

Minutes*

Faculty Consultative Committee
Thursday, October 25, 2007
1:15 – 3:00
238A Morrill Hall

Present: Gary Balas (chair), Nancy Carpenter, Carol Chomsky, Shawn Curley, Dan Dahlberg, William Durfee, Marti Hope Gonzales, Emily Hoover, Jeff Kahn, Mary Jo Kane, Judith Martin, Nelson Rhodus, Martin Sampson, Geoffrey Sirc, Jennifer Windsor

Absent: Barbara Elliott, Carolyn Hayes, Lois Heller, Becky Yust

Guests: none

Other: Kathryn Stuckert (Office of the Chief of Staff)

[In these minutes: (1) student-rating-of-teaching questions; (2) anonymity of external-review letters; (3) department-chair issues]

1. Student-Rating-of-Teaching Questions

Professor Balas convened the meeting at 1:15 and called on Professor Sirc to report on the reaction of the Committee on Faculty Affairs (SCFA) to the suggestions this Committee had made about revising the student-rating questions.

Professor Sirc reported that SCFA had discussed merging the two questions about the instructor helping and hindering learning into one question, there was debate about the wisdom of putting two issues into one question, and he now supports a compromise suggestion made by Professor Wambach: "What did the instructor do that most affected your learning in the course." SCFA also wished to keep the learner-centered question ("What could you have done to be a better learner?") and favored retention of the "Comments" option (as did this Committee).

The Committee unanimously approved the questions as Professor Sirc reported that SCFA proposed.

Professor Wambach said she would continue to work with students to see if the number of student-release questions could be reduced or if they could be replaced altogether with a system similar to that used at the University of Illinois.

Later in the meeting, it was agreed that there should be a set of best practices for departments to guide them in the use of the data from the student rating of instructors. Professor Wambach suggested that the initiative could come from the Committee on Academic Freedom and Tenure.

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

2. Anonymity of External-Review Letters

Professor Sirc next recalled that the Faculty Culture Task Force had recommended that the University seek an exemption from the Minnesota Data Practices Act to allow redaction of names and institutional affiliation from external-review letters for promotion and tenure cases. Last year this Committee endorsed the recommendation; SCFA was opposed to it. In the meantime, more information has been received from the CIC schools and University department heads/chairs. Committee members were provided with copies of all department-chair responses to a question about changing the law.

SCFA is still strongly opposed to the proposal; Professor Sirc reviewed the highlights of the discussion that had taken place at the SCFA meeting two days earlier:

- one SCFA members has been involved in 10 promotion and tenure cases, with 70 letters, and encountered only two refusals;
- academics should associate their names with their professional judgments;
- if given anonymity, letters are likely to be more negative;
- for faculty who have been through both systems, the open-letter system is better;
- SCFA thought Dean Morrison's comment was the most salient: is this something the University really wants to take to the legislature?;
- SCFA asked Vice Provost Carney if she sees a lot of need to read between the lines; she said she hopes people do not do that and reported that she receives very candid letters even with the Minnesota law; and
- if the University is in a minority, it should consider itself in the vanguard and the rest should catch up with it.

Professor Martin said that Dean Morrison's perspective was the critical one, in her view. Professor Martin said that Dean Morrison's perspective was the critical one, in her view. Professor Sampson recalled that a few years ago a member of the Board of Regents testified before the House Higher Education Committee in support of changing the open law on the University's presidential searches, and that effort did not succeed. The legislature likes open files laws. He added that while this is a different issue, it would be important to demonstrate to the legislature that the institution is suffering significantly because of the current laws.

Professor Kahn said he had read all of the department chair responses and noted how there were very different views across different parts of the campus. When the Faculty Culture Task Force met [of which he served as co-chair], they heard from a lot of people across the University about the need for a change and then-Professor Morrison was a strong advocate. Now Professor Morrison's view is tempered by practicality and politics. [Note: Dean Morrison reviewed these minutes and said that he said then what he says now: " unidentified recommendations were better, but not attainable."] Professor Kahn also observed that the department chairs did not all answer the same question; the strongest opposition was to total anonymity, but that is not what the Task Force proposed. The Task Force proposal was to redact the names and institutional identification of the authors of external reviews only for the version seen by the candidate; the department faculty would know who the reviewers were and the candidate would be able to read the text of any reviews.

Professor Kane said that her faculty believe that because some academic sub-disciplines are relatively small, even with names redacted, people would still know. The faculty reviewing the file want to know the authors; she said she believes that what the department faculty know the candidate should

also know. To make a request like this to the legislature would be dicey and would require the overwhelming support of the faculty and the administration. The views of department heads, however, are clearly divided so she does not feel it would be prudent to take this forward.

The University's practice is clearly out of step with the CIC, Professor Kahn noted. The University's practice is more open than any other institution. It is that way because of state law, Professor Balas observed. There is a case to be made because the University is out of step with its peers, Professor Kahn said; perhaps there is a value to being out of step, but the University should be clear about that if it is true.

Professor Gonzales said she was glad that her values aligned with the practical concerns already addressed by others. In terms of people saying they will not write a letter because of Minnesota law, psychologists know that people often do not give the real reasons they do or do not want to do something, so she hesitates to take some evaluators' reasons for refusing at face value. Secrecy is currently endangering the country's democracy and she would not want to endorse any action that would increase secrecy. She noted also a recent observation by a former president of the American Psychological Association that double-blind reviews are reducing civility in the academy because anonymous reviews are more negative than they would be were the anonymous reviewers personally accountable for what they write; she said she could not endorse something like that occurring when it affects people's careers.

The Committee was not sure what departments thought about the issue last year, Professor Chomsky observed, and she expected to find more support for a change in the law than the responses revealed [they were divided about 50/50 in favor of and opposed to a change]. She said she feels differently than she did last year, seeing the very strong support for open files that a number of chairs expressed.

There are quite different practices across the University, Professor Kahn observed; what if a department says it will redact names and institutional identifiers? If someone objects, they have the right to see the entire file, Professor Sampson said. People are not abiding by the rules, Professor Kahn pointed out. Professor Sirc reported that Vice Provost Carney had emphasized with SCFA the need to have standards that are followed. That is part of what is in the new Procedures, Professor Chomsky said, and it is clear that the candidate has the right to see the entire file. Departments could ask that candidates not look at external letters, but that would not be a good idea because it would create pressure on them to comply, when the procedures (and the law) make clear they have a right to see everything in the file.

Professor Kane again stressed that if and before the Committee moves forward, it needs much more data about how problematic this actually is. For example, she speculated that when some department heads ask for external reviews, they might not even tell the prospective reviewer about the Minnesota law because they are new and because the University does not have a standard letter that goes out to everyone. In sum, she surmised, there are no data on whether all reviewers are even told about the law, so how can one assess its overall impact? That is a critical statement that must be made to external reviewers, Professor Balas said.

Professor Kahn said that in his department, faculty must sign a form saying they have reviewed the contents of the file, including the letters. They do not have to ASK for the letters, they MUST read them.

Professor Dahlberg asked Professor Kane if she believed reviewers provide a different kind of letter if they are not told about the Minnesota law. Professor Kane said she did not know but agreed with Professor Gonzales that people have different reasons for not responding. In some cases, the letters might be different while in other cases it would probably make no difference at all. The bottom line is that the Committee does not have enough information to move forward. Professor Dahlberg said he guessed that the cases where the law would make a difference would be the cases where the department most needs a frank assessment of the candidate. Professor Rhodus said the responses indicated different practices, just as with journals; he agreed with Professor Dahlberg that some of the letters not sent could make a difference.

Professor Chomsky observed that the University's statistics on the percentage of tenure-track faculty who ultimately obtain tenure is similar to other CIC institutions, so it seems that the faculty are able to make effective judgments.

Professor Rhodus asked what impact the letters have on the dossier at the end of the day. They are really icing on the cake. Several Committee members immediately took issue with that assertion, indicating that letters were VERY important in their fields. Professor Curley commented that he just came off a term on the Carlson School promotion-and-tenure committee and their inability to get letters that the committee could use was a source of frustration.

Professor Martin said the message that should come out of this meeting is that existing standards are not being followed. Once everyone adheres to them, THEN the Committee can determine if there is a problem and deal with it.

Professor Kahn said the comments from department chairs were frustrating, too, because the Task Force proposal was only that the candidate not see the names of the reviewers—everyone else would. Department chairs were responding to different ideas, so no one knows what their stance would be on the Task Force proposal. He agreed, however, that if a sizeable minority opposes changing the law, no proposal should go forward. Some who wrote comments did not understand what was being asked; he said he did not believe the Committee had good information.

Although it had been proposed to take this proposal to the Faculty Senate for discussion, Professor Balas said there was not sufficient data and the practices across the University are not consistent and there is the political reality to be dealt with. He suggested the Committee table the proposal for now and talk with Vice Provost Carney about institutional practices, and then set up a mechanism next year to ask a more direct question. Professor Chomsky urged that something be sent back to the department chairs who responded to the request for information to let them know what will happen.

Professor Carpenter said a lot of people had their eyes opened by the department chair responses; they have a terrible time getting letters in science and math but had not realized how much support there is for the open file law.

3. Department Chair Issues

The Committee voted to close the meeting and held a discussion of issues raised by department chairs in the four lunches Committee members had had in the previous three weeks.

Professor Chomsky commented that the Committee needs to figure out a way to show the department chairs and other faculty that the Committee is pursuing the issues raised, both this year and last. The topics are sensitive, and the follow-up is often done in private, but as much as possible the Committee needs to report back on actions taken

Professor Balas adjourned the meeting at 3:00

-- Gary Engstrand

University of Minnesota