

FEBRUARY 15, 1996

The second meeting of the Faculty Senate for 1995-96 was convened in the Cowles Auditorium, Humphrey Center, Minneapolis campus, on Thursday, February 15, 1996, at 4:15 p.m. Checking or signing the roll as present were 124 voting faculty members, 7 ex officio members, and 6 nonmembers. President Nils Hasselmo presided.

I. MINUTES FOR NOVEMBER 16, 1995
Action

APPROVED

II. TENURE DISCUSSION

Professor John Adams, chair of the Tenure Working Group, reviewed the activities to date of the various committees involved in the tenure review, outlined a tentative timeline, and described some of the issues under discussion, including:

- the inclusion of a new introduction to the Tenure Code which will serve an educational purpose for both internal and external audiences
- procedural adjustments to reflect the existence of the provostal system
- the reemphasis of system-wide tenure
- the need to distinguish between base salary and temporary augmentations
- the need to clarify the consequences for an employee refusing to accept new assignments in the face of programmatic change
- improving and streamlining the judicial process
- post-tenure reviews
- review of academic classifications
- extending the probationary period in some units

Professor Adams added that some members of the Board of Regents and legislators have expressed an interest in knowing more about how tenure is awarded. This is not very well understood outside the institution, he said, and is another issue the Working Group is addressing.

One senator commented that suspension without pay during termination proceedings is contrary to the presumption of innocence until proven guilty theory and asked Professor Adams to explain the rationale behind the suggestion. Currently, when termination proceedings are under way, responded Professor Adams, there is no incentive on the part of the person being charged to settle because his/her pay continues. The Working Group believes suspending an employee's pay during the proceedings would provide that incentive.

Another person noted that in termination cases when the "cause" is academic there is a procedure of peer review before administrative discipline. However, when the "cause" is non-academic there isn't a peer review. Because of this the only opportunity for peer review in these instances comes after a person has been terminated and then appeals to the Judicial Committee. If the proposal states that at a certain point pay can be suspended, it would mean that the processes referred to have been entirely administrative processes that do not allow the accused faculty member to respond or to have an

opportunity before a jury of his/her peers.

Professor Dempsey, chair of the Tenure Subcommittee, thanked the senator for the comment and said the committee will take this issue into consideration.

Another senator said he was pleased to hear that the location of tenure appeared to be resolved and that it would remain at the University level. What are the anticipated next steps?

Professor Adams said the Working Group will be meeting soon with representatives from the Academic Health Center to discuss their specific needs. Also, two additional Faculty Senate Forums on Tenure have been scheduled for March 6 and March 14. By mid-March, the Tenure Subcommittee expects to have some amendments prepared with the expectation they will be brought to the Faculty Senate for review and discussion in April with possible action in May. Proposed amendments will be widely circulated, he assured senators.

Responding to a question concerning performance goals, Professor Adams explained that the issue of performance is related to the Legislature's desire to know how public dollars are being spent and what are reasonable expectations from a public university. The administration is addressing this in a variety of ways, he said, including the development of critical measures and performance goals and the review of human resources and other University policies.

There has been some discussion about the willingness of faculty to accept reassignment when programmatic change is necessary, observed a senator, but one issue that has not been raised in connection with this is a faculty member's professional code of ethics concerning teaching something he or she does not feel qualified to teach. There should be some provision in the Tenure Code to address this issue.

When asked to elaborate on the triggering mechanisms for post-tenure reviews and to identify what determines a special case, Professor Adams replied that the committee is still working through those issues and is gathering information from other universities around the country. An example, however, of a trigger mechanism might be if someone has not received a merit raise in five years.

Before closing, Professor Adams encouraged senators to attend the March forums and to continue to submit comments to the Working Group, Tenure Subcommittee or Faculty Affairs Committee.

III. OLD BUSINESS

NONE

IV. NEW BUSINESS

NONE

V. ADJOURNMENT

The meeting was adjourned at 4:50 p.m.

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Abstractor