

MEETING OF THE FACULTY SENATE

Thursday, Jan. 24, 1985 • 2:15 p.m.

25 Law Center—Twin Cities campus • 305 Selvig Hall—Crookston campus
502 Darland Adm. Bldg.—Duluth campus • Behmler Hall Conference Room—Morris campus

PLEASE NOTE THE EARLY STARTING TIME: 2:15 P.M.

The meeting is called to consider proposed amendments to the University Regulations Concerning Faculty Tenure approved by the Faculty Senate June 7, 1984.

The voting membership of the Faculty Senate totals 152, including the president and the Faculty Consultative Committee. For a quorum, a majority of the voting membership (77) must be present. Only elected members (or alternates), the Faculty Consultative Committee and, in case of a tie, the chair, shall be entitled to vote. Any representative may designate any eligible alternate from his/her college or school as the alternate to serve in his/her place by written notice to the clerk of the Faculty Senate prior to any meeting of the Faculty Senate. Any member of the University faculty may introduce motions (in accordance with the rules set forth below) or speak to motions on the floor of the Faculty Senate.

FACULTY MEMBERS ARE ENCOURAGED TO FILE THEIR AMENDMENTS WITH THE CLERK OF THE SENATE (424 Morrill Hall) BEFORE NOON ON MONDAY, JANUARY 21, TO PERMIT THEIR PUBLICATION PRIOR TO THE MEETING.

ATTENDANCE RECORD

A roll of elected and ex officio members will be available at each door of the meeting room, and members are asked to sign.

RULES

Rules will be distributed at the door. The Faculty Senate last year adopted special rules to facilitate debate on the proposed Tenure Code. These rules provide:

1. Proposers of amendments and initial opposers of amendments shall be allotted 6 minutes. Additional speakers on each side shall be allotted 4 minutes each.
2. Amendments shall be submitted to the clerk of the Senate in written form by noon on the Monday prior to the meeting at which they are to be presented.

FACULTY AFFAIRS COMMITTEE

TENURE COMMITTEE

TENURE REGULATIONS

January 10, 1985

MEMORANDUM

To: The Members of the Faculty Senate and Faculty Members of the University

Dear Colleagues:

The University Administration and the Board of Regents have reviewed the proposed Tenure Code which was recommended by the Faculty Senate last June 7. They have asked us to reconsider certain items and, if appropriate, to propose amendments. In the course of their deliberations, we have also found a few technical details which require further attention.

In the course of the Regents' deliberation, two principal questions of policy emerged. One of these related to the role of service in the granting of permanent tenure. The other related to the ability of the University to take its programmatic needs into consideration in making tenure decisions.

The question of the definition of service is one about which there is little controversy in substance, but much in the verbal formulation. The Tenure Committee has tried again to meet this verbal formulation by differentiating further between professional service in one's academic speciality and participation in the ongoing administrative activities of the University. The former can be a primary element in tenure in appropriate cases, while quasi-administrative participation may only provide support for an otherwise good tenure case. We have also identified service as a prerequisite to tenure only in those instances where service is an integral part of the mission of the particular academic unit.

The Regents' second principal concern relates to the ability of the University to take programmatic needs into consideration in the decision to grant tenure. In this respect the Regents' views are clearly, strongly, and directly contrary to the view expressed by the Faculty Senate in May. At that time the Faculty Senate deleted a provision of the earlier draft which would have stated:

Although the decision will be based primarily on the faculty member's qualifications, it may also be based upon program area needs and priorities of the academic unit

Because of the views of the Faculty Senate have been clearly expressed, the Tenure Committee will not put forward any institutional recommendation on this point.

Because any Tenure Code will represent the action of the Regents after consultation with the Faculty Senate, an effort will be made to accommodate the views of both groups. President Keller and Professors Jack Merwin, Thomas Clayton, and Fred Morrison (who are the chairs of the Faculty Consultative Committee, the Faculty Affairs Committee, and the Tenure Committee, respectively, but who are acting as individuals and not for their committees) will present a proposed joint motion. That motion will attempt to emphasize the prospective, rather than the retrospective, nature of the tenure decision. It would permit the future prospects for an individual, as well as the past performance, to be taken into account. The authors of this motion believe that such an effort to compromise is essential if the Tenure Code is to be adopted.

The Tenure Committee will also propose an amendment that would require any criteria other than the traditional teaching, research, and service criteria, to be expressly identified and would prohibit any criteria which would infringe upon academic freedom.

A meeting of the Faculty Senate has been scheduled for Thursday, January 24, at 2:15 p.m. to consider these matters. I urge you to consider these proposals carefully and to discuss them with your colleagues. Any amendments to the proposals in the docket should be filed with Marilee Ward, Clerk of the Senate, Room 424 Morrill Hall, by noon on Monday, January 21.

Sincerely yours,

Fred L. Morrison
Chair, Senate Tenure Committee

Enclosures: Proposed Tenure Regulations, June 7, 1984, draft
Motions for consideration on January 24, 1985
Memorandum explaining motions.

MOTIONS FOR CONSIDERATION, JANUARY 24, 1985

Additions are in capital letters; deletions have lines through them.

Motion 1

The Tenure Committee will move to recommend to the Regents the further amendment of the document before them, at section 2.1, page 1, lines 15-18, as follows:

2.1 Employment Contracts. These regulations GOVERN THE RELATIONSHIP BETWEEN THE BOARD OF REGENTS AND EVERY FACULTY MEMBER EMPLOYED BY THE UNIVERSITY OF MINNESOTA, EXCEPT AS INCONSISTENT WITH THE PROVISIONS OF COLLECTIVE BARGAINING AGREEMENTS. THESE REGULATIONS are part of the contract between the Board of Regents and every faculty member employed by the University of Minnesota, except as superseded by the provisions OUTSIDE of collective bargaining UNITS agreements.

Motion 2

The Tenure Committee will move to recommend to the Regents the further amendment of section 10.1, page 15, at lines 20-21, as follows:

10.1 Unrequested Leave of Absence for Disability. A faculty member who is physically or mentally unable to perform reasonably assigned duties may be placed on unrequested leave of absence. The action may be taken only in accordance with the procedures established in this section. The faculty member is entitled to sick pay and disability insurance payments in accordance with University policy. The faculty member has a right to return to the faculty upon termination of the disability or upon cessation disability payments.

Motion 3

The Tenure Committee will move to recommend to the Regents the further amendment of the document before them at section 16, page 30, lines 10-21, by dividing the section into four numbered sub-sections and by adding and deleting material, as follows:

SECTION 16. TENURE COMMITTEE

16.1 MEMBERSHIP. The Tenure Committee is composed of at least seven members of the faculty and such other persons as the University Senate Bylaws shall provide. The manner of appointment is governed by the University Senate Bylaws.

16.2 INTERPRETATIONS. THE VICE PRESIDENT AND THE TENURE COMMITTEE MAY PROPOSE FORMAL INTERPRETATIONS OF THESE REGULATIONS, CONSISTENT WITH THEIR TERMS. SUCH INTERPRETATIONS MUST BE REPORTED TO THE FACULTY SENATE AND THE BOARD OF REGENTS. IF ADOPTED BY THE BOARD OF REGENTS, SUCH INTERPRETATIONS WILL BE BINDING IN ALL CASES SUBSEQUENTLY ARISING.

16.3 PROCEDURES. THE VICE PRESIDENT AND THE TENURE COMMITTEE MAY JOINTLY ADOPT THE PROCEDURES PROVIDED BY SECTIONS 7.4 AND 7.61. SUCH PROCEDURES MUST BE REPORTED TO THE FACULTY SENATE AND THE BOARD OF REGENTS BEFORE THEY GO INTO EFFECT.

16.4 ADDITIONAL FUNCTIONS. The Tenure Committee ALSO advises the University AND MAKES RECOMMENDATIONS concerning the interpretation and amendment of the regulations, but SUCH ADVICE AND RECOMMENDATIONS ARE NOT BINDING ON THE JUDICIAL COMMITTEE. The Judicial Committee will exercise its independent judgment about the meaning of these regulations in the review of cases before it. Interpretations which the Tenure Committee or the Judicial Committee decides may be of interest to the faculty generally, will be published as provided in Section 10. The Faculty Senate will be informed of these interpretations in writing.

Motion 4

The Tenure Committee will move to recommend to the Regents the further amendment of the document before them at section 7.4, page 11, lines 3-6, as follows:

7.4 Procedures for Taking Formal Action. The academic unit must observe UNIVERSITY procedures established by the Vice President upon recommendation of the Tenure Committee. Before going into effect, these procedures must be reported to the Faculty Senate. AS PROVIDED IN SECTION 16.3. These procedures will provide that:

[remainder of text unchanged]

Motion 5

The Tenure Committee will move to recommend to the Regents the further amendment of the document before them at section 7.61, page 12, through page 13, line 5, to read as follows:

7.61 Procedures. The Vice President, with the approval of the Tenure Committee, establishes general rules for such review. THE REVIEW MUST BE CONDUCTED ACCORDING TO UNIVERSITY PROCEDURES, ESTABLISHED AS PROVIDED IN SECTION 16.3. These PROCEDURES must provide for review and recommendations by the head of the academic unit, by the dean of the collegiate unit, by faculty committees at the collegiate or University level, and, when appropriate, by other academic administrators. The review must be conducted on the basis of the standards and criteria established by subsections 7.11 and 7.12 and the applicable rules and procedures. The rules may permit an administrator to refer the matter back to the unit for reconsideration, but if the administrator's comment do not agree after such reconsideration, both the recommendation and the administrator's comments must be sent forward for final administrative action. A copy of each review or recommendation must be supplied to the faculty member. The faculty member may comment thereon in writing to those who will review the matter further.

Motion 6

The Tenure Committee will move to recommend to the Regents the further amendment of the document before them by altering the final paragraph of section 12.2, page 22, lines 22-24, to read as follows:

IN ADDITION TO THE STEPS MENTIONED ABOVE, THE The University has the right to offer inducements to faculty members voluntarily to change fields of study, or to change place of employment TO SEEK EMPLOYMENT ELSEWHERE, or to accept early retirement.

Motions 7, 8, 9, and 10

All of these motions affect section 7.11, which is printed at pages 9-10 of the draft recommended by the Senate.

Motion 7 The Tenure Committee will move to recommend to the Regents the further amendment of section 7.11, page 10, lines 6-7, as shown below.

Motion 8 The Tenure Committee will move to recommend to the Regents the further amendment of page 9, line 13, through page 10, line 2a, and the further amendment of footnotes, 5, 6, and 7 thereto, as shown below.

Motion 9 The Tenure Committee will move to recommend to the Regents the further amendment of section 7.11, by adding a footnote 3A, in line 11f and by adding the text of that footnote in the margin, as shown below. (If this amendment is adopted, the Clerk is instructed to renumber this as subsequent footnotes in the final printing of the proposed document.)

Motion 10 President Kenneth Keller, IT, Professor Jack Merwin, Education, Professor Thomas Clayton, CLA, and Professor Fred Morrison, Law, will move to recommend to the Regents the further amendment of section 7.11 by adding new material at the beginning of the section, and by amending line 11, as shown below. (The Tenure Committee reports this motion to the Faculty Senate without making any recommendation.)

7.11 General criteria. THE BASIS FOR AWARDED INDEFINITE TENURE IS THE DEMONSTRATION OF AN INDIVIDUAL'S POTENTIAL TO CONTINUE TO CONTRIBUTE SIGNIFICANTLY TO THE MISSION OF THE UNIVERSITY AND TO ITS PROGRAMS OF TEACHING, RESEARCH, AND SERVICE OVER THE COURSE OF THE FACULTY MEMBER'S ACADEMIC CAREER. The primary criteria for awarding indefinite tenure FOR DEMONSTRATING THIS POTENTIAL are effectiveness in teaching¹ and professional distinction in research²; High quality OUTSTANDING discipline-related service contributions³ may WILL also be taken into account WHERE THEY ARE AN INTEGRAL PART OF THE MISSION OF THE ACADEMIC UNIT. The relative importance of the criteria may vary in different academic units, Both of the two primary BUT EACH OF THE criteria must be considered in every decision⁴ but in some academic units a faculty member will not be expected to have made significant service contributions during the probationary period.

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The individual's PARTICIPATION IN THE GOVERNANCE OF THE INSTITUTION AND OTHER SERVICES TO THE UNIVERSITY AND service to the academic unit and other service contributions to the University MAY BE TAKEN INTO CONSIDERATION may also be relevant to a decision, but are not in themselves bases for awarding tenure.

Indefinite tenure may be granted at any time when the candidate has satisfied the requirements. A probationary appointment must be terminated when the appointee fails to satisfy the criteria in the last year of probationary service and may be terminated earlier if it appears that the appointee ~~will not satisfy~~ IS NOT MAKING SATISFACTORY PROGRESS TOWARD MEETING the criteria within that period.

3A. CRITERIA OTHER THAN THOSE EXPRESSLY LISTED IN THIS SENTENCE MUST BE EXPLICITLY STATED AND JUSTIFIED IN TERMS OF THE MISSION OF THE UNIVERSITY. SUCH ADDITIONAL CRITERIA MAY NOT IMPINGE UPON THE ACADEMIC FREEDOM OF THE PROBATIONARY FACULTY MEMBER.

4. "Teaching" is not limited to credit-producing classroom instruction. It encompasses other forms of communication of knowledge (both to students registered in the University and to other persons in the community) as well as the supervision or advising of individual graduate or undergraduate students.

5. "Research" is not limited to the publication of scholarly articles-~~WORKS. It encompasses other activities such as artistic production~~ INCLUDES ACTIVITIES WHICH LEAD TO THE PUBLIC AVAILABILITY OF PRODUCTS OR PRACTICES WHICH HAVE A SIGNIFICANCE TO SOCIETY, SUCH AS ARTISTIC PRODUCTION OR THE DEVELOPMENT OF NEW TECHNOLOGY OR SCIENTIFIC PROCEDURES.

6. "Service" means high quality performance within the faculty member's academic expertise and within the mission of the academic unit. ~~rendered to the community at large. As a criterion for faculty tenure; it does not include the rendering of routine professional services, even if those are within the faculty member's job description.~~ It also does not include service in PERFORMANCE OF quasi-administrative functions, such as service MEMBERSHIP on faculty or Senate committees or other similar activities; those activities are relevant only to the limited extent set forth in the following paragraph.

WHERE SERVICE IS NOT AN INTEGRAL PART OF THE MISSION OF THE ACADEMIC UNIT, A FACULTY MEMBER'S SERVICE MAY BE CONSIDERED, BUT IS NOT A PREREQUISITE TO THE AWARDING OF TENURE.

7. ~~Because of the special mission of the Crookston and Waseca CAMPUSES faculty members- these need show only effectiveness in teaching and disciplined inquiry in their fields of endeavor~~ MAY BE SUBSTITUTED FOR RESEARCH IN APPRAISING FACULTY MEMBERS THERE.

Other exceptions may be made only in exceptional circumstances by means of special contract, as provided in section 3.6.

January 10, 1985

MEMORANDUM: Summary of Motions

Motion 1

This motion is intended to make the language of the Tenure Code conform exactly to that of the collective bargaining contract for Duluth and Waseca and the state law regulating collective bargaining. We are changing the language so that there will be no faculty member who falls between the two documents and no faculty member who is arguably covered by both.

Motion 2

This motion eliminates a sentence which is incorrect in its reference and, if corrected, would be redundant. The procedures involved are no longer included in Section 10, but are now in Section 14. Another subsection of Section 10, Section 10.3, contains the explicit cross-reference.

Motion 3-4-5

These are inter-related motions dealing with the functions of the Tenure Committee. Among other things, we would provide numbered subsections in Section 16.

We would differentiate between formal binding interpretations of the Tenure Regulations and advisory recommendations by the Tenure Committee. Binding interpretations would require prior report to the Faculty Senate and approval by the Board of Regents. Advisory recommendations could be made by the Tenure Committee on its own authority, but would not be binding.

The processes for adopting rules for departmental consideration of tenure decisions (Section 7.4) and for collegiate and University review of those decisions (7.61) were not completely parallel. We propose to present a single procedure for the adoption of such rules and include it in Section 16.3, with cross-references in the other two places.

Motion 6

We were asked whether the final paragraph of Section 12.2 was intended to place restrictions or to recognize additional authority. Clearly the intent was the latter, so we have added new language at the beginning of the paragraph. We have also changed language in the middle of the paragraph to reflect the intent expressed on the floor of the Faculty Senate. The financial inducements in question would be in the nature of severance pay to encourage faculty members to seek employment at other institutions, if their interests could better be served there.

Motion 7

This is a stylistic motion. Any decision before the end of the maximum probationary period is necessarily predictive in nature.

Motion 8

This motion is intended to deal with concerns expressed by the Regents and by members of the University community about the role of service and service-related activities in the decision on tenure. Note that we are differentiating between discipline-related service, which, when appropriate, is one of the primary criteria, and participation and governance. Such participation can be an element in the tenure decision but is not an independent basis for granting or denying tenure.

Motion 9

This motion is introduced to qualify the words "primary criteria." It seeks to make clear that any criterion other than teaching, research, and service must be explicitly stated and could not violate the candidate's academic freedom.

Motion 10

Motion 10 is offered by its authors in an effort to reach an acceptable accommodation between the interests of the Administration and the Board of Regents, on the one hand, and those expressed by the Faculty Senate in its initial vote last May, on the other hand. It attempts to focus on the nature of the decision which is being made in granting tenure.