

Minutes*

**Faculty Consultative Committee
December 17, 1992**

Present: Mario Bognanno (chair), John Adams, Amos Deinard, Judith Garrard, Paul Holm, Benjamin Liu, Karen Seashore Louis, Toni McNaron, Irwin Rubenstein, James Tracy, James VanAlstine, Shirley Zimmerman

Guests: Associate Vice President Carol Carrier, Senior Vice President E. F. Infante, Patricia Mullen (Equal Opportunity Office), Assistant Provost Janet Spector

1. Search Protocol

Professor Bognanno convened the meeting at 12:45 and welcomed Pat Mullen to discuss the draft search protocol. Ms. Mullen explained that this document represents new procedures to be used in central administrative searches plus material that would not otherwise be included in the institution-wide guidelines for the conduct of searches. Most of the earlier Senate policy has been supplanted by the new guidelines, but there is nothing in them that speaks to the role of Senate committees in interviewing candidates or their role in the selection of search committees.

Asked how one can be sure the protocol will be followed, it was said that it will be included in the search guidelines and appropriate references to it will appear in the guidelines.

After some minor amending, it was agreed that this protocol would be combined with the comments of the Student Senate Consultative Committee, presented to SCC in January, and then placed on the Senate docket for information.

2. System Plan for Campus Security and Training on Sexual Harassment and Violence

Dr. Infante then explained to the Committee that he had appointed a small committee to identify how the University will respond to recent legislation passed by the Minnesota legislature concerning campus safety and training about violence and various forms of harassment. He said one can imagine the issue as having two vertical and two horizontal components: the two vertical are safety on campus (lights, security, etc.) and an environment comfortable for people in their personal interactions; the two horizontal are faculty and staff, on the one hand, and students on the other.

The campus safety issue is relatively uncontroversial, although it does consume resources. The Office for Student Affairs will be responsible for implementing the legislation with respect to students. The environmental component for faculty and staff is what of concern to the Committee, and where the work needs to be done. He sees, he told the Committee, a steady stream of cases of sexual harassment or of inappropriate behavior, so action is required. Dr. Carrier will be responsible for faculty and staff training, but he said he wants to appeal to his colleagues to make the University a more harmonious and comfortable place to work.

* 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.

The events in one college are disheartening; from a distance, it appears that everything that could have gone wrong did. We must learn from that event, as quickly as possible, he said, and his office would try to contribute. He said consideration of and training in sexual harassment is an obligation the University has on itself as a collegial unit; he expressed hope that the faculty, and faculty leadership, would assume some of the responsibility for assisting. Brainwashing is not what is needed, but there are problems in this society that need to be addressed.

Dr. Spector then reviewed the history of the legislation and the charge to the committee to advise on how best the University could respond to it. The plan the committee developed, which has been presented to the Board of Regents, is broad and descriptive and consists of a number of elements. The element which has garnered the most attention is the development of a training program for all members of the higher education community.

Everyone seems to agree in principle on the need to reduce sexual and other kinds of harassment. One part of doing so consists of getting clear information and definitions, along with policies, to both victims and those charged with harassment; written materials will be prepared. A second part is training, including the causes and effects of sexual harassment and how it affects the environment of the University.

The committee was not naive, Dr. Spector told FCC; it understands there will be difficulties: the language of the law is not clear, the delivery problems in an institution of this size are staggering, and the subject is controversial--people bring to it very different experiences and perceptions.

IT SHOULD BE CLEARLY UNDERSTOOD that this is a proposal; no training has taken place yet under this particular program. There has been a lot of training on campus over the last five years, but no systematic program to deal with harassment is in place; the committee hopes to draw on the experience of the past five years in developing its plan. The training will start next year, with student and faculty leaders along with administrators. The University will "pilot" materials and will also work with the other higher education systems to try avoid inventing everything anew.

The test of the training will be whether or not there is a reduction in sexual harassment, it was pointed out by one Committee member. There are baseline data, Dr. Spector responded, from a survey on sexual harassment. The dilemma is whether or not training reduces sexual harassment; as a teacher, she said she believes that one can, at a minimum, lessen naive comments and actions. Any training will have to be sensitive to the people in the room--some of whom will have experienced sexual harassment and some of whom will have had no experience with it at all. There are people on campus who have been doing training for some years; an inventory of those efforts is being conducted and the trainers will be sought as advisors on this effort. There has also been talk about Minnesota becoming the site of research on whether or not such legislation works.

The following year those who were trained will be responsible for delivering the training to the individuals with whom they work, with assistance from central administration. The content and format for the training remains undetermined.

The University's plan, along with those of other higher education systems, is being forwarded (following Regents' approval in December) to the Higher Education Coordinating Board, which will in turn report to the legislature how the higher education community has responded to the legislation.

Presumably the HECB report will include the financial implications of the legislation. In the meantime, the University will try to implement it.

One Committee member commended the report as thoughtful and careful and expressed concern that one unfortunate session not even a part of the plan may have a negative impact on it. Although a moratorium on such training may be too drastic a step, this is important enough an issue that it be started at the top; there will doubtless be setbacks next year as well, so it needs to get off to a good start.

Dr. Spector affirmed, in response to a question, that they will try to rely on existing training programs; they will attempt to build on or expand the focus on violence and harassment.

The thorniest part of the plan, it was pointed out, revolve around the issues of "who is required to attend; who is exempted from attending; what criteria trigger required participation" and "how attendance is monitored; what actions will be taken for not attending." These should be positive sessions, it was said, rather than something faculty and staff are "whipped into" attending; it will be essential that faculty and staff have a positive stake in attending. This is an issue that will require a lot of hard thought.

Part of the difficulty may be in the terminology, said another Committee member. "Training," like "faculty workload," leaves a bad taste in the mouth of some. This plan seems in some places to have the quality of dealing with one's probation officer. Dr. Spector said they have used the term "training" because that is the term used in the legislation--and any attempt to use different words would be seen as coy. What they really mean is EDUCATION, she pointed out.

Another concern, it was said, is the place this initiative occupies among the many other initiatives in which the University is involved. Much needs correcting at the University, and some see the prominence attached to this initiative as detracting from the prominence other activities should receive (such as improvement of teaching and faculty productivity). Those who see this initiative in this light will not see it as important as others.

The statute, it was noted, can arguably be read to call for mandatory training. The central question is whether or not there will be a time when faculty MUST attend, with attendance taken and consequences if they do not. It is to be hoped not; without such provisos, the opposition to the initiative will be greatly reduced. Dr. Infante said he did not know the answer to the question. There has been sentiment at the Board of Regents for a mandatory course for students, without which they could not obtain their degree; he said he has opposed this notion.

The language of the statute notes the difference between the University and other institutions; could the University take the position that it intends to proceed in a certain way and report those steps? Mandatory training for supervisors would be acceptable, but the sorest point, mandatory training for everyone, would not be.

It is not difficult to imagine an effective training program, said another Committee member. Chairs can be trained, for instance, and then they can bring up the issue in their departments for discussion and information--not lectures--on how to handle situations of sexual harassment. Minds will not be changed in a 3-training session, but faculty and staff can be sensitized to legal issues and norms of behavior.

The question of mandatory training remains, it was said, but there is a difference between information and therapy. The quasi-therapeutic approach is insulting; if the sessions are billed as informational, the sting is taken out and they become more useful. The statutory language, however, includes a proviso that sessions will include training on the causes of violence--that is dreadful, it was argued, because faculty will be subjected to someone's theory about the causes of sexual violence.

If one wants to change values, it was pointed out, a year-long course would be required. The University isn't going to do that, so it needs to do something sensible. Presenting cases and what faculty should do when confronted with them would be helpful, as would noting that judgment calls are required and increased sensitivity could inform those judgments. Much of the behavior involved falls in a gray area, another Committee member observed, and needs discussion in a group. The plan needs to be sensitive to a proposal that will corner people and threaten them.

There is no parallel for mandating attendance at these sessions, it was argued. The only activities faculty are mandated to do is teach their courses and turn in grades. There are other state mandates, it was responded, that the faculty do not like but they live with them. The faculty are in some sense privileged, it was argued further; many people at the University have mandated sessions, but there is nothing like it in CLA.

The idea is to do something meaningful to educate faculty and staff, Professor Spector said. There are individuals at the University, she pointed out, who have had very bad experiences with their departments and who would cringe at the notion that the departments will carry out the training.

Training is a good idea, summarized one Committee member; making it mandatory is not, but that may be part of the state law. The University simply must do what will have the greatest impact on the greatest number--and acknowledge that it will probably have little impact on those who most need the training.

Dr. Infante said he was pleading that this be seen as a positive effort. All kinds of things could be mandated, but that doesn't mean anything would come of them. He said he expects a sensible and sensitive program to be put together that will lead to making the University a better community.

Where this needs to start is in K-12 education, one Committee member observed. This is the old problem of prejudice; it may also be about the exercise of power, but that itself arises from attitudes by one person to another. The University can do the training, but the big problem is the prejudice the human race has never learned to deal with. That is, commented another, a good reason to attend, because all of us are at risk as victim and perpetrator.

One Committee member expressed dismay at the nature of the comments. It is clear, from experience as a teacher, that students come with many unexamined ideas and information; it never occurs to one to coddle them as one tries to disengage them from those unexamined ideas. Students may resist, get angry, walk out, but one must assume the goal of higher education is worth it: to move people off the dime onto larger ground. That is not easy to do. The subject of sexual harassment is not easy, and people deal with it like students: they have unexamined assumptions they don't know how to address without discomfort. If the sting is taken completely out of the training, nothing will happen--which will be a waste of everyone's time. There must be some middle ground between what none want (forced training and cramming) and a program so bland it accomplishes nothing.

Another Committee member maintained that in many classes, faculty members approach what people think about an issue and then leave it. They should say what is right and wrong--students can disagree or not come to class, but older people who have studied the questions and who have experience should say "I think this is wrong." Not all teachers will agree, but students would experience people holding their ground. On the other hand, related another Committee member, one can make attendance at meetings obligatory, and inculcate right and wrong--and by so doing defeat the very objectives that were intended to be achieved.

Somewhat parallel training is going on for legislators themselves, Ms. Mullen told the Committee. People are asked to sign in for the sessions, and the enforcers are the minority and majority leaders. Legislators are told to go through the sessions because the legislature does not want to see their names in the paper. They have, in a sense, imposed this training on themselves. If the gist of the discussion at this meeting is to eliminate the mandatory aspect of the training, it is possible legislators will be unhappy that the University will not do what they require of themselves. It would be best, she agreed, to conduct the training with as many incentives as possible and with many, many sessions that are rational and convenient.

One way to view the training is to see it as a way to remove an obstacle to people doing their jobs. The faculty have much to do, with limited resources and many obstacles, of which this is one. Faculty need to be enlisted as teachers and role models rather than told they better stay out of trouble.

One of the authors of the legislation, Dr. Spector told the Committee, said it arose from a concern that people are ill-equipped to recognize the problem and an interest in seeing that they are trained to do so. She agreed that it would need to be carefully done. It would be a travesty to do it sloppily when there is an epidemic of harassment occurring. The epidemic, charged one Committee member, has been around for a long time--in the school bus, in the classroom--and it is only now that we are labeling it. This has been part of America since its inception.

Faculty members in IT are required to view films about safety, one Committee member pointed out, and must sign in. Faculty resisted at first, but virtually all of them afterwards acknowledged that the films had been very helpful in reducing injuries and risks for students. The sexual harassment training sessions must be positive and interesting.

Professor Bognanno thanked Ms. Mullen and Dr. Spector for joining the meeting and expressed the hope that the discussion helped in their thinking about the plan.

3. Discussion with Senior Vice President Infante

Dr. Infante then informed the Committee that three of the vice presidents have been in office for three years and will be undergoing major reviews (Allen, Hopkins, and Hughes). He is sending out a notice to all faculty and staff of the units which report to them asking for opinions. He has asked Dean David Brown to chair the review committee for Dr. Hopkins--he said that while peer review is the norm of the institution, he did not want to ask another vice president to review a vice president because it could do damage to the "team." There was a question about whether or not Dean Brown had chaired the search committee that had led to Dr. Hopkins being hired; if so, it was suggested, it is perhaps inappropriate that he also chair the committee reviewing her performance.

Professor Bognanno thanked Dr. Infante for joining the meeting.

4. Compensation for Committee Chairs

Professor Garrard next distributed the report of her subcommittee to deal with the issue of how the Senate rule calling for compensation for certain committee chairs should be implemented.

The Committee agreed that any use of the funds not inconsistent with University regulations would be acceptable, including, for example, summer funding, released time, equipment purchase, research assistance, and administrative augmentation.

Any final resolution of this issue, it was pointed out by one Committee member, should await the recommendations of the subcommittee of the Academic Integrity Committee that is looking into internal consulting. The subcommittee may take a hard line on internal compensation. It was unanimously agreed that this recommendation would be reviewed if and when the Academic Integrity committee recommendations are acted upon.

The report, with minor emendations, was approved by the Committee and will be placed on the docket of the Senate for information and delivered to the President's Office for implementation.

5. Reviews of Administrators

Professor Deinard reported that he had received no comments of significance on the draft report, other than what had been said at the last meeting. In a recent meeting, it was agreed that the message to Dr. Infante should be brief and deal only with policy questions, with implementation left to another time and place. He said he would distribute a revision of the report and asked that Committee members respond quickly.

The principle point of the recommendations is that faculty participation must be included in all reviews of administrators, must be part of the written record, the faculty evaluations should come from a sample of sufficient size, randomly selected (and perhaps all the faculty in smaller units), and the faculty must be guaranteed anonymity.

The Committee deliberated about the number of faculty who would have to be included in a random sample, but then concluded that was an implementation issue. As to burdensomeness, it was suggested that short form of one page could be provided to faculty; most would not feel it a burden to submit such a form once a year about their dean's performance--most would regard it a service to their college.

The Committee adjourned at 3:00.

-- Gary Engstrand