

Minutes*

**Faculty Consultative Committee
January 31, 1991**

Present: Warren Ibele (chair), Thomas Clayton, W. Andrew Collins, Amos Deinard, Paul Holm, Norman Kerr, J. Bruce Overmier, Thomas Scott, Burton Shapiro, Charlotte Striebel, James VanAlstine, Shirley Zimmerman

Guests: President Nils Hasselmo, Ken Janzen (Regents' Office), C. Robert Morris (Judicial Committee), Maureen Smith (Brief)

1. Report of the Chair

Professor Ibele reported that he had appeared the previous day at the Regents' open forum on the reallocation plan and had presented the statement adopted by the Committee two days earlier. Copies of his statement were distributed and it will also be printed for information in the docket of the Senate. He commented with disappointment that several representatives of the broadcast media "packed up and left at the midpoint" of the presentations--before most of the positive statements were made; this action leads one to query whether or not they were interested in a balanced and comprehensive reporting of events.

Professor Ibele next commented briefly on some of the agenda items which are proposed for the Senate and Assembly dockets.

He then asked Professor Shapiro for a report from the Finance and Planning Committee and noted that it will need to assist the President in keeping matters stable and on track until a successor to Mr. Donhowe is selected. Professor Shapiro concurred; he also reported on the progress of the work of the search committee to fill Mr. Donhowe's position. They have already culled through a long list of names of possible candidates. He expressed astonishment at the speed at which the Committee was working, inasmuch as it aims to recommend names of individuals for possible appointment as early as February 8.

Professor Shapiro also reported that considerable concern had been expressed, at the meetings of the Finance and Planning Committee, about the large amount of funds identified for reallocation to system-wide initiatives. They were told, at the last meeting, that the President does not wish to discuss details of the initiatives, and become pinned down to expenditures and dates, whereupon Finance Committee members expressed doubt that they would be able to continue to support reallocation. (There was agreement by Academic Affairs, however, that the general plans for each of the system-wide initiatives could be made available; the President discussed several of them later in this meeting.)

The President, Professor Ibele reported, has asked that commentary on the reallocation plan be provided to him no later than February 15 in order that the comments can be included in any revisions the administration might make prior to presentation of the final plan to the Board of Regents at their March meeting.

* These minutes reflect discussion and debate at a meeting of 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.

On the question of support of research vis-a-vis the Graduate School, in the plan, it was reported that a question had been asked at a meeting of CLA faculty. There appears to be fundamental disagreement between the faculty and the administration: There will be a great deal of additional money put into research, but not through the Graduate School (as some faculty believe would be more desirable). The money will instead be allocated centrally, to the colleges, including funding for interdisciplinary activities. Some of the interdisciplinary work the University should be most active in promoting runs across college lines--and it is that kind of work that is most difficult to promote because the deans want to take care of their own colleges first. To obtain the necessary funding requires convening all the deans; it is an extraordinarily difficult and frustrating process. It is the Graduate School, which has an over-arching institutional view and can see the cross-college synergisms, which should be provided mechanisms to allocate funds for interdisciplinary research. Individual faculty just get beaten down by the process and eventually give up.

The emergence of new knowledge, it was contended by another Committee member, often comes at the boundaries of traditional disciplinary structures. If the University cannot get past those boundaries then it cannot be on the cutting edge of research. The present plan is a very conservative strategy, one which adheres to traditional disciplinary lines and does not allow faculty to get involved in new areas of discovery.

It was agreed that this concern should be brought to the attention of the President.

2. Change in Faculty Consulting

Professor Ibele next turned to Professor Deinard to explain his proposal that faculty consulting rules be changed to permit internal consulting for compensation in addition to salary.

At present, Dr. Deinard said, faculty are permitted to engage in outside consulting for compensation; it is difficult to set up internal consulting opportunities. As a consequence, faculty must go outside, which seems undesirable when there are opportunities to consult internally, especially in cross-disciplinary work, which would be beneficial to all. (As an example, he needed the services of a psychiatrist, who is permitted one-half day of outside consulting by Psychiatry Department rules; the psychiatrist could not, under University rules, use the one-half day to consult with Dr. Deinard.)

In principle such an arrangement should be possible, one Committee member said, but it would be so subject to abuse that it would be worrisome. Given two people (A & B) who have grants, for instance, A might hire B for 25% time on a grant and B would do the reverse for A--with no increase in salary for either. Alternatively, they could hire each other as a consultant for one day per week--and each would receive a 20% salary increase. It is true that the same individuals could go outside the University and earn the money--but the possible abuses caused considerable concern.

Dentistry faculty, it was pointed out, are permitted to work either downtown or at the University's clinics for their one-day-per-week of consulting--and in either case are compensated for their work above their regular salary.

Committee members spent some while discussing the possible merits and drawbacks to permitting internal consultation for pay. Points raised included:

- Whether or not such internal consulting ought to fall within the ambit of regular professional responsibilities of a faculty member;
- That arrangements could be made, with those on 9-month appointments, to have the compensation awarded during the summer months (even though the work might not occur exclusively during the summer);
- The rationale for permitting outside consultation is not justified on the basis of extra compensation but rather on outreach and professional enrichment, and there may also be value in bringing in outsiders to consult on faculty research;
- The opportunities for compensation for pay may be more available in medical fields (and some others); and
- It should be possible to "buy" a portion of someone's time; cross-charging in this fashion would also not count against the individual's time permitted for outside consulting.

It was agreed that the question should be referred for review to the Senate Committee on Faculty Affairs.

3. Discussion with President Hasselmo

Professor Ibele welcomed the President to the meeting, who began by thanking the Committee for its resolution on reallocation.

The President reported that he had also received a copy of a resolution adopted by the Higher Education Coordinating Board expressing support for the reallocation plan.

There have been discussions about how to present the plan to the Board of Regents at their February meeting. There are, he said, five major changes which cause the most consternation and questioning: Waseca, the Mineral Resources Research Center, UMD Dental Hygiene, the College of Education, and KUOM. The forum presenters, he recalled, focussed on those units; the administration will respond to the questions raised. The administration will also look at the positive side and will prepare statements on the very substantial benefits that will accrue to the University which justify the drastic action being proposed (i.e., improvements in undergraduate education and improvements in CLA, IT, Duluth, and Morris, changes in Public Health and Pharmacy, reallocation to the Extension Service and Experiment Stations as part of the commitment to rural Minnesota and agriculture, and the system-wide initiatives).

Another point which needs to be emphasized is that while this is a five-year plan, details are in place only for the initial phase. The plan is also a commitment to certain directions of change, to moving resources in certain ways; various colleges and campuses are working through the normal administrative and consultative machinery to spell out details that will come later. This presents difficulties, in some

ways, because people want to know what will happen in April of the fourth year. This plan is not a detailed blueprint for exactly what will happen in the next five years; it would be impossible to develop such a plan. There are instead some dramatic shifts in resources which indicate a dramatic emphasis on certain priorities of the University. He asked for the Committee's help in understanding that the answers to some questions are left open-ended; by inclusion in the plan, however, there is a commitment to directing resources to certain areas. The details will be spelled out as soon as possible.

Professor Ibele told the President that the Committee would be helped if it knew more about the general themes, in the system-wide initiatives, that would be competing for funds. Funding for research is one about which the Committee is extremely concerned. Professor Ibele outlined the points which Committee members had raised thus far:

- The immediate problem of having sufficient set-up money for new faculty that are being hired, and
- The longer term problem that the "seed money" grants, which bring future research, be sufficient so that the process continues.

The General Research Advisory Committee funds are the principal means by which the second objective is met; for some faculty, it is the only source of support for their activities. The Committee is concerned that the proper balance be struck between these two needs.

In the recent past, set-up funds were typically derived 1/3 from the Graduate School, 1/3 from the college, and 1/3 from central administration. That process had some administrative difficulties but it did have the benefit of providing the Graduate School--the unit with the over-arching view--some control over where funds could best be directed. It also promotes those conditions which give rise to dynamic interdisciplinary research which crosses college lines. That perspective and resource, and the incentives the Graduate School can provide for cross-college lines, should be built into the entire general theme of providing strengthened research. The President agreed but said that the administration believes it would be unwise, at this point, to specify the allocation of funds among the system-wide initiatives. But he accepted the principles outlined by Professor Ibele.

Having heard the comments, at this meeting and others, no one doubts the commitment to interdisciplinary research and to research generally. The issue, another Committee member observed, is a difference in perspective: What is the best way to manage the investment. Some believe that most of it should be administered through the body which has the institutional perspective and which can, at the same time, deal in modest amounts of money. Claims made centrally are frequently for large amounts of set-up funds, for instance; claims for \$15,000 to start an interdisciplinary program, however, would not be heard and would be referred to the appropriate colleges. But obtaining the cooperation of the colleges is such a hurdle that the projects and programs needed to compete for large amounts of money available nationally cannot be put together.

Professor Shapiro informed the President that the concern of the Finance and Planning Committee is the magnitude of the amounts of money involved; the system-wide initiatives account for nearly one-third of the money to be reallocated. Could there not be a broad-brush summary of what initiatives would include, recognizing that none of them would be carved in stone?

The President took this opportunity to speak to the system-wide initiatives. The elements of the Undergraduate Initiative are known, he observed, and have thus far included funding the "top 40" courses which serve undergraduates, training of teaching assistants, providing additional advisors, and upgrading classroom space. Improvements along these lines will continue, over and above the additional funds to be provided to the colleges which provide instruction to over 80% of undergraduates. He also noted that improving classrooms, for instance, will benefit graduate and professional education as well; training teaching assistants will improve the skills of many individuals in what is likely to be their profession. There are mechanisms in place to work into annual budget allocations expenditures which will continue these improvements.

Minority student recruitment and retention will be guided by the blueprint Dolores Cross prepared as well as the recommendations, recently submitted, of the Task Force on Diversity chaired by Dean Richard Skok. He said he has already asked the vice presidents to review these recommendations and propose actions which can be taken in response thereto. Again, there is a systematic plan in place and mechanisms for implementation.

There has been work going on for several months to inventory the University's involvement in K-12 efforts. The list has grown to more than three dozen programs; a data-gathering and evaluation effort is underway. One objective is to see what works; where does the University have an impact? This project has been delayed, because of other demands, but he will make a report to the Board of Regents; out of this work will come recommendations about programs where the University can make a difference.

The Graduate School General Research Fund is the strongest candidate for funding out of the pool of additional funds for research. He agreed with the observations made earlier about the need for a broader view of research activities. He also concurred with the comment that interdisciplinary efforts as important for teaching as they are for research. The administration, he told the Committee, is trying to think "in columns and rows," where the columns are the traditional administrative structures in the University and rows are the interdisciplinary initiatives. There are major interdisciplinary initiatives which are high University priorities (such as biomedical engineering, neuroscience, and the consortium on children, youth, and the family). The University is consciously trying to keep track of these major clusters of interdisciplinary efforts as colleges are funded.

Telecommunications is an area where the University has done considerable planning, especially in connection with the STARS system that the State has discussed. More systematic planning on the University's future in telecommunications is underway; a number of units have been very active in the area (Crookston has an electronic classroom, for example, which demonstrates the ease of communication across large distances). The instructional opportunities for the entire State are almost unimaginable, the President said, although the pool of funds available will probably not permit more than additional planning.

The system-wide initiatives, the President concluded, were not simply inserted in the plan as some kind of smorgasbord (as the American public understands that term); they are a smorgasbord (in the true sense), he commented wryly, because smorgasbords are very well-structured and very well organized!

The President was asked how the University plans to address the issues raised at the forum about P&A appointees as reallocation occurs. He said that these issues have been on the agenda for some time, especially the extent to which the University should extend continuous appointments to P&A employees. There is no easy answer to the question and it will be on the agenda as the overall review of personnel management and policies. This, he noted, is not directly a cost issue but is related to flexibility. The other issue, which does have financial implications, is extension of fringe benefits to part-time employees. The University has weighed the pros and cons of such a change in each of the last three budget cycles, the President reported, and has always concluded that the issue is not at the same level of urgency as other items. It does not appear that there will be an opportunity to make the change as part of reallocation, especially if reallocated funds will not be used for salary adjustments.

One Committee member responded that studies have suggested that the dollar amounts involved would not be very great. If all part-time employees are considered, including those who work only 20-30% time, it is a large problem. If, however, only those who work between 50 and 75%, the numbers involved are not very large. As far as continuous appointments are concerned, it was said, that is not the real issue; the vast majority of P&A appointees have less job security than civil service employees--and they resent it. This is not fair and should be looked at. The situation is an historical accident.

One Committee member next observed that it is very easy to ask for things but very hard to identify what should be given up in order to obtain them; it is a zero-sum game at any particular time. Improved fringe benefits are continually being sought but there is a reluctance to sacrifice other things. It is unfortunate that committees only see one side of the ledger and leave it to the administration to see the other side. There has been discussion of P&A appointees; there are also a large number of civil service employees who are supported, long-term, on federal grants who have no job protection. These individuals could lose their jobs tomorrow. There are a number of inequities at the University which merit attention but changes in which have consequences for others.

These individuals, it was pointed out, are those who have no representation in the governance of the University, the P&A employees on non-continuous appointments. Committees do ask for things, usually for themselves; in this case the request is for others, a group that is powerless in the University.

In response to another query, the President said he could not conclude, from the HECB endorsement of the reallocation plan, that it was lessening its criticisms of the plans for baccalaureate programs at Crookston. Their statement was a general one endorsing the need for reallocation and the need to make hard choices.

The President said he has written to the major consultative bodies of the University asking that the loop be closed, to the extent possible, on the reallocation document. He would like to receive comments by the February Regents' meeting, if possible, and no later than February 15, so that the administration will have the benefit of questions and comments as it reshapes the final recommendations for the March meeting of the Board. He repeated that this is an emerging five-year plan and that he seeks endorsement for the directions being proposed--with the understanding that the college, campus, and University machinery will be involved in development of the details of the later years of the plan.

The proposal to close the Waseca campus, one Committee member noted, has political implications, as do other elements of the plan. The President was asked to outline how general support

for the University would continue to be built around the State--especially since much support has been campus-specific. How will the State be convinced the University is worth supporting generally in addition to the campuses in a particular region? The President acknowledged that this is a serious concern. There is general support for the institution, but it also has very specific loyalties tied to certain units. There must be a continued intense effort to present what the University is trying to accomplish; the President said he continues to meet with community leaders around the State to explain the University and to get beyond the veil that sometimes seems to exist. This must be a massive and continuing effort; he said he appreciated what the faculty have done along these lines and what the people of the Extension Service are doing to bring knowledge about the University to local constituencies. This is not only a political matter, he pointed, but an obligation on the part of the University to explain to the citizens of the State what it is doing. The presentations, he told the Committee, are often in very human and real terms, laying out the specifics of what individual faculty have done and the impact on the people of the State.

On a political level, he said, the University is working as closely as possible with the legislative leadership and with the Governor's office to explain the benefits of the reallocation plan, why it is necessary to move such massive amounts of money into relatively few areas, and how the needs of the citizens of Minnesota will be served.

The President also explained that Vice President Heydinger is working with a key legislator who has questions about whether or not the University can use Indirect Cost Recovery funds to finance its portion of the construction costs of research facilities. If it cannot, he said, the University will not be able to construct any more research facilities.

As far as Waseca is concerned, the President told the Committee, he is trying to divorce it from the question of the University's commitment to agriculture and rural Minnesota. There is no doubt in his mind that they are totally separable, he said; through the reallocation process the University is trying to serve rural areas and agriculture better. With Waseca, the University has been trying to serve students in a terribly uneconomical way. Getting this point across, he reflected, is difficult. A number of rural and agricultural constituencies, however, do recognize what the University is doing and that there is no change in philosophy.

The President and Committee discussed briefly the meetings that are being held around the University to discuss the reallocation plan.

The President also related that he would be in San Diego the next day to meet with the NCAA Infractions Committee to try to lay finally to rest the allegations concerning intercollegiate athletics.

The President closed by telling the Committee that he had hoped to have more information about the ROTC issue--but did not. He assured the Committee that the University is pursuing the issue with other universities and is not simply waiting to see what happens. Professor Ibele in turn told the President that there will be a resolution from the Committee on Social Concerns concerning the ROTC program which will be considered for placement on the Senate docket.

Professor Ibele thanked the President for his comments.

4. Changes in the Tenure Code

Welcomed next to the Committee meeting was Professor C. Robert Morris, chair of the Judicial Committee, to discuss possible changes in the tenure code as they govern interaction between the President, his administration, the Judicial Committee, and those involved in Judicial Committee proceedings. The problem revolves around the consultation between the President and the Judicial Committee if the President decides to take an action at variance--a greater sanction--with the recommendation of the Committee.

The implication of one of the changes, it was pointed out by one Committee member, is that there is an adversarial relationship between the faculty and the administration. The point is to guard against the administration taking a more negative action than recommended by the Judicial Committee--whereas actions more favorable to the faculty member can pass without comment. That, it was said, is not a fair representation of what is of concern to the faculty generally. The Judicial Committee might suggest stringent sanctions which the President would reduce--but which reduction could be seen as undermining the welfare of the University. The Committee decided, after some deliberation, not to amend the language of the proposal.

Committee members discussed various aspects of the proposed change. One individual inquired about the freedom of the President to consult with attorneys on a case. Professor Morris told the Committee that in the event a member of the University Attorney's staff has represented an administrator in a Judicial Committee proceeding, the President may not then consult with any member of the staff. The canons of ethics of the bar preclude such consultation, although the question is not addressed in the proposed changes to the tenure code. The Attorney's office recognizes this requirement.

One Committee member expressed opposition to the recommendation on the grounds that there would be a number of tenure code revisions proposed in the future in order to align it with the new grievance procedures (including changes in these sections of the code) and that piecemeal changes were inappropriate and a waste of people's time. This change, it was also said, is an improvement over what now exists--but further improvement is desirable and should be made when the other changes are proposed.

Others disagreed, saying that the other changes may not come for several years; as people identify parts of the code which need revision, the changes should be made. Another said that if this is important, it should not wait a year or more; this would not prevent further changes in the future. Professor Morris pointed out that the Judicial Committee is in continuous operation and that there are cases coming up which concern the faculty; if the change is to await additional later proposals, there may be cases which come up which will not have the benefit of the improved procedure. In justice to those involved, he said, the change should be made.

It was maintained that the changes cut down on the rights that faculty have had. Before, the President could not discuss the case with the vice president except in the presence of the faculty member or his or her representative. That representation would no longer be required. There are reasons for that change but there should be substitutions for that right. There is reason to be concerned about people getting together and talking about the case without the parties being present. Professor Morris pointed out that the new language says the President may not talk about it with the Academic Vice President at

all. The change is to clarify that the President may talk with other people who should not be excluded; the Judicial Committee, he said, believes that the President should be able to talk to his administrative assistant or an advisor--the same ability that all executives have to talk off the record with their staff. The old language could have been interpreted, by an unfriendly reader (such as a federal district judge) to preclude such conversations--which would have made the University unique in prohibiting its chief executive officer from talking to his colleagues in private.

The President is a judicial officer as well as an administrative officer, it was contended, and it requires considerable care to balance those two roles. The original language tried to get at that balance; in acting as a judge, the President gives up some of the prerogatives he has as an administrator. There may be good reasons for this change, but there were also good reasons for the original language.

It was moved and seconded to approve the proposed change in the tenure code and place it on the docket of the Faculty Senate. The motion passed 9-1.

Professor Ibele thanked Professor Morris for his time; the Committee adjourned at 12:00.

-- Gary Engstrand

University of Minnesota