
The University Senate

FACULTY • STUDENT • P&A • CIVIL SERVICE

UNIVERSITY OF MINNESOTA

Academic Freedom and Tenure Committee (AF&T)

November 3, 2023

Minutes of the Meeting

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 reflect the views of, nor are they binding on, the senate, the administration, or the Board of Regents.

[**In these minutes:** Welcome and Committee Business; Universal Access; Proposed Revisions to the Administrative Policy: *Procedures for Reviewing Candidates for Tenure and/or Promotion: Tenure-Track and Tenured Faculty*; Discussion and Solicitation of AF&T Concerns and Requests in Ongoing Presidential Search; Post-tenure Review Processes and Policies; Miscellaneous Business]

PRESENT: Eric Van Wyk (chair), Carolyn Bishoff, Upendra Chalise, Ole Gram, Sumanth Gopinath, Margaret Kelly, Ron Krebs, Chase Krug, Michael Kyba, Danya Leebaw, Madeline Rowe, Clifford Steer, Christophe Wall-Romana, George Weiblen,

REGRETS: Bruno Chaouat, Rachel Johnson, Rebecca Krug, Kelsey Metzger

GUESTS: Lisa German, dean, University of Minnesota Libraries; Paige Rohman, chief of staff, University Services

OTHERS ATTENDING: Elizabeth Ambrose, Michael Herrick, Neil Olsness, Lynette Renner

1. Welcome and Committee Business

Eric Van Wyk, chair, welcomed members and began the meeting.

2. Universal Access

Lisa German, dean, University of Minnesota Libraries, and Paige Rohman, chief of staff, University Services, presented information regarding a newly proposed program for adoption at the University called Universal Access (working title). [This slide deck](#) was used throughout the presentation.

- The proposal is being widely consulted across all five system campuses.
- At this time, the proposed program is for undergraduate students only.
- The presenters are not at consultations to speak for or against the proposed program; but instead to present it for discussion, collect feedback, and present their findings to administration.
- The program, currently titled Universal Access (UA), is a “pay one price” approach for

course materials. Students can pay one fixed price (assessed as a student fee) to be subscribed to all the textbooks and course materials they would need for the term.

- The proposed program seeks to ensure that all students have their supplies on the first day of classes at a price that is predictable. Course materials are made available immediately prior to the start of the term.

Potential benefits for faculty and instructors include:

- Faculty and instructors retain full control over the content of their course.
- The University will continue to support open-access and low cost materials through the libraries because that would help to contain the overall cost of the proposed UA program.

Potential benefits for students include:

- An opt-out option is provided to all students.
- Students can choose classes or majors without being concerned about the relative cost of the course materials.
- Materials costs will be predictable and are eligible to be covered by financial aid.
- Time savings; students would not have to comparison shop or spend time gathering materials; and they could easily log into their computer and the materials will be there.

Potential concerns include:

- Unlike a physical book that one can retain, digital access varies by publisher so having access to the material after a given course of study is not guaranteed.
- “Recommended” materials would not be included and students would incur additional cost if they chose to use them.
- A student would have to take the initiative to opt out of the program.

German thanked faculty and instructors for choosing to use materials in their classes (either multi-user ebooks or journal articles) that the Libraries have already subscribed to and pay a fee for. This decision by faculty and instructors increases the savings on course materials seen by University students.

Rohman added that while the proposed program is seen as a “digital first” program, many faculty have expressed their preference to have physical materials available as well. Students who qualify for physical materials based on a disability determination would receive them. Rohman added that the trend toward digital materials is accelerating, and that there is evidence that course completion rates were found to be higher in situations where a program like this is offered.

German and Rohman invited questions from committee members. In response to a question regarding audio-visual materials for classes being included in the proposed program, German said she believes such material is not covered under the proposed plan. The Libraries does provide access to streaming materials, she added. Rohman said that issue would be added to the list of things the University is navigating as it works on this proposal.

In response to the question why graduate students are not included in the proposed program, Rohman said that the intention is to start with one population of students if it is decided to get the proposed program up and running. The requirements for different types of students, as far as course material is concerned, would dictate a mirror/similar program, but not the exact same one as for the undergraduates.

Committee members and guests discussed how this proposed program is like and differs from a current program at the University called Inclusive Access. Van Wyk noted that he has heard concerns in his department regarding the requirements that students participate in these types of universal access programs. German reiterated that, in the proposed program, there is the option for students to opt out.

Van Wyk noted that a concern he had heard from colleagues is that the opt-out model is problematic and disadvantages some students. Why is the choice not being made to have students opt-in? There was also a concern from colleagues, Van Wyk said, that Inclusive Access is not necessarily the most cost effective way to obtain course materials for students. He added that, given the volume of concerns voiced by colleagues in his department in the College of Science and Engineering, he would request more information documenting how much money students will or will not actually save on this proposed program, as well as extensive consultation with faculty regarding the proposed program.

Committee members and guests continued to discuss the pros and cons of the proposed program and an emerging theme was the importance of a clear communications plan with students to make certain they understood the program, and that it was *their responsibility* to opt-out of the program if they did not wish to participate. Rohman reiterated that the intention of the program is to provide an option for students to easily acquire their course materials and be prepared for the first day of classes as well as to drive down the cost of materials through economies of scale. Van Wyk said he feels that with this proposed program, student options are actually limited for those who opt-in.

Margaret Kelly said that faculty and instructors provide materials to their students in very differing ways; some intentionally use journal articles and e-materials provided (at no-cost to the faculty or students) by the Libraries when creating course guides for students, and some insist that students have entire textbooks. There may be unintended consequences of a program that limits the ability of students to choose materials that would be most beneficial to them and that may differ from course to course, depending on what kind of preparatory work a faculty member has done, she added.

When asked about the proposed timeline for the process, Rohman said consultation will continue with governance groups through the end of November, 2023. Feedback from the various consultations will then be reviewed and incorporated into a report intended for the provost and academic leadership from all campuses. If the decision is made to implement the program, it would begin in the fall of 2024.

3. Proposed Revisions to the Administrative Policy: *Procedures for Reviewing Candidates for Tenure and/or Promotion: Tenure-Track and Tenured Faculty*

Ole Gram, associate vice provost, Faculty and Academic Affairs, Office of the Executive Vice President and Provost (EVPP), said that his intention was to present a set of proposed changes to the Administrative Policy: *Procedures for Reviewing Candidates for Tenure and/or Promotion: Tenure-Track and Tenured Faculty*, discuss those at today's meeting, and get additional feedback and recommendations at a future meeting of the committee once members have had more time to review the proposed changes.

Please see [this memo](#) dated October 27, 2023, from Beth Lewis, vice provost for faculty affairs, Office of the Executive Vice President and Provost (EVPP), to Van Wyk for additional information.

Gram said that the first proposed change in the policy centers around disqualifications, or situations in which a tenured faculty member could be prohibited from taking part in a discussion or voting for tenure and/or promotion. Clear guidelines regarding nepotism and personal relationships already exist in the policy. Proposed additional language advocates for review by the unit head and subsequently by the dean/chancellor and provost of any challenge to participation by a faculty member. Gram said that the reason for the proposed change is because, over the years, the application of such disqualifications has varied too much and have been applied unevenly.

The second proposed change is recommending that a challenge to participation should be brought 15 working days prior to the scheduled tenure meeting.

The third proposed change is that the unit head will be responsible for sharing a copy of the challenge with the (challenged) faculty member rather than the challenger.

Gram said the next set of changes is in the voting procedures and is related to the adoption and more frequent use of online voting. The proposed changes recommend the following:

- Whenever possible, the University's sanctioned voting mechanism (called SimplyVoting) should be used.
- Recommendations for how best to schedule online voting (best to schedule the voting for the end of the meeting with a small window of opportunity after the meeting to vote).
- Stronger language reiterating the fact that the review of tenure and promotion is a particularly important responsibility of tenured faculty.

Gram then invited questions from the committee. Van Wyk asked if there was currently language requiring that faculty must be notified a reasonable amount of time prior to a promotion and tenure meeting, and recommended that if there is not, it be added to the policy. Gram said there is such language in the procedures and he would locate it and share with the committee. He added that it is very often included in a department's 7.12 statements.

Committee members recommended that the following items be further reviewed for clarity:

- More strongly reiterate the importance of faculty *attending* the meeting in order to vote.
- When a faculty member moves for another faculty member to be disqualified, does the candidate have an opportunity to respond and express their view on the matter? Gram said that language to that effect is not currently in the policy, though it is understood, and that he would look at clarifying that language.
- If the unit head declines to approve the motion for disqualification of a particular faculty, does that recommendation also get passed along to the dean and ultimately the provost? Right now the document reads as if only those situations that are approved get passed along. Gram noted that this is another place that could benefit from clarification.
- The suggested redlined changes appear to correct some of the vagueness in the original version, and taking steps to ensure that departments are aware of not only the changes, but the policy and procedures themselves is recommended.

Gram thanked committee members for the friendly amendments and suggestions, and said he would bring the policy to a future AF&T meeting to review the new changes based on the committee's feedback from today.

4. Discussion and Solicitation of AF&T Concerns and Requests in Ongoing Presidential Search

Chase Krug, AF&T student representative and Presidential Search Advisory Committee (PSAC) member, shared the [candidate profile](#) developed and published by the Board of Regents (BOR) on November 2, 2023. He added the PSAC is now in the recruiting phase of the presidential search and said the search committee continues to take feedback such as questions or topics candidates should be able to demonstrate their experience of an excellence in. He noted that faculty, students, and staff will be invited to public interview sessions in February for all candidates who are selected.

In response to a question regarding whether or not interviewees will agree to being named as finalists, Krug said it is the BOR's intention to have two to four finalists, and all interested parties have been told that the finalists' names will be published in the Star Tribune and other media. Finalists are expected to agree to that. Krug invited committee members to submit feedback to PSAC prior to the end of November.

6. Post-tenure Review Processes and Policies

The following documents were shared by Van Wyk with committee members prior to the meeting to prepare for today's discussion:

- Section 7 of the Board of Regents Policy: [Faculty Tenure](#)
- *Procedures for Reviewing Candidates for Tenure and/or Promotion: Tenure-Track and Tenured Faculty*, specifically in Section [VI. Annual Review of Tenured Faculty \(Post-Tenure Review\)](#).
- A list of [all departmental/unit 7.12 statements](#)

In preparation for inviting colleagues who have been through the Post-tenure Review Process (PTR) to share their experiences with AF&T, Van Wyk said he thought it would be beneficial for the committee to become more familiar with the above documents and learn more about how the process is carried out. Members of the Senate Judicial Committee (SJC) were present at today's meeting (Lynette Renner, Elizabeth Ambrose), as the topic being discussed today is also of interest and important to the SJC. The SJC has some concern about the possible increase in the use of PTRs in recent years.

Van Wyk asked committee members to comment on elements of the PTR procedures and the 7.12 statements in terms of what they found helpful, and what they thought could be improved upon. The committee had a lengthy discussion which included the following points:

- There is a lack of checks and balances built into the PTR procedures when a faculty is brought into either the PTR or the Performance Improvement Plan (PIP) processes
- Composition of the Special Peer Review Committee
- Extreme variation among the 7.12 statements as to the basic process and procedure of PTRs and PIPs. Variation is good in one respect; on the other hand, procedurally, there should be consistency across disciplines and departments
- The department or unit head and the committee in the unit that has been formed to address the given issue *should* act as a checks and balances system, and in some of the

7.12 statements, it looks like that is documented. The committee has heard cases, however, of situations where that was not the case.

Gram agreed that there is a range of how the PTR section is crafted in 7.12 statements. Typically what should be included is procedural language from Section VI. Annual Review of Tenured Faculty (Post-Tenure Review) and that would include:

- The unit/department head must make a recommendation before a PIP is initiated
- That recommendation must go to an elected committee of tenured faculty
- The language around goals and expectations (a listing of the minimum performance expectations for tenured faculty) must be included, and must have been looked at over a rolling period of two-three years

The final bullet point above is where the biggest differences are seen from department to department. Gram said he feels the most salient principle from the BOR Policy: *Faculty Tenure*, is that an elected committee of tenured faculty and the unit head must agree before any type of plan is initiated. At the University of Minnesota, the annual review is not a relitigation of tenure. And finally, Gram said, these processes begin in the department and end in the department, it is a very local process; it is not forwarded to an administrator.

Continuing the discussion regarding the impressions of the various 7.12 statements:

- There is inconsistency as to whether or not a faculty member has the right to respond to the department's evaluation of their performance and the specific provisions of the PIP
- It is not clear that there needs to be previous feedback to a faculty member about underperformance prior to the implementation of a PIP
- One 7.12 statement stated that included in faculty yearly review is a goal statement provided by the faculty customizing their work in the research-teaching-service equation. This could be a useful model as a faculty's output is being looked at over a rolling two-three year period
- Small departments may have to deal with interpersonal situations that are perhaps not as likely in larger departments

Gram covered a little of the history of when and why certain types of review processes came into use at different stages of becoming a tenured full professor. The review processes have always been intended to assist in a faculty member's development rather than as a punitive action. Gram added that regarding the idea of faculty providing annual goal-setting as part of their annual review, he has seen that work well in some cases and not so well in others. In response to the particular issues that small departments may experience, Gram said that he, Van Wyk, and Krebs have been in discussions about possible opportunities to address that situation.

Van Wyk then asked committee members how they felt about the AF&T looking more closely at the 7.12 statements, and assessing the range and variability among the statements. George Weiblen suggested identifying three to five areas of concern and creating a rubric so that 7.12 statements could be uniformly compared on those points, while still recognizing that the individual autonomy of departments will cause some variation. Van Wyk suggested creating a small work group to create the rubric, which would then be distributed to the committee members along with several 7.12 statements for them to compare and review.

Van Wyk asked Clifford Steer what his experience has been in reviewing all 28 7.12 statements

in the Medical School. Steer said that while the 7.12s need to be different to reflect the identities of the various departments, the review committee established two sections that would be identical across all 7.12 statements: the preamble and the language in Section III (Promotion Procedures) of the Administrative Procedure: *Procedures for Reviewing Candidates for Tenure and/or Promotion: Tenure-Track and Tenured Faculty*

Gram shared this [Quick guide](#) for departments working on revising their 7.12 statements.

7. Miscellaneous Business

Van Wyk asked committee members if they would support a future meeting being held in person. A number of committee members expressed support for the idea, and Van Wyk invited others to share their thoughts with him via email.

Van Wyk shared that the implementation group of the President's Task Force on Faculty Misconduct is accepting nominations through Monday, November 6, 2023. He added that anyone who is interested in more information can reach out to him directly.

In the interest of time, Van Wyk thanked committee members and guests and adjourned the meeting.

Geanette Poole
University Senate Office