was the reasoning behind the change to 5 years? That change was a long time ago, Dr. Carrier said; 5

years is acceptable to departments and faculty, and a number of faculty who start out on a 5-year plan reduce it to 3 years once they find retirement attractive.

Professor Squires said he was ambivalent about the proposal. The University does not use its senior faculty and retired faculty appropriately, so the proposal has some merit. He would be concerned about the right to teach classes: some would want to, some would not. One can do research at home.

Professor Litman said that the University of Minnesota Retirees Association (UMRA) had doubts about the proposal last year. One issue was "what good is it?" Retirees have reservations about this proposal but are very interested in the statement that the University should improve its programs for emeritus faculty.

Ms. Singer said given that the faculty are the highest-paid group at the University, the University would not be able to subsidize benefits at the 50% appointment level for academics only. Federal nondiscrimination requirements would require the University to subsidize all 50% appointments, if faculty were so subsidized.

Professor Sirc said his conclusion was that the Committee did not favor the proposal. Dr. Carney agreed but said it would appropriate to formalize the activities of retired faculty in her office, which has not been done before. There is UMRA, which is independent and not linked to Academic Affairs. She has often said she is interested in the faculty life course and perhaps her office can do something that would be more satisfying for retired faculty as well as provide a benefit to the University. She said she would be happy to pursue this issue.

4. Closed Discussion

The Committee voted unanimously to close the meeting to discuss issues related to conflict of interest. The issues are whether there is a conflict of interest in the award of funding from interdisciplinary initiatives, the lack of uniformity and administrative supervision in the process, the distribution of funds, and the chance of faculty to successfully compete for the funds. With the push to interdisciplinary centers, there is a need to clarify policies and ensure that centers rigorously enforce conflict-of-interest policies.

One question is whether the University's existing conflict-of-interest policies apply and, if they do, whether they are being followed. Another question is whether any problems are unique to interdisciplinary centers, or if those centers are particularly susceptible to problems in this vein.

The question is whether more policies are needed. Dr. Carrier suggested the Committee have a conversation with the Office of Institutional Compliance about the existing policies.

Professor Sirc adjourned the meeting at 4:05.

-- Gary Engstrand