

Minutes*

SENATE COMMITTEE ON FACULTY AFFAIRS
Thursday, December 1, 1994
3:15 - 5:00 p.m.
Dale Shephard Room, Campus Club

Present: Daniel Feeney (chair), Carole Bland, Rose Brewer, Daniel Canafax, Carol Chomsky, Mary Dempsey, Ann Erickson, Kinley Larntz, Dianne Mulvihill, Anne Sales, Bernard Selzler, W. Donald Spring, James Stone, Yang Wang

Regrets: Carol Carrier, Judith Gaston, Richard McGehee, Roger Paschke

Absent: Willard Manning, Ken Roering, Michael Sadowsky, George Seltzer

Guests: Nick Barbatsis, Mario Bognanno

[These minutes contain discussion on re-establishing the Faculty Advocate Office.]

1. APPROVAL OF THE AGENDA AND THE NOVEMBER 17 MINUTES

The agenda was amended to include a report on the faculty/staff newspaper. Approval of the November 17 minutes was postponed to the December 15 meeting.

2. CHAIR'S REPORT

Professor Feeney met with FCC regarding the proposed meeting with the President to address faculty morale. A joint meeting between FCC and SCFA to discuss this issue has been set for December 15. The draft letter and attachments will be sent to FCC in advance. Dr. Feeney said that some members of FCC are in full agreement with this issue, others are somewhat tentative. This meeting will hopefully generate formal consensus and more ideas on how to deal with the matter.

FCC determined that the tenure issue (regarding provosts having final decision on awarding tenure) should be handled by SCFA. Apparently most discussion about the provosts and administrative restructuring has not included this issue. A letter is being drafted on behalf of SCFA to be signed by Professor Feeney and Professor Dempsey (Chair of the Tenure Subcommittee) presenting the faculty's concern to the President. The group decided that this issue should be handled by SCFA rather than the Subcommittee.

The chair said that a new option on retirement incentives is to be presented to the Board of Regents. He was unsure if this would involve early retirement or an updated phased retirement program. The Retirement Subcommittee is planning to meet with Dianne Mulvihill to discuss this matter. The chair said that the Committee on Transitions to Retirement had functioned to determine how to make retirement user friendly.

* These minutes reflect discussion and debate at a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

Future items to be brought before the committee will include administrative review and the recent Texaco case (A federal court awarded rights to profits received from a scientific discovery accomplished in part through the use of non-copyrighted (photocopied) material).

3. RE-ESTABLISHING THE FACULTY ADVOCACY OFFICE

a. Historical Background of the Issue

Professor Feeney described that SCFA is interested in examining whether the Faculty/Staff Advocacy Office should be re-established or not. SCFA looked at this issue about two years ago where it decided, given the retirement of the staff person of the office and the new grievance policy, to put it on hold until this time. Mr. Nick Barbatsis (University Grievance Officer) and Professor Mario Bognanno (Assistant to the President) were invited to explain the new grievance policy, etc., and help SCFA determine if this office is needed.

The chair asked Dr. Bognanno to explain the history of the office, how the new grievance policy may have taken over the responsibilities of the office, and what role an advocacy office could assume today. Dr. Bognanno said that about three years ago a number of complaints (University employees against to University) were being debated in the public press. This occurred because the grievance process at that time was not well defined regarding the phases of protest that one could utilize. Many cases were subsequently "sidetracked" as to whether they were even grievances or not. Delay analysis found cases to be undetermined and unexamined 30 months after they were submitted.

This process was also complicated because every major employee group had a distinct grievance policy. Therefore, the President commissioned a committee composed of all these groups to draft a consolidated policy that included a clearly defined procedure. This included having an arrangement for inside neutrality (an arbitrator) to find justice without going to an outside court. The arbitration process was to be final and binding.

The Advocacy Office, staffed by Dr. Maurine Venters, was used to mediate faculty grievances in-house, and directing these University employees to the appropriate person or committee if their case was substantive. This function is now handled by the University Grievance Officer (Nick Barbatsis). Dr. Bognanno said that the old policy allowed parents of a student, a vendor, etc. to present grievances, demonstrating its lack of focus and definition. The new Grievance Policy employs four phases of dealing with complaints. Phases one and two involve direct discussions between an employee and the first-line supervisor, with the University Grievance Officer serving as a mediator. Phase three employs the use of a formal hearing. When phase four is necessary, the University turns to outside arbitration to determine a final decision. The policy does not clearly define who may serve as an advocate. The answer was implied that it would be a colleague to represent you in arbitration. In such cases, the University would agree not to bring in an attorney. At this phase four level, the fee for the arbitrator is split between the employee and the University (\$800-1,000/side).

Dr. Bognanno continued discussing the issue saying that about two and a half years ago representatives from GAPSA, SCFA, MSA, civil service, and CEE got together to consider how employee arbitration expenses could be collected. The Board of Regents decided that the University would not pay for the employees share, but would allow for the development of a collective pool of resources

which the group could draw from as needed. Dr. Venters operation did not provide any financial support to grievants (especially since this arbitration system was not established when she was at the University).

b. Developing a Faculty Advocate List

The issue of developing a list of faculty who would be willing to serve as advocates was considered by the committee. Such a person may simply be asked to assist another faculty member in drafting the necessary documents, walking the faculty person through the grievance process, or serving as an advocate for them in the latter phases of a complaint.

Dr. Bognanno said that the students have two fee-funded operations on campus: The Student Dispute Resolution Center and the Student Advocate Service. Student advocates are paid for their service.

The committee members commented on the following items:

- It would be possible to reconstruct the list of faculty advocates which Dr. Venters had from records of the Judicial Committee
- Administration should pay the entire cost of arbitration considering that the University has legal advice to the administration
- Dr. Venters was able to assist a faculty members in the process of starting a case or preventing the progression of one that did not have enough merit
- The former Faculty Advocate Office offered the faculty confidentiality that is not present at this time
- Students chose to tax themselves so that they would have an advocacy program available which is separate from the administration and funded arbitrators

c. Summary of the Current Grievance System

Nick Barbatsis said that he has been in this position for five months. During this time, 40-45 new cases have been filled, equally divided over the four employment classes: students, civil servants, P&A, faculty. Mr. Barbatsis said that faculty requested representation less than any other group especially regarding legal advice. Nevertheless, all these categories could benefit from the availability of an advocates list from which to draw assistance.

Dr. Bognanno asked Mr. Barbatsis several questions regarding the issue:

Question: Have you ever had a case go to arbitration?

Response: No; nor have any gone to this level during the 14 months of this new policy

Question: What percentage of the cases are settled at Phase I?

Response: Approximately 4 or 5 since Mr. Barbatsis started (This would be about 10-15%).

Question: Phase II?

Response: About 3 or 4 cases (Again about 10-15%). Mr. Barbatsis said that the policy is one of the best he has seen. Nonetheless, neither his office, the grievants, nor the respondents can usually meet the five day deadline required at levels I or II.

Of the 40-45 cases that have developed during Mr. Barbatsis' headship of this office, about half remain unresolved. These cases proceed to Phase III which requires a hearing at the University by a panel of peers. Panel members are trained by the Grievance Office. (The list of hearing officers is separate from the panelist list.) Mr. Barbatsis described how the Grievance Policy is worded such that hearing panels can usually resolve cases without requiring a hired arbitrator. He also said that the policy requires that the Vice President of Academic Affairs must respond promptly to cases.

One committee member asked how does one determine whether a case warrants filling a grievance. Dr. Bognanno said that if agreement cannot be reached in Phases I or II as to whether there is an actual grievance exists, internal panels (Phase III) or neutral panels (Phase IV) are relied upon. This committee member pointed out that an advocate may be able to help the grievant to determine the validity of the case at an early phase.

It was recommended that Professor David Ward (Chair of the Judicial Committee) come and represent his view of this issue to SCFA. Mr. Barbatsis agreed to this idea, adding that his exposure to the possibility of the need for faculty advocates was presented to him by the Judicial Committee. He also said that former hearing panelists and officers would most likely make the most insightful advocates.

In response to a committee member's question, Mr. Barbatsis said that he thinks there is a limited need for this type of service. His office location on the forth floor of Walter Library, provides the privacy that faculty prefer for examining if they have a grievance. The committee continued discussing whether an Advocate Office should be established and the level of privacy that is provided by the current Grievance Office. Mr. Barbatsis described that he reports to an advisory committee, which is chaired by an FCC appointee. This group advises the President of Mr. Barbatsis' performance. This arrangement provides a distinct separation between the administration and his office. A committee member said that Mr. Barbatsis should be put on the University Senate agenda to describe this to the faculty.

d. Committee Vote

The committee voted on this issue as follows:

- Those in favor of developing an advocacy office: 3
- Those in favor moving the issue to committee for further discussion: 1
- Those who believe that the current arrangement is sufficient until getting more info/calls - 6
- Abstain: 2

A committee member said that faculty need to be informed of the privacy that is available through the current Grievance Office. The committee wanted to be sure to state that this vote reflects that the current arrangement is sufficient. Mr. Barbatsis restated that Professor Ward would be best to rely on for names of faculty advocates. Professor Feeney said that he would contact Professor Ward about his opinion of this matter.

4. DISCUSSION OF THE FACULTY/STAFF NEWSPAPER

Carole Bland told the committee that nearly all faculty/staff newspaper at other universities are produced by their external/public relations offices. Therefore, the subcommittee addressing this issue

met with Vice President of Institutional Relations Mel George to discuss if he would be interested in providing assistance with this type of project. V. P. George told the subcommittee that they needed to define matters of purpose, audience, and priority of content. In the future, he recommended they consider issues related to a budget. James Stone said that SCFA needs to further define these items so that they can take advantage of V. P. George's offer of a test run of the newspaper (six issues). Professor Bland said that the primary issue to address at this point is "purpose," (i.e.: Who is this newspaper going to serve?). The subcommittee plans to meet with V. P. George, Marcia Fluer (University Relations), and representatives of other University groups before the holidays to present the content of this days discussion (especially on purpose, audience, and priority of content), and consider how to implement this idea.

The committee continued discussing this matter mentioning the following items:

- Such a publication would promote rapid communication, celebration, communicate from FCC, and general higher education news (Chronicle).
- Dr. George told the subcommittee that this publication could be more representative of the faculty/staff if it was co-edited by a faculty member and a member of Institutional Relations, and had an editorial board with faculty and representatives of internal constituents
- The publication should serve a broader audience to develop a sense of community
- The Minnesota Daily's Chief Editor Pam Louwagie said that their publication is a student paper must be directed and controlled by students. She was going to meet with her colleagues to determine if a more flexible opinion was possible
- A study of other universities showed that these institutions can support the presence of a faculty/staff and a student newspaper
- If this publication is successful, what happens to Brief, Update, etc.?

Professor Feeney determined from the committee that the audience should be more than faculty. The subcommittee will determine the remaining issues on audience, priority of content, and budget.

5. DISCUSSION OF THE DRAFT REPORT OF THE COMPENSATION WORKING GROUP

Carl Adams said that the Compensation Working Group was established by FCC and the administration about a year ago to develop aggregate and distributional compensation policy. The group has especially focused on the development of aggregate policy as it applies to faculty and P&A. The working group has determined the following items according to Professor Adams:

- The University needs to examine what its aspirations are academically (who are its peer institutions) and follow this with the funding necessary to achieve this as it relates to faculty and P&A compensation
- The University is compared to the top 25 research universities (not the Big 10). Therefore, the University should aim for approximately the 60th percentile for aggregate compensation compared to these institutions. This will be an aggregate for the entire University meaning that not all positions will pay at this rate.
- Compensation will differ per college and discipline based on market wages. Wages could be augmented by supplemental funds generated through grants, additional teaching or service activities, etc.

-- A corrective policy on wages will likely take 5-7 years to implement

Professor Adams noted several times that funding for this type of policy must be found through a number of means to achieve the compensation levels desired by the University. The first draft is expected to be released some time in December.

The committee presented questions to Professor Adams commenting on the following items:

- Liberal Arts programs are in jeopardy and need to be funded
- Graduate assistants are not included in this document
- The University needs to consider whether they have allocated enough for faculty salaries and benefits to meet the aggregate they are seeking
- Students are interested in meeting the Compensation Working Group because faculty salaries and tuition are often issues that are related
- Grant resources may be used to enable the University to reach the compensation level it desires
- Students must understand that state legislators are backing away from universal subsidy of tuition at its colleges and universities
- The working group is emphasizing that the University seeks sufficient funding for faculty salaries to compete on an aggregate level with these 25 research universities

The committee should expect to view the draft of the Compensation Working Group's report at the January 5, 1995 meeting.

The meeting was adjourned at 5:15.

-- Kevin Gormley

[Spelling and grammar corrected July, 2001]

University of Minnesota