

Minutes\*

**Faculty Consultative Committee  
Thursday, December 14, 1995  
12:30 - 2:30  
Dale Shephard Room, Campus Club**

Present: Carl Adams (chair), John Adams, Carole Bland, Victor Bloomfield, James Gremmels, Roberta Humphreys, Robert Jones, Geoffrey Maruyama, Fred Morrison, Harvey Peterson, Michael Steffes

Regrets: Lester Drewes, Dan Feeney, Virginia Gray, Laura Coffin Koch

Absent: none

Guests: Senior Vice President E. F. Infante

Others: Martha Kvanbeck (University Senate); Maureen Smith (University Relations)

[In these minutes: Budget deficit; tenure; (with Dr. Infante:) tenure, budgets, re-engineering; biweekly payroll; misc. items]

**1. A Finance Issue**

Professor Adams convened the meeting at 12:30 and turned to Professor Morrison for a report. Professor Morrison said he had one worrisome item and one item of good news.

The worrisome item is that as of this week, settlements with two of the three unions had been reached, and settlement with the third has apparently been reached. The result if these settlements (if they are approximately the same), for 1996-97, is that there will be \$15 million in non-recurring funds available for salaries, while there would be a need for \$15-20 million in recurring funds. That is a problem.

A second problem is that there is another bad surprise in fringe benefits; the rates were in error and about a \$10 million recalculation is needed. It is not clear how the administration will deal with it--if it will be funded centrally or if departments are told to deal with it. This has a horrendous impact.

There is, therefore, a shortfall of about \$30 million in hard funds for next year--while there is about \$15 million in non-recurring funds available that were originally intended for salaries. If that money is used, there will remain a \$15-million problem the next year.

The administration will be talking in the next few weeks about how to deal with the problem; if there is a retrenchment, it would be about 4%, or 2% and 2% each of the next two years. The Committee

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could speak with Dr. Infante about this matter.

The budget instructions to colleges will come out soon, but with no instructions on salaries, so the units will not be able to construct their budgets.

Asked if there will be additional income from the larger number of freshmen, Professor Morrison said there would be some but not a lot, and that the number of applications is now down.

The good news is that the Finance and Planning Committee had a briefing about the Hospital and the merger with Fairview, and the Committee was positively impressed with the prospects. The one problem is that it will require the nearly full-time attention of the President, the Provost, and the Senior Vice President for a while--it is on a very fast track--so it could divert attention from other problems. The report to the Committee did not involved any detailed financial information, and there remain a lot of outstanding finance issues with respect to the merger.

## **2. Tenure**

Professor Adams then raised with the Committee the ongoing discussion about tenure and how it should be approached. He related that he has continually stressed that the discussion must be a collegial conversation on an important, difficult, and sensitive issue, and that most faculty are primarily interested in the University and what is good for it.

Professor John Adams told his colleagues that he has been saying over and over the same thing he told the Regents: there is nothing to be gained if the discussion is polarized during the year but there are possibly irreconcilable issues that must be dealt with. One question is how changes would affect faculty who already hold tenure; his view is that they have a contract with the University and that contract will not be changed without their agreement and that the changes in tenure being considered are for the future.

One Committee member expressed concern about a report last week on the radio; it would have been alarming for faculty members who do not know what the members of this Committee know. The report made it sound like the Board of Regents might vote to eliminate tenure, and the President made no statement. Also of concern was the statement that there are plenty of mechanisms to protect academic freedom at the University; that is not true, it was said, and without tenure faculty would not have adequate protection. It sounded, from the radio report, that at least one faculty member who was interviewed did not support tenure.

Another Committee member related that he was not at the Board of Regents' meeting but that some who heard it said it sounded like the faculty were selling out. The Regents' resolution on tenure asks the President to report back to the Board in September on what has been done. If one looks at the calendar and what must be done to take any changes through the Faculty Senate, the timetable is troubling. Changes must be brought to the Tenure Subcommittee, then to the Committee on Faculty Affairs, they must be published in the docket, and then brought to the Faculty Senate. They may well require lengthy Faculty Senate meetings. If this is to be accomplished so that the President can report to the Board in September, there needs to be specific language ready by the end of January.

The tone one has been hearing, it was then said, is that decisions should be left to the discretion of administration--which is what administrators want. There HAVE been arbitrary actions by deans and department heads, in the past, and the University administration has not been good at controlling them, so there must be institutionalized procedures in place to protect faculty from arbitrary action. One hears the General Counsel argue that if there is no limit on procedures in University regulations, the administration is free to act without any review. It may be necessary to improve procedural steps, but there should not be a commitment to accepting arbitrary action.

There are two critical issues in the package. One is whether tenure is in the unit or in the University; the problem is how to define the unit. If it is only in the department or college, the administration could simply close departments. The second issue is the question of the uncoupling of salary and tenure. That must be addressed because people may not rise to the peak of their career and then retire; they may hit their peak and then decline before they retire. A decision to reduce salary cannot be left to unilateral administrative action, because that action be arbitrary and excessive.

One does not want to see a collision on these issues, but the timetable could force it.

### **3. Discussion with Senior Vice President E. F. Infante**

Professor Adams now welcomed Senior Vice President Infante to the meeting. Dr. Infante distributed copies of the Regents' resolution on tenure and supplemental materials and a letter from the President to Regents' Board Chair Thomas Reagan concerning tenure. He noted that one item in the package was a list of critical issues in a review of tenure, prepared by Professor John Adams.

Dr. Infante reported that he and Professor John Adams had attended a CIC (the Big Ten plus the University of Chicago) meeting at which the academic affairs vice presidents and a senior faculty member discussed the faculty of the future. One of the central topics of discussion was tenure. A joint faculty/administration group was appointed to consider tenure issues at Minnesota, because the Board of Regents is interested in the topic and because some parts of the University feel an urgency about redefining tenure.

Last week there was another CIC meeting, of presidents and academic affairs vice presidents; it is clear that tenure is being discussed everywhere among the CIC institutions, but the University is out ahead on the subject. In other parts of the country, however, the discussions have gone beyond what is informed; the Arizona legislature is said to be seriously considering abolishing tenure. It is not clear what the status of the legislation is.

The University has set a tight schedule for itself in these discussions, Dr. Infante observed. The Regents want to deal with the issue before the next academic year, which is not a bad idea; it would be best to get the issues over and dealt with. It is clear that tenure will continue, but there are corrections to make.

It is important that the faculty leadership take a significant role in the discussions, Dr. Infante told the Committee, because the University will then better be able to deal with the critical issues outlined in Professor Adams' memo and the letter from the President. One problem is the way the documents are written; if read by an outsider, the Tenure Code does not highlight the PRINCIPLES that drive the

existence of tenure. The next version should be written in a different way, with principles separated from procedural details. He emphasized that the discussions are on a fast track, and must be dealt with in Senate meetings in March and April.

One Committee member outlined for Dr. Infante the schedule that will be required if these deadlines are to be met, and it was noted that the last time there was a major revision to the Tenure Code there were 13 meetings of the Faculty Senate to discuss it. These changes will not be adopted after a one-hour discussion, and there must be substantial time allotted at the spring Faculty Senate meetings for these debates. Further, the discussion should start with principles and underlying issues, then the changes should be drafted; if there are more than four or five changes, it will probably not be possible to get them addressed in this short period of time.

The University needs to start moving in real time, not university time, said one Committee member, and this is perhaps the time to test the system. Agreed, said another, but there needs to be proposals put on the table soon. It was pointed out by yet another Committee member that Dr. Infante does not have to get ANYTHING on the table; the proposals are to come through the mechanisms of the Senate. Dr. Infante's job is to describe the issues as he sees them; it is the Committee's problem to do the work that needs to be done.

"What's the rush?" asked one Committee member. This is a serious issue; the Board of Regents wants action by September; what's their rush? Tenure has been around a long time, and it is not clear why this is an emergency situation.

One difficulty is the distinction between "real" and "university" time, responded one Committee member. If the faculty say they cannot deal with anything important in less than 18 months, others ask what planet they're from. Most people do not think a 6-9-month discussion is a rush. That is the way universities operate, the first Committee member rejoined; in an aggravatingly slow but sensible fashion for hundreds of years. Just because others say it does not make sense does not mean it does not make sense. "I don't buy into this." It may be that the University needs to explain why this discussion will take time.

One Committee member then commented, apropos the timetable and apparent rush, that it has been said the governance system must do the work--but it is not the governance system that started this. The Board of Regents raised it with the administration, and now one hears the faculty must make changes. It is possible the faculty may not revise the Tenure Code in a way the Board or administration wants. Why is it up to the faculty to do?

It is not clear if the faculty are being told or being asked, said another Committee member; this is a discussion people are having, but no one is reaching any conclusion about what will be done. One Committee member pointed out that if the faculty do not do what is needed, others could, and make things worse.

On the question of explaining why this takes a long time, said one Committee member, it has not been made clear why this is an important issue. Tenure is a canon important both to the academy and to society, and changing it is like changing the U.S. Constitution. What if one proposed to put paralegals in the courtroom? That would take time, and so should this discussion of tenure. Some cast this as a

personnel system decisions, which it is NOT.

Tenure protects students as well, said one Committee member, and is for the benefit of society. There are so many issues of importance facing the University now, and there is a limit on how many people can work on. How many people are there to deal with this issue?

It must be clear, cautioned one Committee member, that it is not completely accurate to say that the administration is driving this. There are faculty who believe it in the best interests of the faculty to address these questions even if the administration or Regents did not raise them. In addition, there are a lot of forces acting on this, not just the administration.

It was suggested that of the items enumerated in the materials, one would find a faculty consensus on a number of them and sharp faculty disagreement on others. It would be best to try to create a consensus before language is drafted. The working group should not take any of the proposed changes as a given, nor should it be a drafting group.

Professor John Adams reported that he is in the process of preparing a short paper on the issues and alternative ways to respond to them as the basis for the February Senate meeting. After that meeting, the need for changes will have to be translated into language, if it is possible to do so in a short period. The schedule may yield good results, but may have to be reconsidered.

Have the provosts weighed in on these matters, asked one Committee member? One provost is saying things that might not be what another provost would say. They are centrally located and making statements, and the working group should hear from them.

To take this discussion one step further, Dr. Infante observed, one could ask if there should be one basic tenure system, or three, or fifty-five. He starts with the premise there should be one; the question is what flexibility it will have. So far, based on his conversations with them, it appears the provosts are in agreement on tenure issues. But this is a delicate matter; different parts of the University have different attitudes and values (e.g., the Medical School and the Department of Philosophy). He would like to see a University system with internal flexibility that supports academic freedom.

Dr. Infante also agreed with the proposition that the principal issues should be discussed before language is drafted, including what they are, what other institutions are doing, what the alternatives are, and a set of recommendations.

One Committee member reminded everyone that the University Senate constitution makes it clear that the Faculty Senate develops policy recommendations in this matter. The Board of Regents can change that if they wish. The Committee is interested in opinions from Dr. Infante and the provosts, but the RESPONSIBILITY rests with the Faculty Senate. The provosts should consider the issues, however.

The Tenure Code is adopted by the Board of Regents but provides that no amendments will be adopted without first being referred to the Faculty Senate for comment, another Committee member amplified. The Faculty Senate need not act, but the Board has agreed to refer all amendments to it.

One Committee member asked that as documents are prepared, the costs and benefits of each

proposal be identified, so readers can weigh what they might get, and to identify changes in other systems that will need to be made if changes are made in the Tenure Code. If administrators want more flexibility, then there must also be more accountability and assessment of administrators.

It would helpful to consider alternatives to tenure, but one has a hard time thinking of what they might be that compare favorably in productivity and efficiency, said one Committee member. Others offered possibilities, such as contracts with faculty that expire at age X (although that might be age discrimination) or a union or non-tenure-track academic staff. What is difficult, it was then said, is that there are no comparison group of major research universities that have tried alternatives to see how they affect productivity, turnover, satisfaction, or what the consequences have been.

Dr. Infante agreed there is little empirical evidence about alternatives; there are three small institutions that are not like the University that do things very differently. His office is, however, obtaining the tenure codes from six peer institutions; there appear to be variations in where tenure is held, the length of the probationary period, whether or not junior faculty will be promoted, and so on. There is a difference between practices and the basic system on this campus as well.

One Committee member inquired if there are other universities with a structure similar to that of the provosts. One concern is how to revise the Tenure Code to bring in the concerns of the Academic Health Center. It was noted that the coordinate campuses work under the same tenure regulations.

Dr. Infante pointed out that Management, the Medical School, and the arts and sciences are all different. If there is a "tight" system, there will be difficulties in the professional schools. The University now has a "tight" code, with the result that a lot of people who are faculty here would be P&A appointees elsewhere. This is an opportunity to think about that. One problem is that if they are a separate group, one Committee member observed, they are resentful; they want the protection of tenured faculty.

If there are no examples, maybe it is time to build a different model, said one Committee member. That is why proposals along with their costs and benefits need to be considered.

Discussion then turned to financial issues. With the settlements with the unions accomplished or pending, how to pay for faculty compensation, either hard or soft, must be considered.

With a series of agreements and contracts, Dr. Infante said, they become the floor for subsequent discussions. The University has operated on an equity principle, so that whatever agreements are reached with organized units will be similar to what is provided to civil service and P&A appointees. One can assume the rest of the University will be treated similar to the unionized employees; then there is a problem of \$10-15 million, which is available in soft money. The \$10 million fringe benefit problem is separate but also serious. No decision about salaries has been made, and his statement consistently has been that the University must stay competitive. The contracts are not putting the University above the market; the University must either increase revenues or reduce the number of staff and faculty. It is counter-productive to beggar everyone.

Where will the \$20-25 million in needed hard money come from, asked one Committee member? The University must try to increase revenues and reduce expenses, Dr. Infante responded. The funds are

available for next year, so there is time, but it is clear there is a \$20 million problem between now and the beginning of the next biennium.

One should think of hard versus soft commitments rather than funds, said one Committee member. The University has begun to make hard commitments that carry into the future, and how they will be paid for is a source of worry. The money could come from various sources and someone must make plans.

One Committee member noted the flap going on about the change in the payroll system. The arguments for it made sense to those in charge of payroll and those who see a small savings. They do not see the calendar and appointment issues: if people must start teaching the first week of a semester, it would be the unusual person who would not work in August. The present quarter system fits, but it will be abandoned; the new system does not fit. The payroll decision is being made out of context. What does the change to semesters mean for the fiscal year? What about changing things so the academic and fiscal year are aligned with payroll, in order to take into account the way people work? There is more to this issue, and it should be cleaned up and done right now. And why cannot people on nine-month appointments be paid with 24 or 26 paychecks? The Committee discussed briefly the payroll issue with Dr. Infante.

One Committee member inquired what was happening with re-engineering; it was agreed that Professors Fennel Evans and David Hamilton would be asked to join the Committee at a meeting in the near future.

Dr. Infante then reported that the President has asked the provosts to study two components of the University: the Office of the Vice President for Research/Dean of the Graduate School and CEE/the new University College. The Senate Research Committee has been asked to name a faculty member to assist in the former effort; they have agreed to do so. They will move forward unless they hear a suggestion that they should not, Dr. Infante said. It is to be hoped that the study spends time considering how elimination of the Graduate School will affect the coordinate campuses.

This will not necessarily lead to the demise of the Graduate School, one Committee member said. Dr. Infante added that they are looking at re-engineering of functions, especially given the provostal structure. One assumes there must be some central operations; the idea is to simplify things.

Professor Adams thanked Dr. Infante for joining the meeting.

#### **4. Committee Discussion**

Professor Adams then reported on data that will be provided on faculty compensation for 1995-96. The mandate was for 2.6% and license given to award more if they could; the question is what happened in the units and whether the compensation policy was followed. The data, however, will not be available until January or February, and even that is rushing it because it is usually not prepared until March. He has been asked what kind of breakdowns the Committee wishes to see; one Committee member asked that there be data by sex.

Professor Adams also reported that he is pressing the administration on the status of administrative reviews and trying to learn from Human Resources if they are keeping track of administrators being

reviewed. They are not, he was told, but they will. In the meantime, he has been asked for the name of a faculty member to serve on a review committee for CEE Dean Hal Miller; he invited suggestions. This Committee would not normally be involved in the review of a dean, but given Dean Miller's responsibilities in CEE and the new University College, it is a unit in which the Committee should take an interest.

Discussion then returned to the biweekly payroll and the possible problems it might create if imposed University-wide. This is one small re-engineering project, it was noted; there are clearly other projects that can be done.

One problem in the financial area, said one Committee member, is that the University has woefully inadequate management systems that do not talk to each other, with the result that much information must be hand coded. It would cost a lot of money to change, and the University has been unwilling to make the capital investment to improve them, so it keeps paying high operating expenses. The new Senior Vice President for Finance should look into this.

Professor Adams reported that the students have asked the administration about how they can become involved in provostal governance; he has been asked, as chair of the Senate Consultative Committee, to respond. Ms. Kvanbeck reported the students have set up an ad hoc committee to consider the relationship between the provosts and students and that it will bring recommendations to the SCC.

Professor Adams said he would like to have a meeting with committee chairs early in January about the schedules for the rest of the year. He then adjourned the meeting at 2:30.

-- Gary Engstrand

University of Minnesota