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MEETING OF THE UNIVERSITY SENATE

Thursday, April 17, 1980

3:15 p.m.

25 Law Building, West Bank—Twin Cities Campus
305 Selvig Hall—Crookston Campus
520 Administration Building—Duluth Campus
Behmler Hall Conference Room—Morris Campus
Learning Resources Center Conference Room—Waseca Campus

The voting membership of the University Senate totals 224, including the president, 165 members of the faculty (including the Faculty Consultative Committee), and 58 students (including the Student Consultative Committee). For a quorum, a majority of the voting membership (113) must be present. Advance notice is required for amendments to the constitution and 150 affirmative votes at one meeting or 113 affirmative votes at each of two meetings, the second of which must be the next regular meeting. Advance notice is required for amendments to the bylaws and 113 affirmative votes. Other actions require only a simple majority of the members present and voting. The members of the Council of Academic Officers are ex officio nonvoting members of the University Senate.

Any member of the faculty and any student eligible to vote for senators shall be entitled to speak at the discretion of the University Senate. Only elected members, the Senate Consultative Committee, and, in case of a tie, the chairman, shall be entitled to vote.

Any representative may designate any eligible alternate from his/her college, school, or student constituency as the alternate to serve in his/her place and stand by written notice to the clerk of the Senate prior to the commencement of any meeting of the University Senate. Each college or school may either elect a pool of alternate representatives or define the pool to be those eligible to vote for senators.

ATTENDANCE RECORD

A roll of elected and ex officio members will be available at each door of the meeting room. Members, please check your name to indicate your presence. A summary of the attendance of members elected for the current academic year will be included in the minutes of the last meeting of the year.

RULES GOVERNING THE UNIVERSITY SENATE

Rules are available at the door. Please leave them at the door after the meeting for future use.

I. MINUTES FOR FEBRUARY 14, 1980

Action (5 minutes)

II. CONSULTATIVE COMMITTEE ELECTION

INFORMATION:

In the recent election to fill 1980-83 vacancies on the Assembly Steering Committee, Douglas Pratt, Paul Quie, and Patricia Swan were elected. Continuing members on the committee are Robert Brasted (1979-82), Marcia Eaton (1979-82), Vera Schletzer (1978-81), L. E. Scriven (1978-81), and W. D. Spring (1978-81).

MARILEE WARD
Clerk

III. ELECTION OF VICE CHAIRMAN

Action (10 minutes)

The constitution provides that a vice chairman shall be elected by the Senate at its first meeting in the spring of the academic year from among its members for a term of one year, starting July 1, 1980.

IV. SENATE COMMITTEE ON COMMITTEES

HANDBOOK AMENDMENT, SUBCOMMITTEES
(10 minutes)

MOTION:

That establishment of subcommittees of Senate and University committees be authorized by amending the Handbook of Procedures as follows: Add new Section U1.307, "Subcommittees. Any Senate or University committee can appoint subcommittees, which are responsible to and report only to the committee. Subcommittees must have some membership from the appointing committee, but they may also have noncommittee membership when the appointing committee deems the subcommittee requires the assistance of others. In carrying out their duties, subcommittees should observe the same principles of operation of Robert's Rules of Order (Newly Revised) that govern committees."

COMMENT:

The above section does not change any applicable recommendations presently in force governing subcommittees of Senate committees. At present, the Handbook contains no instructions on subcommittees, and one has to turn to Robert's Rules for guidance. The section as it is written is slightly modified from page 413 of Robert's Rules. The intent is to state explicitly what the rules are, since some confusion on them has arisen during the past several years. Robert's Rules, moreover, precludes appointing noncommittee members to a subcommittee unless expressly authorized by the Senate. Past practice of the Senate on this has been liberal, with the presumption that the Senate committees themselves are able to judge when they need expertise outside their committee. The new Handbook section would codify this practice.

Confining subcommittee reports to their appointing committee represents no change from Robert's Rules presently in force. The Senate Consultative Committee notes that appointment of Senate committees is geared to produce University-wide balance and perspective from demographic, geographic, and collegial, academic concerns. No such strictures apply to subcommittees and they may be very narrowly based. Subcommittee reports bypassing their appointive committee and distributed directly to administrators, the Board of Regents, or to others have in the past been misinterpreted as reflecting the will of the University Senate, despite all the best intentions to the contrary. They have been one source of the "end runs" deplored in the Watson Report (Report of the Select Committee of the University Senate, 1979). Subcommittees are not restricted from writing letters requesting information, staff support, etc., but if there is any question as to whether the contents of a letter contain explicit or implicit policy recommendations, it is incumbent upon the subcommittee chair to seek guidance from the appointing committee or its chair. It is also incumbent upon subcommittees to observe due process when holding hearings on substantive recommendations or when investigating issues, just as due process considerations apply to Senate and University committees (c.f. Robert's Rules, Newly Revised, p. 416).

The University Committee on Business and Rules supports the amendment.

M. VIRGINIA FREDRICKS, Chairperson
Committee on Committees
RICHARD L. PURPLE, Chairperson
Consultative Committee

V. SENATE COMMITTEE ON FACULTY AFFAIRS

FACULTY RETIREMENT PLAN, SEX DIFFERENTIALS

Action by Faculty Senate (30 minutes)

MOTION:

That all contributions made to the faculty retirement plan after October 1, 1980, be used to purchase annuities at retirement priced on a unisex basis.

COMMENT:

Through this recommendation the Senate Committee on Faculty Affairs is favoring a plan that provides equal monthly pensions for men and women with the same accumulated contributions at the same retirement age. This principle, however, is not applied retroactively to contributions made prior to October 1, 1980. The unisex table would be applied to determine the monthly pensions under both single life annuities and joint and survivorship annuities.

On November 29, 1979, SCFA told the Senate that it was deferring action on the sex differential issue until the faculty had reacted to the broad restructuring proposed by a special task force on the faculty retirement plan. The preliminary review of that report has taken much more time than expected but the result has been a revised task force report that should be easier to read and to understand. SCFA will soon distribute the task force report for discussion purposes only to all participants in the plan. Hearings will be held at all campuses on the proposal and SCFA will continue to review that report and alternative proposals. For several reasons, however, SCFA has decided it should recommend an immediate change in the present plan with respect to sex differentials:

1. TIAA-CREF has indicated that (subject to regulatory approval) it will apply all contributions received after June 1, 1980, to annuities priced on a unisex basis. TIAA explained that it was taking this action in response to the weight of opinion from recent judicial, legislative, and regulatory developments and from concerns of its participating institutions. Faculty members who have elected the TIAA-CREF option under the University of Minnesota Faculty Retirement Plan will (subject to regulatory approval) automatically have next year's contributions applied on a unisex basis.
2. The Senate is unlikely to take any final action on the task force proposal this academic year. The issues involved are complex. Before SCFA can make any recommendations to the Senate, it wishes to consider faculty reactions to the task force report. The task force itself may wish to modify its report on the basis of those reactions.
3. If the Senate approves any broad restructuring, many months will elapse before its recommendation can be implemented.
4. The majority of the Committee believes that the action it recommends is the right thing to do on ethical grounds regardless of what the courts, the regulators, or the legislature decide.

The Committee will continue to examine the question of sex differentials with respect to past contributions in the context of a broad restructuring of the present plan. Furthermore, although our recommendation is not conditional upon this point, the Committee is concerned about the decline in the pensions males will receive because of this change, especially males who spent part of their careers under the pre-1963 faculty retirement plan. The Committee urges the administration to seek outside funding for the increases in the pensions for females, thus avoiding any reduction in the pensions for males.

C. ARTHUR WILLIAMS
Chairman

VI. SENATE CONSULTATIVE COMMITTEE

SEARCH COMMITTEE GUIDELINES
(20 minutes)

MOTION:

That the University Senate approve the following proposed guidelines for the establishment and functioning of search committees for filling major administrative positions at the University of Minnesota: (Deleted sections are shown with line through them; added sections have brackets.)

I. Purpose of Search Committees*

Search committees are expected to seek out and identify the best qualified nominees available for administrative position[s], irrespective of sex, religion, race, national origin, age, or any other criteria violating affirmative action statutes. One reason for the use of search committees is to assure that all primary constituencies served by the office will have a voice in the identification of nominees. A second is to take advantage of the knowledge that these constituencies have of the necessary qualifications for the position and of potential sources of nominees.

II. University Administrative Positions for which Search Committees Should be Formed

Search committees should be established to fill major University administrative positions which serve multiple student, faculty, civil service, and/or administrative constituencies. Among these positions are those of President,** the various Vice Presidents, the Deputy Vice President and Dean of the Institute of Agriculture, Forestry, and Home Economics, Dean of the Graduate School, Provosts of the coordinate campuses, Vice Provosts for Academic Affairs, Deans of all collegiate units, and the Director of University Libraries. This list does not preclude formation of search committees to fill other administrative positions when the President and the Senate Consultative Committee mutually deem the interest of the University to be served thereby.

The length, range, and mechanics of the search process will depend on the nature of the position, the complexity of its constituencies, and the number and diversity of potential candidates. Committee composition and the mechanics of the search process will also vary. The search process for the key academic officers should be most thorough, in recognition of their multiple constituencies. But a more abbreviated approach may be suitable for such positions as Vice President for Institutional Planning and Relations, Vice President for Administrative Operations, and Vice President for Finance, in recognition of their unique relationship with the President [and the fact that they are not line positions dealing directly with faculty and students]. The President and the Senate Consultative Committee should work out mutually agreeable search procedures for filling these positions.

*The term search committee as used in these guidelines designates any committee constituted for the purpose of performing any or all of the functions of compiling lists of candidates for vacant positions, screening (and eliminating) candidates in accord with agreed-upon selection criteria, and determining the slate of nominees for submission to the President.

**The selection of the University President is the legal responsibility of the Board of Regents. The search committee for this office is drawn from members of the Board. This committee has customarily asked that the Senate Consultative Committee function as an advisory committee, and has delegated to it responsibility for certain aspects of the search. It is hoped that the policies outlined in this statement will govern the work of such an advisory committee.

III. Formation of Search Committees

Members of search committees and their chairpersons shall be chosen by the President (or his agent) after consultation with appropriate Senate, campus, University, or collegial bodies representative of the constituencies clearly affected by the appointment. In the case of the central administrative officials, the appropriate body shall be the Senate Consultative Committee. Reference should be made to college constitutions for any specific requirements [of individual colleges] for the composition of search committees for Deans.

The number of committee members will vary depending on the complexity of the constituent relationships of the position, but since large committees often find it difficult to organize as working groups, committees should be limited as a general rule to no more than ten members.

[Membership on search committees shall not be based upon quotas for any minority group or other protected class. It is the responsibility of each member of all search committees to be aware of and to carry out the affirmative action policies of the University of Minnesota.]

If a member of a search committee is nominated to the position being searched, and if the member allows his/her name to remain on the list of active nominees, the member should promptly resign from the committee.

IV. Charge to Search Committees

The President [(or his agent)] shall instruct [each member of] the committee in writing as to the following:

- A. Approximate date for submission of list of nominees.
- B. Number of nominees.
- C. Affirmative Action/Equal Opportunity requirements [including these guidelines]. ~~In the absence of a clear understanding of these requirements,~~ The committee should [also] consult with the Equal Opportunity Officer at the outset of the search.
- D. Arrangements for financial and staff resources (including provisions for travel, long-distance telephone calls, meals, and housing).
- E. ~~Formal requirements for discretion~~ [Personal responsibility of each member for affirmative action and discretion.]
- F. Need for keeping minutes of meetings and records of committee decisions.
- G. Any unique concerns with respect to the position.

The committee has the prerogative of ~~discussion~~ [discussing] with the President [(or his agent)] any of the terms of the charge.

V. Committee Procedures

A. Formulating the Position Description

The position description, to be prepared by the committee in collaboration with the President [(or his the [President's] agent)], shall include a full account of the responsibilities of the position and describe the educational background, experience, and competencies desired of the candidates. It should specify those criteria that will be given weight in making its [the] selection and should indicate the information to be provided about each nominee or applicant.

B. Posting the Position

The President [(or his agent)], or the chairperson, shall file notification of the position in the office of the Vice President for Academic Affairs and the appropriate publications, taking care that women and members of minority groups [and other protected classes] are made aware of the vacancy. Members of the committee are urged to inform their respective constituencies as to the position description and the selection criteria. [Often, well-qualified candidates will not volunteer their names for such positions.] In addition to advertising, [therefore,] the members of the committee should make every effort to contact knowledgeable sources off and on campus for names of the best qualified individuals, [including women and members of minority groups,] and names of institutions at which such potential candidates are most likely to be found.

C. Selection Process

Each committee will establish its own plan for screening and evaluating nominees and applicants. Whatever procedures the committee may elect to employ in arriving at its slate, the entire committee is responsible for the legitimacy of the process. Every member at every stage of the search shall have full access to the names and files of all persons under consideration.

The function of initial screening is to identify and eliminate, early in the search process, nominees and applicants who are clearly unqualified. Unwillingness on the part of nominees with obviously exceptional qualifications should not militate against eventual consideration until it is definitely established, ~~perhaps through direct approach by the President or the President's agent,~~ that the potential candidate cannot be persuaded to become interested in the position. The list of persons who remain under consideration after the initial screening will be those to whom the committee will be giving careful consideration and about whom the committee may be seeking additional information. Responsibility for requesting such information should be clearly delegated and its form clearly specified. Agreement should be reached as to assurances of confidentiality to be sought and assurances to be given.

When the committee has narrowed its list to those candidates whom it wishes to interview, the chairperson and the President [(or his [presidential] agent)] should collaborate in making arrangements for the interviews. The committee may wish to develop a set of questions to be directed to each candidate, but committee members should not be limited arbitrarily to such a list.

Although the committee will wish to seek consensus on the slate of nominees to be submitted, a formal vote should be taken by secret ballot and the results recorded. No committee member should divulge, without authorization of the full committee, the results of the voting. Only the names of fully qualified candidates should be included on the final slate. The committee's list of nominations should then be communicated by the chairperson to the President [(or his [the President's] agent.)] The committee or the President may also wish to schedule a meeting for mutual discussion of the slate.

D. Communicating with Nominators and Applicants

All nominations and/or applications should be courteously acknowledged, and so far as possible candidates should be apprised promptly of elimination from consideration. It is particularly important that the persons who have been interviewed be promptly informed when an appointment is made. Files should be kept

on each candidate and carbons of all correspondence. [Throughout the entire process, insofar as it is possible, candidates should be treated alike.] Every precaution should be taken to restrict materials to the eyes of committee members and committee staff.

E. Responsibility of Individual Members for Affirmative Action and Discretion

It is the responsibility of any member of a search committee who recognizes that proper affirmative action procedures are not being followed to communicate this concern immediately and privately to both the chairperson of the committee and the Director of the Office of Equal Opportunity and Affirmative Action. If this does not result in a resolution of the difficulty, the committee member should then communicate directly with the President or the President's agent.

F. [F.] Filing Affirmative Action Reports

The President [(or his the President's agent)] (in collaboration with the appropriate equal opportunity officer and the Director of the Office of Equal Opportunity and Affirmative Action) shall instruct the chairperson of the committee as to what official reports are to be filed. The chairperson shall file the necessary reports promptly and accurately. [Before submitting its final slate to the President, it is the committee's responsibility to inform the Equal Opportunity Officer of the make-up of the pool of applicants and of those candidates interviewed.]

G. [G.] Disposition of Files

Promptly after the position is filled and all affirmative action reports filed [submitted], but not until then, the chairperson shall be responsible for reviewing all applicants' files. After personal data are returned to the applicants or to other sources requesting them, the files shall be disposed of in accordance with current applicable laws and regulations, available to the chairperson in the office of the University Attorney.

VI. General Statement on the Relationship of the President, his [(or agent)], and Search Committees

The mutually desired end of filling positions with those persons best qualified to occupy them will be best achieved if channels between the President [(or his agent)] and committees are kept open. Like any other interested person, the President [(or his agents)] may submit nominees at the appropriate time for the consideration of the committee, and at any point in the search may inquire as to the committee's progress. The committee, on the other hand, may ask for suggestions or guidance from the President [(or his agent)] or for a reexamination of the charge. Since the purpose of the search is to attract top talent acceptable both to the search committee and the President [(or his agent)], there should be a close working relationship between the two.

After submitting its final slate, the committee should expect in the case of long delay in filling the position some explanation of the difficulty. When committee nominees are unavailable for appointment, or unacceptable to the President [(or the President's agent)], the committee may be asked to provide additional nominees. In such a contingency a full explanation of the circumstances requiring reopening of the search process should be rendered to the committee. The committee may decline to participate in any further search.

When a search committee is unable, for whatever reason, to fulfill its charge, the President [(or the President's agent)] may discharge it.

Since conformity to affirmative action requirements is imperative and the committee's responsibilities in this area are obligatory, the committee chairperson may wish at any point in the search process to seek information from the Equal Opportunity Officer. Doubts about the legality of procedures being followed should be resolved when they arise.

INFORMATION:

The Senate Consultative Committee has reexamined the guidelines for search committees for filling major administrative positions at the University, as passed by the University Senate on March 4, 1976, and recommends the changes contained in the above text. Those changes (1) emphasize the affirmative action aspect of a search and charge each search committee member with responsibility for seeing that affirmative action policies of the University are carried out; and (2) eliminate sexism in the guidelines' language.

WENDELL P. GLICK, Chairperson
Subcommittee on Search Committee Guidelines
RICHARD L. PURPLE, Chairperson
Senate Consultative Committee

VII. QUESTIONS TO THE PRESIDENT (15 minutes)

VIII. OLD BUSINESS

IX. NEW BUSINESS (15 minutes)

Please feel free to use this agenda item to comment on a topic you believe is of general interest to the Senate.

The Senate is reminded that this entry in the agenda (not to be confused with the Senate's "Questions to the President") may be used to raise specific issues, concerns and/or ideas of general interest. A motion is not required. As much as anything, the Business & Rules Committee wishes to remind the Senate that all ideas presented to the body need not flow from a committee.

X. TRIBUTE TO DECEASED FACULTY MEMBERS

ROBERT G. HINCKLEY

1903-1980

XI. ADJOURNMENT