

Minutes*

Faculty Consultative Committee
Thursday, April 18, 1996
11:00 - 1:30
Room 626 Campus Club

Present: Carl Adams (chair), John Adams, Carole Bland, Victor Bloomfield, Dan Feeny, James Gremmels, Russell Hobbie, Roberta Humphreys, Laura Coffin Koch, Fred Morrison, Harvey Peterson, Michael Steffes

Regrets: Lester Drewes, Virginia Gray

Guests: Senior Vice President E. F. Infante

Others: Professors D. Fennel Evans, Judith Garrard, and David Hamilton, Martha Kvanbeck (University Senate), Maureen Smith (University Relations)

[In these minutes: docket approval; upcoming discussion of tenure with Regent Reagan; tenure (both FCC by itself and then with Dr. Infante)]

1. Housekeeping Items

Professor Adams convened the meeting at 11:30 and noted that there were a few housekeeping items that needed attention. He reviewed the proposed dockets of the University and Faculty Senate agendas and the Twin Cities Campus Assembly for May 16; all of the individual items had been approved at the Senate Consultative Committee two weeks earlier.

The Committee noted that the resolution concerning the Mitsubishi Corporation had been revised slightly after the last discussion. One Committee member inquired if the Committee was confident about the "whereas" clauses in the motion; it was noted that the Committee had discussed its role with respect to these resolutions, and concluded it did not approve the motion itself; it only approved putting it on the docket. Asked what the policy is about putting items about social concerns on the docket, it was noted that Senate committees are free to present items to this Committee; this Committee, in turn, is free to decide if they should be put on the docket. This Committee could decide that something was sufficiently outrageous that it should not be on the docket.

The issue is not whether or not it is outrageous. The question is that there are a lot of wrongs in the world; what are the boundaries for the Senate? One relies on the committees themselves to act as a screen; if there are reasons to believe a committee is not doing its job appropriately, it can be challenged. But this Committee is not expert on many things that come before it. The question is what criteria they use; other faculty may not be experts either, and could ask why not a motion on human rights abuses in China? This is a good idea, Professor Adams said, and the committee could be asked what criteria it

*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.

used.

The point was made by Professor Dickey that this particular company was particularly egregious in the world-wide reach of their environmental practices; it is not just a small case. It is one of the world's biggest companies, and the argument is that they are having a deleterious impact on the world's rain forests. A few comments to this effect would be helpful, it was said.

The docket was then approved.

After brief review, the Campus Assembly docket was approved, as was the docket of the Faculty Senate.

Another housekeeping item is the presiding officer of the Faculty Senate for the meeting later in the day. The President occasionally steps aside as presiding officer, and in particular when tenure is being discussed, because he is a party that subsequently reviews these matters. The vice chair would then normally preside, who is Professor Humphreys. It has been suggested that since she is signer of an action item that will come before the Faculty Senate, she may also wish to step aside. Professor Humphreys said she would preside until an action item came up in which she was involved; at that point she would step down. It was agreed that Professor Bloomfield would be presiding officer if Professor Humphreys steps aside.

2. Upcoming Discussion with the Regents

Professor Adams then noted that there have been questions about how the Board of Regents expects the rules to be interpreted if things are discussed by the Faculty Senate. Some have suggested that one possible interpretation is that the Board would be licensed to unilaterally act on any item that had been brought up and discussed. Most have interpreted the rules to mean that the Board will not act unilaterally, and that has been the tenor of the discussion with the Board. He said he has informed Regent Reagan that there has been concern; he said it was his understanding was that the way the process has been discussed (the Board will not act on any changes, regardless of the source, until it has formally received recommendations from the Faculty Senate) is the way the Board intended and expected to deal with the matter. Regent Reagan expressed a willingness to put that understanding in writing, and suggested that this be discussed at his meeting with the Committee on April 25.

Just as a commitment from the FCC chair does not bind the entire Committee, a commitment from Regent Reagan would not necessarily bind the entire Board, and the Committee may wish to inquire about the standing of the assurance. It can be discussed with him on April 25. Professor Adams said he has been considering raising this issue for some time, and has been looking for the appropriate moment; he said he thought it would be useful to do so in person on the 25th. It is essential to receive such an assurance, he said, because a number of people have raised the concern.

Asked to amplify on the discussion, Professor Adams said the way the process has always been talked about is this. If the Faculty Senate brings something to the Regents, and if the Regents find, for whatever reason, that that "something" has elements they cannot accept, or is missing something they believe they need, they will identify those matters and send the issue back to the faculty for reconsideration and comment. They will not, at that point, act unilaterally. That is a reasonable

interpretation of the procedural rules; it is a question of responding to people's concern whether the rule could be interpreted in another way. Regent Reagan said this has always been his interpretation, and if it would help, he would be willing to put it in writing. He is aware of the circumstances and is willing to respond.

What the Committee needs to think about is the form of the assurance it will receive. Regent Reagan saying this is one thing; Regent Reagan saying it formally on behalf of the Board is another. This need not be resolved here, but it is an important question.

After a brief discussion of the presidential search and discussions about it between Board members and this Committee, the Committee turned its attention to tenure matters.

3. Tenure

One Committee member expressed the view that there are 15-20 changes to the tenure code that are housekeeping items. Of the other initiatives, there are perhaps eight or nine of the thirteen, assuming acceptable wording can be developed, that have elicited no objections. Then there are three or four that are very complicated. If it is possible to take care of the housekeeping items, and to deal with the fairly benign interpretations or modest changes, then in June there will be few significant items that the faculty will want to spend more time on. If the faculty can go to the Regents in June and explain what has been accomplished, tell them that it is a big job that cannot be rushed, and that the remaining items will be taken up next fall, the best posture is for the faculty to take ownership of the process, behave responsibly, and then pass the burden of responsibility to the Regents.

There have been a number of comments about the Regents' meeting last week, reported one Committee member. From conversations with a number of people in the Twin Cities who have no connection with the University, it was reported, it appears that those outsiders were astonished at the behavior of the Board related to General College. That is the Board's problem, however; the faculty have to do their job and get their part done. If the Regents then behave in ways the faculty wish they didn't, there are limits to what the faculty can do.

The Tenure Subcommittee has identified two groups of material, it was said. One is the housekeeping items, which no one seems concerned about. The second group is the thirteen points, seven or eight of which are non-controversial. Then there are the three-five items where the wording has to be modified or they will not be adopted; the faculty will reject them. The question is, what is wrong with this approach?

The problem, responded another Committee member, is that one needs to read one's email. At an earlier stage, that might have seemed sensible. The psychology of the situation now, and the perception of the misplaying of the process, has led to the point where "we really need to back up and calm things down."

The factual allegation that seven or eight of those proposals is non-controversial is itself false, said one Committee member. At most, two of them are non-controversial.

And what is the response to that, in thinking about the smart thing to do? To back off completely,

to redesign the process, to recommend a change, to thumb our nose at the Regents?

Professor Feeney reported on the results of an unofficial straw poll taken of SCFA members about the thirteen items. The substantial majority of the items were found to be unacceptable as written or requiring additional information before they could be supported. He had provided a copy of the results to Professor Morrison so that the proposals could be tweaked further; another draft of the proposals will be presented to the Tenure Committee and SCFA based on those results.

One Committee member inquired if Committee members had seen the email message from Professors Feeney and Fogelman. Professor Feeney summarized it. He said the concerns have been expressed about the process, because the proposals have not come through the Tenure Committee and SCFA before going to the Faculty Senate. He and Professor Fogelman have said that if the two committees take ownership of the process, perhaps the situation will calm down. There is also the concern, expressed at the FCC meeting with Professors Garrard and Ibele, that a group of four attorneys drafted the language--even though the Committee may have confidence in two of the four. He and Professor Fogelman said they propose to request the services of individuals, and get proposals written in that fashion, in order to forestall a resolution to stop everything. Professor Fogelman was very concerned, Professor Feeney reported--and he himself agreed--that if this were to be acceptable, the process could perhaps continue. That might also stave off calling a halt to the process or some kind of "no confidence" vote or something equally negative.

This sounds very good, said one Committee member. One problem back in January, however, was that people said they did not want to talk about issues, they wanted something in writing. The text was then prepared, which got people's attention; then the response was that people did not like the text written, and wanted to go back into the machinery. Now that the issues can be understood, even if the proposals are not liked, the discussion is now framed and the list of topics is understood by everyone. Now is the time for what is happening to happen; the Tenure Subcommittee and SCFA can now craft language on proposals that can be moved, and they can set aside another set that cannot be addressed now. That is what is supposed to happen. But it is clear, after watching this for six months, that the present point has been reached because of the way things were done. Some might conclude that had they been done differently, the situation would not be what it is. What was described by Professor Feeney, however, is fine, and can add to the discussion.

Another Committee member posed a question. This individual has been at many of the meetings around the tenure review process; the understanding was that the recommendations being discussed were ALWAYS going to the Tenure Subcommittee. The Tenure Subcommittee was aware of that. They were always also going to SCFA. Why is this being billed as an illegitimate process?

That will have to be explained by people "who have done what they have done for reasons of their own," said another Committee member; one is not in a position to impugn motives to others. So those involved, it was responded, were not knowingly engaged in an illegitimate process. "I have been part of this; have I been helping an illegitimate process?" To assert that a process is illegitimate does not mean the process is illegitimate, it was said; all that has happened is that someone has asserted it is illegitimate.

One Committee member recalled having disagreed with this view, over several months; the process has NOT been good or appropriate, it was said. Perhaps not good, it was responded, but was it

contrary to the provisions of the tenure code? The proposals are to come out of the Tenure Subcommittee and the Judicial Committee, it was rejoined.

The argument that is bothering people about the Senate agenda for today, said another Committee member, was that there has been nothing in writing from the officially designated committees, either the Tenure Subcommittee or SCFA. Instead the Senate has a document prepared by what is sometimes referred to as the "gang of four," of which only one member is considered by the majority of the faculty to be a "real" faculty member who is representing the faculty and whose client is Professor Dempsey. He had been retained by her, and he assisted her. Many people who signed the motion felt that it was inappropriate at this time for the Faculty Senate to consider that particular document, which had not been through the process. It is true that the tenure code provides that proposed revisions can come from any source, but they are to go through the committee process before the Faculty Senate discusses them or acts on them. All the motion is intended to accomplish is to ensure that that process occurs before the Faculty Senate has any discussion or takes any action. That position has been supported by the memo from Professors Feeney and Fogelman.

There is room for interpretation, responded another Committee member. Professor Dempsey is going to ask for comments on the amendments, as chair of the Subcommittee on Tenure, in order that it can rewrite the proposals. That is what is written in the tenure code, and is not wrong. It may not be the best process, but to cast it as illegitimate is inaccurate.

The motion does not say it is illegitimate, it was pointed out. If it says it wants a legitimate process in place instead of what is being used, the implication is clear, it was rejoined. The motion says the process was flawed, responded one Committee member. No one would disagree with that, it was said. But some have been disagreeing with it since December, commented one Committee member.

What were the suggestions for doing it differently, it was asked? To do it through the official committees, as Professors Feeney and Fogelman have suggested, and then on May 2 have something in writing, although perhaps not everything.

It may have been that this Committee was not fast enough to make recommendations to make the process different, it was said, but if anyone had known it was not following the required process, they would have stopped it. No one knew what was going to happen, especially in the last month, with the committee of four attorneys and the distrust that that has created. The motion is intended to restore trust and confidence in faculty governance and the tenure review process. Right now there is so much distrust out there that "we must step back and say `OK, let's make sure it is on track."

One Committee member observed that there was recently an email from someone saying that if one wants to know how bad this really is, one should read the book by the CEO of CSC Index. He had done so, and while he has not read it, he opened it at random and discovered the following language:

To mobilize a company, the leader must learn the needs of its people, articulate them, and in the deepest sense of the word respond to them. If your organization is not change-ready, re-engineering is going to be very, very painful, and just simply won't be anywhere as near as effective as it could be or should be. That is where everyone of as leaders needs to focus our energies. Whatever precipitates the mobilization for change, the first duty of leadership

is to understand people's need to know, to understand where they fit into the immediate and long-term purposes of the business. This may send either patronizing or prostrating, but it is neither. It is simply a matter of good business judgment, in fact, of self-preservation. The would-be mobilizer of change who fails to figure out the employees' deepest needs at this critical juncture in their work lives, who fails in the most literal way to speak to those needs, will only intensify and extend the struggle for change.

Those are wise words, it was said. One does not know what the rest of the book says, but if the people who are trying to get the University to re-engineer would pay attention to this, instead of pushing ahead with agendas BEFORE getting people to what is needed, there would be a more constructive situation. "But I think we really have screwed this up badly." The Regents must be made to understand that as well.

Who is included in the "we screwed this up badly," asked one Committee member. There are many things floating that need to be sorted out. There is a serious need to look at issues regarding tenure, it was said in response; it will not continue the way it has. People have not thought about this a lot, and either do not understand it or have not engaged themselves in it or are in denial. This is not a trivial process; it is at the root of academic life. There is need for a long-term, thoughtful process of providing evidence of why change is needed--some of which exists, but has not been provided to the faculty--and identifying what the sensible responses to that evidence might be and what possible alternatives might be. There are alternative futures that might be possible; none of that discussion has taken place. It cannot happen in two or three or months; the process that the Regents have put in place to try to make it happen in two or three months, and which the faculty has bought into until recently, is equally destructive of the long-term goals that the University must face.

One Committee member responded that it is true, for many people, it feels as though the faculty are being blind-sided by events outside the University and outside their direct control. But to say that this is all new is more a comment on the extent to which people are tuned in to what is going on. The higher education literature, and higher education management literature, has for ten years has been talking about all of these issues in a major way. Most faculty are disciplinarians, teaching their classes, running their labs, writing, and do not pay attention until they are on a committee such as this one or take on an administrative responsibility or spend time at Regents' meetings--something most faculty do not have time to do. The latest of the Pew papers just came, summarizing the atmosphere affecting higher education. It is one of the best pieces written, but it is not new. But there is a new bunch of freshmen every fall; just when one thinks everybody knows something, then new people join the administration or Board of Regents or FCC, and one must start all over again. The learning curves are steep once on the Committee, but these are not issues on the minds of faculty in the lab trying to get their work done.

The answer to moving these proposals along more promptly is not clear. The Committee has tried hard this year to try get a handle on issues, whether curriculum or grading or tenure. Committee members, it was urged, should read the article, to get an idea of what is going on around the country, and relate them to the internal discussions. If the faculty does not pay attention to the external environment affecting the University, the internal discussions are not going to have much meat on them. The faculty have no machinery to inform themselves about this, and the Regents do not understand it, either.

To answer directly the question about the process, said one Committee member, there were two

crucial mistakes. Even though Professor (J.) Adams spent a lot of time on the tenure working group, the issues should have gone to the Tenure Subcommittee. FCC made mistakes, despite good intentions. The second mistake, a big one, was allowing the four lawyers to draft things to which the Tenure Subcommittee was to respond. That was not a good process; by the time people realized what was in the proposals, they realized the process was wrong. The Tenure Subcommittee should NOT respond to the summary of information from the four lawyers; it is fine if Professor Dempsey wishes to have the advice of Professor Morrison, but the other lawyers should not be involved. Professor Feeney is ready to move with alacrity. There are things that can be done; two certainly are separation of administrative augmentation and clinical practice income from tenure. Other things should be discussed, but the process was wrong, and that is why the motion will be in front of the Faculty Senate this afternoon.

All of the members of this Committee could have made that speech, it was said. All agree with it; all believe, in retrospect, the process could have been better. It is to be regretted those who protested earlier were not heard. But it is hard to respond when colleagues who have been serving on the Committee, instead of coming to the Committee with the resolution to get the attention of Committee members, sends it to everyone at the University and says things have been claimed which are not true, a process has been used that is illegitimate, and rules have not been followed. From a larger perspective, the motion does what is not intended. No one wants the University more damaged, or faculty governance to be more damaged. This motion does that. One wants to walk away still being respectful of each other, and how to do that is not clear.

One Committee member said it is not clear that the drafting was a bad idea. Some of the ideas that were being discussed in a vague and general way were made concrete; once they were concrete, people recognized how real they were. The drafting can be defended, although perhaps not the content. Whether the right people did it can be debated, but it got the discussion going.

There is now, and especially over the past two weeks when one reads the email messages, a highly inflammatory situation that started with circulation of the first document in January and has gotten worse since. It is time to quit justifying what was done; "we have to forget about what we did, and we have to say `here we are right now and where do we go next?'"

"Where we go next" is to the Feeney-Fogelman proposal. The Tenure Subcommittee and SCFA should look at the materials, and they now have the lead. The working group has no more lead, the FCC has no more lead; the two committees are the designated people. Perhaps the faculty can then get together behind a reasonable product that comes from the Tenure Subcommittee and SCFA. Attention should not be on recriminations about what has happened in the past, but on where things will go and getting a good product that is responsive to the faculty, and then taking it to the Regents.

That is a good statement, said another Committee member. There is a need for ground rules, added another. The ground rules are well laid out, it was said; the two committees will come forward with proposals that will be received well in advance of the Faculty Senate meeting, so people can read them. The opportunity for amendments to be made will be provided, and then the Faculty Senate will vote them up or down. Then the Tenure Subcommittee chair will take them forward, although last time the Faculty Senate elected a committee to take the amendments to the Regents. What must be focused on now is not letting the process freeze, but moving forward in an orderly way and eliminating as much animosity and hostility as possible.

That is very wise, said another Committee member, but there is more that needs to be done. The complicated and fundamental issues can be debated and resolved and recommended by committees and voted on by the Faculty Senate. The reality, however, is that the faculty as a whole do not participate much in that process, do not pay much attention to it, even though they should and are given every opportunity and encouragement to do so. There should be put in place a process that would, in a reasonable but not extended time, get faculty discussion and debate in a broader sense. There were all kinds of meetings organized and no one showed up; maybe people are starting to pay attention. One possibility is trying to have an "issue of the month," with faculty discussion, and then a poll of the faculty. This was done on unionization and semesters; these are of equal or greater importance. One fears that unless the faculty as a whole discuss the issues, and understand what they are about, and receives information from the administration about fiscal consequences, the result will be an alienated faculty, one that feels the faculty governance machinery is in cahoots with the administration and that has imposed something on them that they do not understand.

One of the things that energized the faculty quickly, Professor Hamilton told the Committee, was when they received the e-mail message with all the wording of the group of four lawyers. The Committee should be able to capitalize on that immediately, because faculty are highly sensitized to what is going on, and they will read their email. If they are asked to respond, they will. He urged the Committee to use email, and not to try forums. People want to sit and think in privacy, and to think carefully before they respond. Professor Adams agreed that e-mail is the only effective way to communicate quickly.

The question about where the idea of the attorneys drafting the amendments to the tenure code deserves response, said one Committee member. Professors (J.) Adams, Dempsey, Feeney, along with Drs. Cerra and Furcht and Infante and the President, the General Counsel, and a couple of others were at a meeting; when they discussed the issues, it became clear that a letter from Professor Feeney to Provost Brody last fall had never received a response. That letter asked Provost Brody to identify the issues that were critical. The view of Professors Dempsey and Feeney were that if the attorneys, two from the faculty and two not, would get something drafted, at least there would be issues to focus on. It may have been a mistake not to deal with the drafts before they were distributed, it was said, but the Senate meeting today was viewed as a formalized open forum.

That has backfired. The materials that have been distributed have gone through the committees, but the volume of stuff that is going on, and all the other issues that are going on, the committees have not gone through and focused on. They have straw polls and reactions, but it may have been a tactical error. It was noted by another Committee member that not everything drafted was sent out.

One Committee member said there is a problem about what would happen if the resolution passed, which it presumably will. If so, then would it be possible to adjourn the Faculty Senate and announce that the chair of the Tenure Subcommittee would be willing to receive comments; it could be turned into a forum over which Professor Feeney would preside? That would be a way to avoid having the Faculty Senate consider the amendments, but it would not have the effect of shutting off people from expressing fears and concerns.

Were the issues presented to the Board of Regents the previous week and the ones distributed to

the faculty generated by the Tenure Subcommittee, asked one Committee member? They were generated as a combination of what was discussed in the forums, Professor Feeney said; it was their intention that language then be drafted by the attorneys. There was, it was recalled, an e-mail question asking about the underlying document that drove the list of issues.

Another Committee member offered to provide an answer, in part. The underlying document that drove the list was John Adams' two January memos; most of the ideas came out of those. Some of the language, however, came from the Academic Health Center. Most put into operative language the ideas that were contained in the January documents.

What has been amazing is the lack of any administrative explanation of their position. This is supposed to be a faculty process, it was said. What is bothersome, it was said, is that the faculty are told repeatedly about the financial problem in the Academic Health Center, but there have not yet been numbers produced. One does not doubt there is an overall problem, but no one has provided specific numbers requiring a specific solution.

Professor Evans provided the Committee with information about salaries in the University, acknowledging the information was not complete. The total amount of money paid to faculty, on all campuses, including fringe benefits, was \$277 million. Of that, \$252 million was paid to Twin Cities campus faculty. If one takes off funds from research, non-sponsored accounts, and such things as endowed chairs, the amount of money spend on Twin Cities faculty was \$170 million. That is about 10% of the total budget. Faculty have been hearing, however, that the University pays 3/4 of its funds to people, and the implication has always been, therefore, there are huge amounts of money going to professors. If people are asked what they think the budget is for faculty, they are wrong by a factor of two or three. If one compares that to the \$42 million the University spent on consultants last year, one begins to get a value judgment of what that \$170 million means. If one looks at the \$300 million the faculty brought in in research last year, and tuition, and ask how much would have been raised in the absence of the faculty, the answer is zero. The faculty leverage every dollar they receive by four and a half times. That is not to say that other people do not make major contributions; faculty could not operate without the staff. But in looking at this, it is being said that 10% of the budget is the major problem at the University, a 10% that pays back four and a half times the investment, and is the one irreplaceable commodity in the entire University. That is the kind of message that the Committee must get out.

The annual budget of the University is about \$1.7 billion, Professor Evans said in response to a question. That includes the Hospital. What is missing is hard to identify, and that is the clinical income. It would be helpful to have those numbers.

The Committee discussed the advisability of considering the motion and the adjourning, and concluded in the course of discussion that doing so would be appropriate. One Committee member expressed concern about possibly doing damage to the faculty governance system, perhaps inside the University, and possibly damage externally. One wants to go forward rather than backward; what is needed is the best action plan that would minimize these possible problems.

When the Faculty Senate convenes, responded another Committee member, someone will make a motion to suspend the rules to consider the motion about the tenure review process; the motion to

suspend the rules is not debatable. Before that motion, it would be helpful if someone from the Committee says the motion is seen favorably, and that what will occur if the motion on the tenure review process is adopted: that the tenure working group is no longer involved directly, and that the Tenure Subcommittee and SCFA will take charge of the matter, and will report back with ideas on May 2, and with specific proposals that will be considered on May 16. There should be a minimum of debate on the motion, to avoid recriminations about anybody or anything. Professor (C) Adams should announce that if the motion passes, the Faculty Senate would then immediately adjourn and the two committees would hold a joint hearing at which anyone can express concerns or ideas.

Does the Committee presume that a resolution that refers to some Committee members as "liars and outlaws" is appropriate? The memorandum from Professors Feeney and Fogelman is not a resolution; it is a memorandum in support of the resolution. One wants to be productive, and the suggestion to adjourn is a good one, but there are issues in the resolution that are a cause for concern. It should also be emphasized that this is not an effort to block what was anticipated, although it is a much better way to proceed in terms of the perceptions of who is in charge--that is in the spirit of the motion but it may not be interpreted that way by others. What the motion proposes is not greatly different from what would have happened, but the perceptions are reality and they are important. People externally should not perceive this as a blocking action if it is not, and people should not see it as a denigration of things that is inappropriate--everyone makes mistakes. There has to be care in making claims. The idea is to get moving.

If that is what the Committee wants, why not make a motion to that effect? Neither the motion that has been distributed or the memo does that. There is agreement, except on mechanism, said another.

The motion was an attempt to STOP stronger things from happening, said one Committee member. There is a lot of anger out there that has been difficult for some on this Committee to understand to existence of, it was said. There are strong feelings held, and there were rumors of all sorts of things that might be coming. This motion was thought by the authors to help channel that anger into something more appropriate; it is seen as a moderate and appropriate first step. It may not be seen that way by some Committee members, but it was.

One can understand and appreciate that, but one still wishes to minimize the effects internally and externally. The Feeney-Fogelman memo, it was rejoined, makes it clear the two committees will move ahead as rapidly as they can. There is nothing in the motion that prevents that.

But the motion has a lot of language that one cannot support, said one Committee member. Then that Committee member should not support it, it was said by others. Another Committee member said that if the only resolution available to the Committee was the motion already presented, then it should do so; the only question is if any better avenue is available.

Four of those who signed the motion are at the meeting, it was noted, and they were aware that not all of it would please everyone. In terms of the discussion, the point was to forestall official discussion in the Faculty Senate. If the suggestion to adjourn is adopted, then discussion could take place; the point is to discourage discussion on the record until the Faculty Senate can consider formal proposals from the committees. If people want to present alternatives to parts of the resolution that may be found offensive, they can do so at the meeting. That would only denigrate further the governance process, it was

responded, and that should not occur. But this Committee could consider a different motion, in case this one fails. This should not be discussed on the Senate floor.

There will be a motion quickly to adjourn the meeting, once it starts. One version is the motion that has already been circulated; is there another motion that might close the meeting on a different note? If the Committee thinks that there is, it could be introduced; otherwise the motion at hand will be taken up.

The Feeney-Fogelman memo calls for suspending official discussion of the tenure code, and a motion to adjourn is the most creative way to do that. Perhaps a motion to call for a discussion after adjournment would be appropriate. Another Committee member said that if FCC recommended adjournment into a forum, it would probably be allowed to do so without a major motion.

Committee members then discussed how best to proceed, and the perceptions of the faculty about this Committee and the role it has played.

Professor Adams noted that Senior Vice President Infante would be joining the meeting shortly; if the motion is passed, then the question of coordination mechanisms with the administration should be raised, since the tenure working group would be out of business.

It was agreed that multiple copies of the motion should be available at the Senate meeting, and should be distributed by email and fax to the coordinate campuses. The Committee confirmed the steps that would be taken at the Faculty Senate meeting.

2. Discussion with Senior Vice President Infante

Professor Adams welcomed Dr. Infante to the meeting and began by reporting that it was likely the Faculty Senate would ask that the tenure working group be disbanded. Given that, it would be helpful if Dr. Infante thought about mechanisms for coordination of tenure discussions with the administration.

At the time the working group was set up, Dr. Infante recalled, there was a recognition that the Tenure Subcommittee and SCFA were the bodies to carry out certain transactions, but there were a series of presentations to the Board of Regents as well. It was felt desirable to have a group representing both the faculty and administration to ensure a high level of communication. He said he had been pleased that that had taken place; perhaps there had been too much. HE might be pleased, commented one Committee member, but the rest of the world is not.

Dr. Infante was told by one Committee member that he had to understand a couple of things. Two members of the tenure working group are prepared to say that no meeting of the working group has been held since November. There have been various consultations between various people and Professor (J) Adams, but the group as a whole has not met. From everything one can understand, that is true. Dr. Infante said he was not sure that was true. [Note: Professor (J) Adams was absent from this portion of the meeting, at another meeting.] It was nice idea, but it did not work, in one respect. There are a number of issues that are of interest to the administration; both Professors Adams have come to appear to the faculty to be spokespersons for him, rather than representatives of the faculty. Whether or not that is true is not clear; that IS the way things have played out. That is the genesis of much of the anxiety and

hostility: the group managing the tenure review process is an administrative group.

One solution to this, in the coordination, is that administrators who are speaking for the administration will to be more visible in speaking for the administration in the process. It must be a faculty process, but the faculty should not have to anticipate what the needs of the AHC are; someone from the AHC needs to document the problems and the needs. That is also an issue that has caused anxiety.

Dr. Infante must also realize, it was then said, is that much of the concern has been generated by the situation in the AHC. That situation has deteriorated sharply in the last month; it may have improved radically with the appointment of Dr. Cerra. But in the last month, the levels of anxiety and distrust, the sense that there has not been complete candor and honesty in communications, has gone up sharply. That is affecting not only the relationships of those faculty with the former provost, it is infecting the relationships of all faculty with all administrators. That is the genesis of this issue, and it will take some time to heal it, even with the departure of the former provost.

The Committee needs to be straight about this, it was said, because Dr. Infante should not assume that there is some small segment of faculty that is unhappy, or that the unhappiness is all centered in the AHC. The unhappiness has spread everywhere; the stories about threats by senior administrators to other administrators, and to faculty, have spread widely. That has infected the process.

What has also infected the process was the Regents' meeting last week. In a sense, the tenor of that meeting, while very positive from many of the Regents who were responding, at the end the chair was still saying the need is for flexibility. Everyone is reading that to mean the need is for the ability to fire faculty. "That's out there, and you can't just ignore it."

Dr. Infante said that at the same time he hears this message, he wanted to put on the table that there is another side of the coin. That other side of the coin is that unless, internally to the University--faculty, administration, and eventually the Regents--this matter is dealt with rapidly, he dislikes the idea of what people on the outside are going to do, the state legislature in particular. Just before he went to Europe, he had conversations with leaders of the Regents. He read them as willing to collaborate and cooperate. He was not at the meeting, but was told that the chair of the Regents committee sent signals that were not well received. On the other hand, when he reread the transcript of the meeting, he thought another Board member gave voice to statements that applied to the Board as a whole.

Dr. Infante said he believed that unless the University deals with this matter expeditiously, by next December, it will be making a mistake. But if there are suggestions for how to do so in a better or more appropriate fashion, that is fine. The administration had decided that tenure was an area where the faculty had to be given the leadership role. He reminded the Committee that the people on the tenure working group who represented his office were Carol Carrier and Dan Farber. He said he never imagined that Professor (J) Adams was his spokesperson, nor that of the President. But, he agreed, perception is reality.

He said he was open to suggestions on how to proceed. He said he wanted to make clear how he felt on the subject: sooner or later the Regents will be called upon to act, and they would like to act in accordance with the administration and faculty. The same is true of the President. He would like to see

the faculty and administration as close as possible, and there to be a position that would permit the Regents to accept it and collect the \$8.6 million for the AHC, and to feel comfortable enough to stave off whatever other pressures might come. Is this clear enough?

If the tenure working group no longer exists, there is the question of how the administration and Senate structure coordinate, if at all, Professor Adams said. That need not be resolved at this meeting, but a coordinating mechanism may be needed.

It will be essential, Dr. Infante said. He serves as chief staff officer to the committee of the Board of Regents dealing with tenure, and has to make reports. One is due in May, and needs to include a report on what is happening in the Faculty Senate. He and his staff need to have conversations with the faculty about who will make what presentations, and for what purpose. Whatever the Senate may do, he said, he could not conceive of changing the involvement of the President, himself, Dr. Farber, and Dr. Carrier.

One thing that he was being told, one Committee member said to Dr. Infante, is that even though there is a clear understanding by most people at this meeting of the imperatives the University faces, the faculty as a whole, the people who will be voting at the Faculty Senate meeting, do not buy it. They have not been convinced of it. Even if all the Committee members bought it--and many do not, totally--the Committee is in no position to impose it on the rest of the faculty. There is a political collision about to happen, and it is in everyone's best interest how to avoid that.

One of the things that would help the process, it was said, would be to separate the thirteen points into those that people think can be dealt with relatively easily, upon which progress can be made, to provide evidence that progress is being made, and then to have a debate that engages and informs the whole University community, as well as the outside community, about the deeper and more important issues of principle. That debate needs to be informed as well by information, which would have to be provided by the administration, on why the University needs to do these things. On why, if it does not do them, it is heading for fiscal disaster--if it is, and there are some who have questions about that. That is, why are significant changes in faculty work rules the appropriate response to the pressures the University faces? That raises questions in a lot of minds, and perhaps good arguments can be made--but the faculty have not heard them. They need to be made again and again, refined and discussed in open court, because simply saying it is so, and that the legislature will clobber the University if it does not act, is not going to convince anyone.

Dr. Infante reminded the Committee that the subject is legislative mandated, in a certain sense, for a small amount of money. His concern is less about that amount of money than what the implication will be if that money stays on the table until next year. Dr. Infante referred to language in the PEW POLICY PERSPECTIVES which had been distributed earlier in the meeting that he said was right on the mark, because it calls being a faculty member, not a job, not a profession, but a calling. If that is to be protected, people must be very active, because the external forces, unless addressed, are going to attack.

He reported that he sensed, from the last legislative session, churning and anger that the University only just managed to contain. He said the last thing the Regents want is to have a major research university become a second-rate one. The Regents know that the faculty situation is highly competitive; the question is how to address it.

Dr. Infante quoted the Pew paper: "Most faculty would rather the question of their role and the terms of their employment not be asked, for in the ensuing discussion they have nothing to gain and everything to lose. Many faculty are inclined to see the question as an artifact of the time, and believe that, like a kidney stone, it too will pass. We think quite the opposite is true." That is why, he told the Committee, they are taking an activist role--because they believe it is the defensive thing to do.

That is an accurate statement [from Pew] of how many faculty feel, responded one Committee member--and then drew the attention of Dr. Infante to language in the same paper noting that "what we have in mind is not 'give-backs,' or even a set of labor negotiations, but an exercise in reaffirming--and as needed, redesigning or restructuring--the social compact that binds faculty to their institutions and their students." That is what has been lost, it was said, and thing that made it lost was the AHC consulting firm. One good signal that could be sent at this point would be to terminate that relationship. If it were terminated, and the situation were put back in the hands of authorized faculty committees, and the administration made sure that it raised with those committees and with the faculty in general what the problems are--not the solutions--in a credible way, the administration would find the faculty reverting to the mode they were in in the depression, when they were volunteering to take salary cuts. Now, they will not.

The keel of a university is tenure. When it is weakened, it will sink like an ore boat on Lake Superior. The process must, in a delicate sense, must strengthen that keel. Without tenure, there is no university. What does it mean to strengthen, asked Dr. Infante, and what does it mean to undertake the set of issues here? He said he has been fairly central and active in the tenure discussions, but has never met with the AHC consulting firm.

The perception among the faculty is that they have been doing things in the AHC that have destroyed collegiality, said one Committee member. Whether true or not, it is the perception of the entire faculty.

One Committee member offered another comment, noting that the consulting firm has put out a document saying there must be fundamental changes to the tenure rules and they have to come quickly. Dr. Infante said he would like to see a copy of it. So would a lot of other people, it was responded; the effort is being conducted with such secrecy that one is not SUPPOSED to have copies. One happened to come to this Committee member from an anonymous person, which indicates that there has been less than candor from the administration to the tenure-granting and tenure-processing people. Not necessarily Dr. Infante himself, it was said, but high-level administration has been less than candid. That concern also infects one's view of what went on in the legislature and how it started.

It is necessary to get past this to deal with what remains. The participation of that consulting organization--the legal consultants for which applied to the Board of Regents to be consultants of tenure revision--if there is to be any RE-establishment of confidence, must be dealt with.

On the subject of the consulting firm, Committee members were referred to an editorial in the [April 18] DAILY by an AHC faculty member that is quite explicit. If the people in Morrill Hall have not been aware of what the consulting firm is doing, they should read that editorial.

If he were to get rid of what is infecting the process, and to go back to the standard committees, he could have things by fall, said one Committee members.

Dr. Infante asked for bluntness; what he is hearing, he said, is that what is infecting this is the external consulting firm in the AHC; is that correct? That is one thing. Another is the tenure working group, perceived by people not as a faculty committee. Another is not hearing from the administration a clear articulation of what the problems are. Another is the whole tenor of relationships between one of the provosts and ALL people with whom he deals.

One Committee member recalled being involved in a session with the SSAB, chaired by Professor Gayle Graham Yates. She had earlier sent a memo suggesting establishment of a joint faculty-administration task force to deal with issues of academic misconduct. She now said she wished to withdraw the suggestion, because it has become clear that joint committees are not very credible, so it should be a faculty-only committee. Dr. Infante accepted the point. He noted that the SSAB was set up pursuant to Senate adoption of academic misconduct rules required by the federal government. He said he wants to be very sure they can be approved by the Board of Regents and NIH, but would be glad if the faculty wished to take on the task themselves.

The point is simply that collegiality is not a particularly popular word, said one Committee member. "And that is tragic," said another. "We need to say that we want to re-establish the trust between faculty and administration. It serves nobody's interests to have it unravel this way." But it has unraveled, it was said, and positive steps have to be taken to stitch it back together again.

Hearing no more comments or questions, Professor Adams adjourned the meeting at 2:00.

-- Gary Engstrand

University of Minnesota