

UNIVERSITY OF MINNESOTA
FACULTY SENATE
MINUTES

December 7, 1972

The fourth meeting of the Faculty Senate for the year 1972-73 was convened in the Auditorium of Nicholson Hall on Thursday, December 7, 1972. Checking or signing the roll as present were 97 elected members of the faculty, 4 members of the Administrative Committee, and 33 nonmembers.

Vice Chairman Frank J. Sorauf presided.

The following items were considered and action was taken as indicated.

The chairman began the meeting by announcing that the rules previously adopted would be in effect. He then requested Carl Auerbach, chairman of the Tenure Committee, introduce sections 15, 16, and 17 of the proposed Regulations Concerning Faculty Tenure. Extensive discussion followed.

Subsequent to the discussion, the following motion was introduced: To disapprove the principle that an appointment with continuous tenure or any other appointment before the end of its specified term may be terminated because of the discontinuance or curtailment of an academic program because of changes in academic policy, as contained in section 16.1 and 16.2 of the third supplement to the proposed tenure regulations of November 21, 1972.

Motion Carried

The following motion was then introduced: That the Faculty Senate recommend to the Regents a change in the Tenure Code, Section 12 (a) to read:

"There shall be a Judicial Committee which shall be composed of at least nine (9) members of the faculty."

Motion Carried

The Faculty Senate adjourned.

W. DONALD BEATTY
Clerk of the Faculty Senate

The Faculty Senate will meet as necessary on January 11, January 25, February 8, and February 22, 1973, to complete the action on the proposed Regulations Concerning Faculty Tenure. All of the meetings will be in Nicholson Auditorium at 3:30 p.m.

Appendix

ABSTRACT OF DISCUSSION

The meeting of the Faculty Senate was called to order at 3:30 p.m. Frank Sorauf, professor of political science and vice chairman of the body sitting as a committee of the whole to consider the tenure document, presided. He reviewed the rules in effect at previous meetings, including the stipulation that there would be no final vote taken. Donald Beatty, clerk, reported that further meetings had been scheduled for January 11 and January 25.

Carl Auerbach, acting dean of the Law School and chairman of the Tenure Committee, opened discussion of the sections pertaining to termination due to financial exigency, curtailment of academic programs, or causes related to fitness of the faculty member. His presentation consisted of his committee's response to various objections expressed to those sections. As a reply to those who feared that the proposals would weaken the concept of tenure, he said that they were not at variance with national AAUP official views on tenure. He added that there was need to deal with programmatic change explicitly; that there was provision for faculty and student input; and that the burden of proof that there was no other position in the University for which the tenured faculty member being terminated would be qualified would lie with the Regents. In response to the skepticism of those who feared that the policy could be used as an excuse to get rid of particular faculty members, he said that Section 16 did provide safeguards through requirement of consultation by the President with the Consultative and Administrative Committees, who in turn would be required to obtain the views of the appropriate faculty and student committees in the academic unit affected and in the larger academic unit of which it was a part. Other committees involved would be SCEP and SCRAP. The terminated faculty member would have recourse to the Judicial Committee.

Michael Perlman, associate professor of statistics, responded to Mr. Auerbach's first observation concerning AAUP's views on tenure protection. He indicated that such views, as outlined by Mr. Auerbach, were not universally accepted, and he quoted at length from a Yale document. He said there should be only two causes for termination: drastic revision in the entire University budget, and an appointee's repeated and demonstrated failure to perform competently.

Leonid Hurwicz, professor of economics, said the record at the University was far better than the minimal standards of the AAUP. It was his view that any change in the current termination procedures would diminish the rights of the faculty. He said the faculty should ask itself whether the benefit which would accrue to the University in providing flexibility would be sufficiently large to compensate for the feeling of insecurity which would prevail among the faculty. Fred Morrison, professor of law and member of the Tenure Committee, asserted that the document was a means of protecting the faculty. He said that the Faculty Senate as a governing body should take the broad view that the University was organized to accomplish educational change but with the maximum reasonable protection to its faculty, and that the proposed document provided that protection. Siegfried Grosser, assistant professor of mathematics, opposed the revisions, taking the view that the proposed flexibility would encourage irresponsible programmatic experimentation, and that administrative personnel would be subject to pressure groups.

Peter Robinson, assistant professor of French and Italian, claimed that Section 16 on termination due to curtailment of an academic program was redundant. He held that everything should be studied and that no knowledge was obsolete. Thus financial limitations were the real consideration, he said, in urging arrangement for study of the financial results of program changes.

A faculty member from Morris asked whether a tenured faculty member terminated at a coordinate campus could be regarded as a member of the faculty of another campus if he were qualified. If so, he felt that individual campuses would be imposing their judgments on other campuses. Mr. Auerbach responded that such persons would be subject to administrative review and would have to compete with other faculty members of the unit.

Lawrence Goodman, professor and head of civil and mineral engineering, held that under the revisions decisions that should be made by the academic faculty would be made in a semisecret manner by a group limited to administrative figures and their appointees, except for the Consultative Committee; he felt that that group did not have competence for adequate programmatic review.

It was then suggested that the section on removal for cause in the current tenure regulations was being interpreted differently by the Tenure Committee and the faculty, and Kent Bales, associate professor of English, observed that procedures had been implicit in the old regulations but were now dealt with explicitly, and that Consultative Committee decisions on programs and budgets should go to the Senate for approval. Leonard Shapiro, assistant professor of mathematics, added that a special committee should be appointed to review each decision to terminate a program. Burnham Terrell, professor of philosophy, pointed out that the proposed regulations would not grant final authority to the Consultative Committee but to the President and the Board of Regents under a provision permitting them to take a course of action contrary to recommendations from the Consultative Committee for "compelling reasons." Mr. Morris said that tenure rights were protected only by "advisory opinions," and that the only formal authority was the Board of Regents. Mr. Hurwicz urged further discussion of tenure rights and procedures related to them as they presently exist.

Charles McLaughlin, professor of political science, asserted that the state constitution gave final authority to the Regents, and that it wasn't likely that the Board would choose to waive those rights. Further, he said that not all program changes were due to financial exigencies, using as an example the General College curriculum structured for academic reasons.

Donald Geffen, professor of physics, said there were hidden implications in the proposed policy, and he called attention to what he termed the "social contract" held by faculty members. He said they were people with highly developed skills and that discontinuance of teaching in a given area would violate the contract which society had with the individual and eventually erode the University.

George Blake, professor of soil science, spoke in support of the Perlman proposal to delete Section 16, indicating the review structure as outlined was meaningless, since the review would be performed by the very persons who suggested discontinuance of a program.

Mr. Perlman moved to delete from the proposed regulations the section outlining procedures to determine whether an academic program should be

discontinued or curtailed if it would result in premature termination or suspension of faculty appointments; his motion was *seconded* and *approved*.

Mr. Krislov presented a motion to insert in the tenure regulations the fact that the Judicial Committee had, by action of the Senate on November 30, been increased in size to at least 9 faculty members. His motion was *approved*.

The meeting adjourned at 5:30 p.m.

JEANNE LUPTON
Abstractor