

Minutes*

**Faculty Consultative Committee
August 5, 1992**

Present: Mario Bognanno (chair), Judith Garrard, Paul Holm, Karen Seashore Louis, Benjamin Liu, Toni McNaron, Irwin Rubenstein, James Tracy, James VanAlstine

Guest: Dean Julia Davis

1. Discussion of Various Matters

Professor Bognanno convened the meeting at 11:00 and welcomed the new members of the Committee, Professor Toni McNaron from Liberal Arts, Professor Irwin Rubenstein from Biological Sciences (the new chair of the Committee on Finance and Planning), and Professor James Tracy, Liberal Arts (the new chair of the Committee on Educational Policy).

Professor Bognanno then reported that some faculty have inquired about the status of policies enacted by the Faculty Senate. He noted, for instance, that the Faculty Senate had passed the policies on receivership and on salary determination but that no administrative action has been taken; he reported that he had written to the President inquiring about their status. It may be that it would be wise to consult with the administration during the development of policies to be proposed to the Senate in order to avoid a "pocket veto" by the administration after the fact. In the instance of these two policies, he said that he has not heard directly that there are problems with them.

One Committee member observed that for the administration to ignore policies or actions by the Senate and its committees undermines the faculty governance process. Another suggested that the Committee should ask that the central administration inform FCC of the status of the various policies adopted recently by the Senate. There appeared to be broad agreement among Committee members that there needs to be established a means by which the governance system can keep track of what happens to its policies, a procedure which should be independent of FCC leadership.

The proposed changes in the grievance policy are under consideration by the General Counsel's office.

The task force on workload has already held two meetings; Professor Bognanno expressed the hope that the work of the this faculty group, following committee reviews and Senate action, will be quickly implemented rather than be permitted to languish on the shelf.

2. Replacement for Professor Scott

Professor Bognanno explained that it was necessary for the Committee to elect an individual to serve the remainder of Professor Scott's term, because he has been asked by Senior Vice President

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Infante to perform administrative responsibilities with respect to the planning process. By the rules adopted last year, no individual with an administrative appointment of 50% time or greater may serve on Senate committees.

The Committee discussed a number of names and authorized Professor Bognanno to seek an individual to serve.

3. Discussion with Dean Julia Davis

Professor Bognanno welcomed Dean Davis to the meeting, who asked to meet with it to discuss the policy on placing a department in "receivership." The Committee agreed to go into closed session for the discussion; several general principles emerged, however, which it was thought might be of use in interpreting the policy.

- It is the dean's responsibility, not that of the Committee, to take whatever action he or she deems necessary to resolve difficulties in an academic unit.
- The interest of FCC in "receivership" proceedings is primarily to ascertain that the academic and governance rights of the faculty are protected. This secondary review of proposed action may be particularly necessary in the case of smaller colleges.
- FCC oversight of proposed changes can accomplish a number of objectives: for instance, it can strengthen the hand of the dean, by affirming the plans for receivership, or it can indicate that more should be done before the unit is placed in receivership. In any event, however, the views of FCC are only advisory to the dean.
- The consolidation, merger, or elimination of departments and units are not intended to fall within the purview of the receivership policy.
- The Faculty Consultative Committee is NOT to be seen as a "court of appeal" on decisions about receivership.
- Among the critical questions which must be addressed by a dean, in considering receivership for an "ungovernable" department, are how tenure-track faculty will be considered for tenure and how associate professors will be considered for promotion.

Discussion with Dean Davis turned to the proposed changes in the grievance policy. One question that has arisen is whether or not a faculty member who receives an offer from another institution may grieve a decision on the part of the University--the dean or the unit--not to make a counter-offer. It appeared to be the view of the Committee that failure to make a counter-offer, standing alone--which may technically be grievable--should NOT be an issue that could be successfully grieved, especially when a decision by the dean is in accord with a recommendation from the academic unit itself. The Committee appeared to hold the same view about a denial of a leave without pay: the denial, by itself, should not be successfully grievable.

The proposed grievance policy, Professor Bognanno explained, assumes that deans and

administrators do not act out of whimsy or in a discriminatory fashion. The policy exists, however, as a remedy for faculty in the event a dean does make an error or behaves in a prohibited manner. The policy is intended to respect the discretion of the deans but also to protect the faculty against whim, caprice, and discriminatory action.

The Committee adjourned at 1:30.

-- Gary Engstrand

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