

Minutes\*

**Academic Freedom and Tenure Committee**  
**Friday, November 30, 2007**  
**9:30 – 11:00**  
**300 Morrill Hall**

Present: Tom Clayton (chair), Yusuf Abul-Hajj, Tracey Anderson, Arlene Carney, William Doherty, Linda McLoon, Karen Miksch, Paul Porter, Terry Simon, Carol Wells

Absent: Carl Flink, Joseph Gaugler, John Mowitt, Thomas Scott

Guests: Deans Darlyne Bailey (Education and Human Development), Steven Crouch (IT), Allen Levine (CFANS), Deborah Powell (Medical School), and Interim Associate Dean Gary Oehlert (CLA)

[In these minutes:

**1. Special Post-Tenure Review**

Professor Clayton convened the meeting at 9:30 and welcomed the Committee's guests. He began with a few comments. Faculty are very much affected by each of the two agenda items, special post-tenure review and "7.12 drift"/the evolution of disciplines. Because the fate of individuals can get lost in the larger movements of groups, this Committee has the responsibility of seeing that individuals are not lost and forgotten as such. Section 7.11 of the tenure code begins, "What the University of Minnesota seeks above all in its faculty members is intellectual distinction and academic integrity." If faculty who have come up for special post-tenure review still have the intellectual distinction and academic integrity that together with professional expertise caused them to be hired in the first place, they still deserved to be treated with consideration. The same is true for faculty who experience disciplinary drift, which can happen through evolution or the combining or merging of departments and have a catastrophic effect on them.

Dean Levine said he has not had experience with special post-tenure review, or at least not yet. Associate Dean Oehlert said he also has not, although he has the impression that in most cases where it would be appropriate, the individual goes on phased retirement or simply retires. Professor Clayton asked if the individuals are at retirement age. Dr. Oehlert said he did not have data but it is his impression that the individuals, rather than go through the process, choose phased retirement. Professor Clayton commented that faculty members asked to participate in an improvement program with draconian demands would prefer phased retirement.

Dean Bailey said that if that happens, it is horrible. Post-tenure review should be an opportunity for a formative review, first to ascertain whether the faculty member has what he or she needs to perform, then to reinvigorate him or her, with the goal of effecting a re-imagining of himself or herself and developing a renewed curiosity and a real passion for an area. Post-tenure review is misused if it is a

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

device to nudge people out the door instead of an opportunity to develop a new chapter in a faculty member's life.

Dean Oehlert said it is not his sense that people were pushed out the door. Dean Bailey said that when people would rather retire than go through the process, that is not a process designed to be formative; even if retirement is not the administrative intent, it is the result and the perception, and the University loses valuable people if the process is used that way. It could be that some faculty members decide they will not make it through the process and voluntarily choose to leave, Dr. Carney pointed out; Dean Oehlert added that people may have engaged in that conversation with themselves and decided to retire. Dean Bailey agreed but said that if people are asked to go through post-tenure review and see it less as developmental and more as a way to nudge them out, then it is a lose/lose proposition.

That is not the way the process is designed, Vice Provost Carney observed. In Section 7a of the tenure code the emphasis is all developmental. The dilemma has been that units have not articulated clearly enough their post-tenure procedures so it is not clear what is to happen. Hypothetically, a chair might say to a dean that the department has had a non-performing faculty member for 12 years; in that case, the department's processes have not worked. If there is an annual review, and post-tenure review kicks in, the developmental process of Section 7a would be used. She said she hopes that with units talking about their 7.12 statements and post-tenure review, no process would be draconian until many steps down the line.

Dean Bailey agreed. Her history, however, tells her that faculty members being reviewed do not see the process as developmental but as an opportunity to put them aside. She suggested the process be called something else in order to deal with the misperceptions that exist. She said she feels very strongly that it should be a process to help people grow and be productive University citizens.

Professor Doherty reminded the Committee of the context of the post-tenure review process: It was added to the code as a compromise after the Board of Regents tried to eviscerate tenure. The tenure code requires a special review in cases when someone is performing substantially below the unit's expectations. He said he has not seen it in his department in the ten years that the process has been in the code.

Dean Powell related that she had had experience with post-tenure review at another institution that coupled it with the annual review of all faculty. She said she is a proponent of annual review for all faculty, no matter their academic rank, because they deserve feedback on their performance. They are developing a more consistent process for annual review and for post-tenure review in the Medical School. In the Medical School, post-tenure review and the annual review are the responsibilities of the department head (or division head in very large departments). What she does NOT want to see in the Medical School is post-tenure review conducted sporadically, without guidelines, and in some departments but not others.

There have been situations where, when a department head believes a faculty member has not met expectations, he or she has not taken the faculty member to post-tenure review because there were no unit procedures. There are very few faculty who feel their career is done a few years after they receive tenure. Most can be re-stimulated as educators or mentors and be valuable members of a unit. Some, however, cannot find any activity that contributes to the unit, which is demoralizing for the unit and the individual. Two faculty members at her previous institution chose to retire rather than complete a lengthy post-tenure

review process, but that is rare; there is a need to go through the process to find better solutions for faculty to become productive—and in most cases that is possible.

Professor Clayton asked if that means that there is flexibility and imagination in finding solutions. It does, Dean Powell said. At her previous institution, the faculty member met with the department head, they decided on goals and the resources needed, and a signed document went to the dean. The only time the process did not work was when the faculty member did not sign the document, in which case it was usually possible to reach a compromise with the Dean, the department head, and the faculty member involved. The next year the department head can determine whether the goals have been met, and if not, what the impediments have been. In most instances one can find ways for a faculty member to be productive and contribute to the mission.

Even within colleges, departments may have different post-tenure review systems, Professor Abul-Hajj said. Since they have different 7.12 statements, should they also have different post-tenure review procedures? Dean Powell said she did not believe they should. The Medical School has a college 7.12 statement and department 7.12 statements are reviewed to be sure they are consistent with the college statement. She said the college should have a consistent post-tenure review procedure; they are designing a uniform post-tenure-review process that all agree to and she would like less variation in the colleges. Is the college the most appropriate level to set the standards, Professor Anderson asked? Dean Powell said she believed they should have a college process. If there were a University policy on how to do post-tenure review, the Medical School would of course follow it. Dean Bailey agreed and said such a policy would give the deans authority because they can say the procedure is coming from the outside and must be operationalized in the college.

Dr. Carney observed also that the process is not the same in departments even in the same college (e.g., in CLA Economics and Studio Arts). In IT there are differences of nuance based on department culture but there is a "college stamp" on them. It is up to the deans to decide if the nuances are appropriate—or if they are hamstrung by different standards, making it more difficult for the dean.

The process should be the same; the criteria can be different, Dean Bailey said. The first step in her college was to ask what is meant by the 7.12 statement, what are the core values from which the process will flow. Those core values, Professor Doherty said (who is from her college) are multidisciplinary, multiculturalism, and multiple pathways to engagement. The dream she brought to the University of Minnesota with her, Dean Bailey said, and presented it to faculty, departments, and centers for a chance to weigh in on it; they all then worked on the mission and painstakingly crafted the fifty-three words that compose it.

On the subject of disciplinary drift, it is not uncommon in his college for faculty work to shift over time, Dean Crouch said. Sponsored research can tail off, so the teaching load can be adjusted in accordance with college policy. He had had an experience with a faculty member who was a member of National Academies and a great teacher who wanted to teach more because research no longer excited him. That was easy to arrange. The problem arises when a faculty member is burned out on both teaching and research. Unfortunately, there are people whom one cannot coach out of being burned out. They do not want to increase the teaching responsibilities of someone like that because of the impact on students. He said he sees it as a success if they nudge the individual out the door if the person cannot do what needs to be done. Since the 1996 tenure code was adopted, the post-tenure review process has not been carried to completion for any faculty member in his college—but some faculty members have been

given letters because they have not made the corrections that were expected and he assumes the college will have to take the next steps. Dean Crouch said he does not take pleasure in this process but has to do what is best for the University.

Dean Levine said that he meets every year with department heads and associate deans to review each faculty member. Cases of stellar performance do not require a lot of time, but where there are problems, they discuss them and visit the faculty member. The problem is when the unit refuses to face the problem; people are "chicken" and don't like to face a serious discussion of deficient performance. Then suddenly there is a need for special post-tenure review. So long as it is a linear process, and people talk along the way, the situation will work out.

Apropos the notion that people are "chicken," Dean Bailey said she tells department chairs she is dependent on their being the best they can and coaches them. They have told her they feel "chickenish" because the process is so long and convoluted at the University. She has asked Provost Sullivan how to move someone who has not improved his or her performance even with a lot of resources; he told her it is a difficult but doable process. Most department chairs would rather not go through that emotional angst.

Dean Powell said that all have a responsibility to the University to make it as productive as possible. At her previous institution, even after two years of substandard performance and a review by faculty, it was difficult to get agreement that the individual was non-productive enough to try for removal. In one case, an individual whose research had ended decades before appeared to be drunk in class, and set fire in his office—but a faculty committee could not find grounds for removal. That group of faculty did not discharge its responsibilities. Governance is a shared process with the faculty and the faculty must understand that. If the faculty do not understand their obligations, the institution will not have the partnership it needs.

Dr. Carney said people frequently ask her about the process. It is not lengthy if a unit follows the prescriptions of Section 7a of the tenure code. The problem is with unclear or ambiguous standards in the unit. A chair or head may feel someone is not living up to standards, but they might "sorta" meet them, so the department can't take action. Faculty must participate in setting the standards and they can then agree if someone is meeting them. They cannot be TOO specific, but the problem has been that most standards have been too broad. They have been improved now. If a faculty member is given annual feedback, there should be no surprises. If someone needs to be given an improvement plan, and the person does not follow through, then a tough decision will be required.

Dr. Carney also related that probationary faculty who participated in the COACHE study were vehement about senior faculty who are not as productive as they are but who will vote on their tenure. Faculty have to think about the health of their department; if they do not take steps against unproductive colleagues, they risk losing productive young faculty.

Professor McLoon said she thought a sabbatical was to be used to reinvigorate oneself, but few take it and the University does not provide the resources to do so. Some institutions provide a full year's salary. If someone is burned out, perhaps they should be provided a one-semester leave. She asked Dean Crouch about the number of faculty who take sabbaticals in IT. He said the number is high, and in one department several faculty are on sabbatical the same year. Professor McLoon said she can't think of anyone in the departments with which she is familiar who has taken a sabbatical.

It is difficult for clinical faculty, Dean Powell observed. And it is difficult for young faculty who have children in school. Those are often not the ones who need a sabbatical, Professor Abul-Hajj said. Dean Powell said sabbaticals are wonderful if there is a productive plan in place for individual renewal. For mid-career faculty it can be energizing, and is ideal for late-associate/early-full professors. She took one when she had small children and it was difficult to arrange; it was a wonderful year but she said she can see why people do not take them—they are not given the technical help to do so.

Dean Bailey said she is only 14 years post-tenure yet the only one in her college who seems not to have taken a sabbatical, but she said she believes everyone should have a research leave/sabbatical. In her view the University has an extraordinarily good sabbatical policy; she had an extra pool of funds to augment sabbatical pay, something she has not seen at other institutions. A sabbatical is a right, but it must be earned: there needs to be a plan to show how the faculty member will be enriched by the experience.

Professor Clayton said he has taken three sabbaticals in 47 years (two on fellowships, one recently on half-salary). He said he believes that every faculty member may take a sabbatical on half-salary, but many units do not have funds to add to the half-salary to make a sabbatical actually possible to take. He said this is the first he'd heard of leaves to help people who can be saved and he believes they should in some cases be granted and used for that purpose. Dean Crouch said that in the cases he's thinking of, a leave would not be appropriate; it would be a waste of money to give it someone who shows no hope of improving.

Professor Abul-Hajj said that as a department head he asked faculty what plans would enhance their capabilities; most have no idea. So it becomes the department head's responsibility to come up with a three-year plan for what the faculty member should do, and the department must commit to providing the resources to help. Early intervention is key, Dean Levine agreed. Post-tenure review should not mean the department is trying to kick someone out.

Professor Miksch asked if goals at annual reviews and three- or five-year plans are useful. She said it was helpful for her during her probationary period; after achieving tenure, it can be a "now what?" situation. Does a plan help to reinvigorate someone? Dean Levine said that as a department head he set annual goals for faculty and believed they were helpful.

(At this point Dean Bailey had to leave for a previously scheduled commitment in her college.)

## **2. "7.12 Drift" and Disciplinary Evolution**

Professor Clayton asked that the guests turn their comments to the issue of "7.12 drift" and the evolution of disciplines. (The question is prompted by the instance of the individual whose work was once valued but as a discipline changes, it no longer is.)

Dean Levine asked if intellectual mobility is part of the question. Is there someone in a department one decides should not be there? Or is the focus on area of work? "Drift" is negative, disciplinary evolution is not, Professor Clayton said. Some can change and be much better, but disciplines can "drift" off center as well. Dean Levine pointed out that Thomas Kuhn wrote about paradigm shifts. Changes in biology at the global level could lead to combining two departments because

they are drifting together. Or departments may be combined that should not and they don't work together. Professor Clayton said that both drift and evolution can happen at every level.

Fields evolve, Dean Levine observed, but sometimes people do not, and they become less interested in their work, and generate less money. They can't keep teaching because they no longer have students and they can't do research because there is no money in their area, so they are economically forced to make changes. So how does one deal with them, Professor Abul-Hajj asked? There is a natural progress that most faculty follow, Dean Levine said, and some stay where they are because they are interested in what they are doing. Those people should not be thrown out on the street if they are doing good work, but if there is no money for their work the unit should try to identify resources. Some fields do not have external support so University or state funds are required.

Professor Wells said that universities are repositories of the knowledge of the ages; they are not industry and do not bend to market pressures. There have been big changes in emphases, however; one can grab a research field that is hot and then see it go downhill. As a university, the institution must pay attention to knowledge and not bend with the wind. What if only 25% of the funding comes from the state, Dean Levine asked? Professor Wells pointed out that of 66 organized institutions that existed in 1520 and still exist, 62 are universities. They exist because they do not bend to what is trendy.

Dean Powell commented that in the Medical School they are dealing with disciplines that involve teaching, research, and clinical work, and those are not aligned as they used to be. The Department of Medicine is the biggest one in any medical school and has multiple sources of revenue. But there are different rewards in different departments, and some units cannot generate enough income to be self-supporting but are necessary for clinical care and education; the Medical School is a microcosm of cost-sharing. The challenge is disciplinary drifts in service lines and in product lines that are driven by economics and can affect educational programs. Drift driven by economics can harm disciplines but it can also create opportunities as new fields evolve and new teams can be assembled. The problem is money; if there are bills and collection, who gets the money? They might want a combined training program for different fields but the departments will disagree about revenues and training. Sometimes they need to put disciplines together for the education of students and it can also be important for economic reasons as well as research. Professor Clayton said this sounds like a creative and flexible approach driven not from "vision" but from the practical needs of the profession.

Professor Doherty said one way to think about this is as disciplinary ethnicities that do not want to see their children raised by someone else. There is a powerful socialization process that universities often do not understand. He said he does not like University decisions to merge units because it looks good on paper to do so; there can be a clash of ethnicities. Dean Levine agreed there is a lot of tribalism in the University and drift to another area is a problem.

Dean Powell agreed and said those differences must be worked though. The University does not use enough creativity or fully exploit its collective talent. She has been working with the new head of a CLA department to create a joint appointment, and some of this kind of cross-university work is the most exciting being done; it is not a disciplinary shift but involves multiple perspectives. But faculty and departments are so busy they often don't have the time to engage in such work. If the University could figure out a way to encourage those activities, they would be very valuable.

Professor Simon said that researchers who want to do cross-disciplinary work can often find each other and can work out the funding. Doing so is more difficult in teaching. Dean Powell agreed and said colleges are very territorial about tuition revenue while grants can usually be worked out. Dean Levine, however, disagreed, and said he did not believe the finances were so easy to work out. He and Dean Bailey took four months to work out a project—each has to done individually. The budget model should allow funds to follow faculty effort. If the University does not find a solution to transferring funds so they follow faculty, it could do a lot more to help, but the procedures are not in place. It takes months and months, so one concludes "why bother?"

The biggest problem for creativity and thinking time is that faculty are overwhelmed by regulatory garbage and mistakes, Professor McLoon said. Reducing that in some way would be the biggest help for faculty, because that is the biggest waste of time. Professor Wells recalled that one recent study found that faculty spend 40% of their time on regulatory and related issues.

Professor Clayton asked the deans if they would be willing to receive occasional questions from the Committee that could help guide its deliberations; they said they would. He thanked them for coming and adjourned the meeting at 10:55.

-- Gary Engstrand

University of Minnesota