

Minutes*

Faculty Consultative Committee
Thursday, April 7, 2005
12:00 – 2:00
4-300D Carlson School

Present: Marvin Marshak (chair), Gary Balas, Jean Bauer, Charles Campbell, Carol Chomsky, Tom Clayton, Dan Feeney, Mary Jo Kane, Morris Kleiner, Kathleen Krichbaum, Scott Lanyon, Judith Martin, Fred Morrison, Jeff Ratliff-Crain, Martin Sampson, John Sullivan

Absent: Gary Davis

Guests: Professor Bryan Dowd; Professor Ron Akehurst (Tenure Committee)

Other: Kathryn Stuckert (Office of the Chief of Staff); Professor James Farr (Judicial Committee)

[In these minutes: (1) faculty legislative liaison; (2) strategic planning faculty forums; (3) election of replacement for Professor Chomsky; (4) report from the Tenure Committee; (5) teaching evaluation policy; (6) Crookston representation in the Senate and on its committees; (7) update from the legislative liaison]

1. Discussion with Professor Dowd

The Committee had a discussion with Professor Bryan Dowd about serving as a faculty legislative liaison. Subsequent to this discussion the Committee deliberated how to structure the faculty legislative liaison position(s).

2. Strategic Planning Faculty Forums

Committee members who had attended the faculty forums on strategic planning related the issues that had been emphasized in the comments at the forums.

- Questions came up about the process, respect for units, access, and creative suggestions we made about the role that FCC should play in appointing the task forces.
- The land-grant mission came up, as did how the to-be-aggregated units would fare under IMG. A staff person asked if he could speak; will there be a place where P&A and Civil Service staff can speak about the process? The Committee decided that it could only claim to represent the views of faculty.
- General College and Occupational Therapy came up several times. The master theme from the first two forums, however, was that the task forces will be critical—who gets on them, who chairs

* 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 represents the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

- them, and what their charges will be. A number urged FCC to be sure faculty are front and center on the task forces. The faculty from OT said that no faculty were involved in the decision to suspend admissions in OT.
- In the St. Paul forum, there was talk over and over again about the big picture and about respect for units (how differently the report deals with some units than others). That flows into the question of what decisions are already made and how much will be done through the task forces. One person used the term "stepchild" to describe the projected relationship between units to be moved and their new "parents"; it was also said that some units were told to talk in task forces about future organization while others were told they were going somewhere in particular. Access was also an issue: how to provide a better way into the University and support students once they are here.
 - At least one person claimed the most specific recommendations were about units with less representation on the task forces.
 - Two other points made several times were about (1) the disconnect between strategic planning and the budget model, and (2) the disconnect between the academic and administrative task force reports.
 - On the General College issue, there is a lack of trust that the administration is really committed to diversity.
 - A lot of numbers were cited in the discussions about diversity in General College and the University. People with differing views appear to choose to cite statistics that support their own positions.
 - People noticed that recommendations about the AHC had little explanatory text in the report. Also with respect to the AHC, the people in the departments affected want to participate in the task forces.
 - There were comments about the unevenness of the report, and that the AHC was treated differently from other units in the report. The AHC recommendations were also seen as not as substantive as the other recommendations. It appears that the AHC was treated differently—was the report for the entire University, or does it not include the AHC (and some of the professional schools)?
 - People asked about what data and analysis were used to develop the recommendations. Those questions were not extensively answered (e.g., to what extent was there consultation on an honors college versus the status quo?). The task force was said to be somewhat cloistered, but it should have had a lot of information; the recommendation should be to look at honors, not specifically create an Honors College. A top-down decision will not work, and it will be necessary to examine what the best universities do.
 - As the process moves to the task forces, there must be access for faculty to the process—but not just through the deans. There must also be faculty on the task forces not selected through the deans. The involvement of the faculty in the compact process varies considerably by college.

- The timing of the task forces came up: they are to be appointed in June, after the Regents act. With a lot of faculty on 9-month appointments, the deliberations will really have to be deferred until fall, so the time to include faculty will be very, very short (if the reports are all due on December 10).

Professor Marshak said his overall reaction was that the University has an enormous amount of work ahead of it. He said he was not defensive about the planning task force because he believes it accomplished some things. Much of what occurred in the task force process, however, was influenced by history; one good thing that could come out of this process is to get beyond the history. There is a lot of work to do, including addressing the gaps in the task force report.

Professor Clayton said that the points that did not come up were interesting. One was the opinion of those outside the University about attempting to become one of the top three public research universities in the world. Was anyone at any one of the present top universities asked to read the report? Another was whether those concerned with making the plans for strategic positioning have looked at the organization of the top research universities to see what they do.

As the Committee reviews the comments from the forums and from other conversations, Professor Chomsky said, it must figure out—very soon— what it wants to say, and not wait until the task forces. The Committee must also be more than just a conduit; it needs a conversation among its members. It was agreed that the Committee would have such a conversation at its next meeting. There are things the Committee needs to speak up on, Professor Campbell said, such as the composition of the task forces and how much of the task force work is ONLY implementation. In some places, the DECISION will not be in the hands of the task force.

After one of the forums two Committee members had a conversation with colleagues, Professor Martin related, and they had good ideas about how to deal with some of the structural issues raised in the task force report. People like that should be involved in the process.

It was agreed that Professors Marshak and Kane should personally share with the President and the Provost the points that were made at the forums.

3. Election of Replacement for Professor Chomsky

Professor Marshak noted that Professor Chomsky will be on sabbatical fall semester so the Committee must elect someone to replace her for that period. The Committee unanimously elected Professor Kane to serve until Professor Chomsky returns.

4. Report from the Tenure Committee

Professor Marshak next welcomed to the meeting Professor Ron Akehurst, chair of the Tenure Committee.

Professor Akehurst said that he wished to bring two items from the Tenure Committee. He reported that the Tenure Committee has been keeping a low profile, because tenure is quiescent, but keeps itself in readiness to throw itself into the trenches in case there is an attack on tenure. They have not done

a great deal except keep an eye on issues; they have proposals for a couple of very minor changes in the tenure code but do not intend to bring them up until there are more substantive changes as well.

They do not believe that tenure as it is set in stone. If they can identify changes that would be benign and helpful, the code is not inviolate. The Tenure Committee would not be an obstacle to change if that is what faculty, the Faculty Senate, and the University want. He noted that "Agenda for Excellence," a report from the American Council on Education, recommends increasing the flexibility of tenure could be discussed by the Tenure Committee and other committees. There is no magic in the six-years-up-or-out formula. The changes proposed in the ACE report have to do with young faculty who have families; they may face problems that could be dealt with in the tenure code. They have discussed the recommendations briefly, such a leave for untenured faculty. That might be acceptable, but if the faculty member is not paid, how will he or she live? Will the department have to hire someone with no commitment to the University for one year? That does not seem desirable. While there may be problems with some of the proposals, the Tenure Committee is not in principle against changes.

Professor Chomsky noted that there is a provision in the tenure code to stop the clock; she asked if the committee had talked with the work-life office. These are issues percolating around other institutions as well.

Who would bring proposals, Professor Marshak asked? The Senate Committee on Faculty Affairs, Professor Kleiner said.

Do they get involved in post-tenure reviews, Professor Kane asked? They have reviewed the section of the code that deals with the reviews, Professor Akehurst said. How many faculty have gone through a post-tenure review, Professor Kane inquired? None, Professor Akehurst said; none have gone to the third stage, Professor Martin clarified. No one has had their tenure removed. Professor Akehurst recalled that Senior Vice President Jones had informed the Tenure Committee that some believed post-tenure review was a way to get rid of faculty, but post-tenure review is not designed to do that. The remedies under post-tenure review are designed to help the faculty member improve. Even if there have been no faculty who reached the third stage, Professor Morrison said, post-tenure review has been useful because department heads can start the process and offer the faculty member alternatives; faculty can take advantage of the alternatives. The other effect, Professor Lanyon said, is that faculty who go through the process feel more supported.

Professor Chomsky said she has heard that there are variations in the tenure process in departments. Is there a perceived need to get a sense of what is going on below the University-wide level? Are there faculty in units who do not know how the system works? There is need, in a time of quiet, to explore what is happening in terms of the rules being used. That has not been the function of the Tenure Committee, Professor Akehurst responded; that is more a vice presidential responsibility. Vice President Carrier could investigate how well the rules are known and applied.

Professor Marshak said that if the only changes pending are small ones, and the committee is awaiting proposals from Faculty Affairs, then there is nothing for this Committee to do at present.

Professor Akehurst said his second item is to ask if the Tenure Committee should take on another issue: academic freedom. There is no committee dedicated to academic freedom but all faculty are

involved with it; who do faculty go to if they encounter an academic freedom issue? The Tenure Committee could be a watchdog for academic freedom.

Professor Martin said she thought this was a great idea. She noted that this Committee and the Provost appointed a task force on academic freedom, which issued an excellent report. The report, however, is not lodged anywhere and it would be good if the Tenure Committee were to become the keeper of the report. Professor Kane asked if the Tenure Committee is only responsible for tenured and tenure-track faculty, so others would not be covered. Professor Akehurst said the Tenure Committee would take responsibility for an attack on academic freedom anywhere in the University. Professor Marshak commented that in cases like that of Professor Ward Churchill, administrators are careful to say they are not attacking academic freedom but instead they investigate some other matter.

The tenure code talks about academic freedom, and protects it, Professor Chomsky said, but there are two different levels to deal with. One is at the global level of statements and policies; the other is at the case-by-case level. The Committee needs to think about the role of the Tenure Committee; it is not appropriate to turn it into a hearing body, but it would be good for it to have responsibility at the global level. Professor Morrison agreed, and said that if an issue arises, it is useful to have a body that talks about the importance of academic freedom, but not about specific cases. Beyond broad policy, however, it will help to have a body that speak out on issues.

The Committee agreed that the Tenure Committee should recommend a change to its charge (and its title). Professor Akehurst noted that he is leaving the Tenure Committee this spring and going on phased retirement, so his successor will have to deal with these matters. Professor Marshak thanked Professor Akehurst for his efforts and for all he has done for the University. Committee members gave Professor Akehurst a round of applause.

5. Teaching Evaluation Policy

Professor Marshak turned to Professor Clayton for a discussion of the draft policy on the evaluation of instruction. Professor Clayton observed that with the pressure of the strategic planning process, the draft policy was not a burning issue, but recalled that he had sent to Committee members a memo outlining three reservations he had with the current draft. They were:

-- Requiring regular peer-reviews of tenured faculty members is arguably demeaning and a waste of faculty time, which there is plenty to fill already. Do the top-three research universities devote time and energy to this activity? As someone remarked at the FCC meeting of March 3rd, faculty members may be considered mature by the time they are thirty (!) or so; and we should probably assume that tenured faculty members are teaching responsibly unless their evaluations or students' complaints suggest that they are not. Wouldn't it be ample to conduct a special peer review when there were reasons to think an instructor was not doing his job? Or when he requested a peer review for whatever reason? Besides being demeaning and redundant, such reviews could easily be political and invidious, in some places.

-- The Five Questions are questionable in themselves—partly his fault as a sometime SCEP chair, Professor Clayton said. Three tend to elicit virtually the same response, essentially a gut response. Many instructors find this in reviewing their evaluations, and there may be scientific evidence to support the inference. The redoubtable Darwin Hendel would know.

1. How would you rate the instructor's overall teaching ability?
 2. How would you rate the instructor's knowledge of the subject matter?
 3. How would you rate the instructor's respect and concern for students?
 4. How would you rate the physical environment in which you take this class, especially the classroom facilities, including your ability to see, hear, concentrate, and participate?
 5. How much would you say you learned in this course?
- The spectrum is from 1 lowest to 7 highest, variously worded.

All of these questions could be improved, Professor Clayton said.

-- The policy says nothing about grades given by the instructor, but that is a very important part of the instructional picture: higher grades elicit more favorable teaching-evaluations, or so I have been told there is evidence to show.

There is a fourth issue, related to the first, Professor Clayton said. It has been said that complaints are rarely made because students are afraid to complain to the chair/head, which is possibly true. It is also said that complaints in general are not made because no one knows where to complain, which is almost certainly true. The service-accountability committee he co-chaired with Kathy O'Brien strongly believed that there should be a well-publicized facility in the University for receiving commendations, complaints, suggestions, and whistle-blowing (anonymous *or* signed), and recommended that such a facility be established. Nothing came of this recommendation, but it seems all the more appropriate on the way to #1-3-research-university status.

The recommendation seems have disappeared, he commented.

Professor Martin said that people who have chaired the Senate Committee on Educational Policy (which she has) worry about these issues. No one likes the five questions on the current evaluation form—there is a litany of problems with them, such as that they are innocuous, not helpful, and asked of students at the wrong time. A lot could be done to improve course evaluation; the system is not what it should be.

Professor Marshak, noting that this item is not on the current Senate docket, reported that Mr. Wanderman, chair of the Student Senate Consultative Committee, very much wishes to see the revised policy acted on this year. That will mean the final recommendation to the Senate will be due on April 14. Several Committee members said that deadline would not be possible to meet, given the issues that Professor Clayton has identified.

Professor Sampson said he was sympathetic to the view of the students but pointed out that strategic planning is dealing with undergraduate education. The evaluation form should be refined in light of that effort; rather than tinker with the form now, it should be made part of the strategic-planning process. Professor Chomsky agreed that the Committee needed to deal with the issues but said it could not do so now. She said Committee members need time to think about Professor Clayton's points and return to them when there is time to talk about them. Professor Martin said she agreed strongly with Professor Sampson: they should do anything they can to force a linkage between teaching and learning and the strategic-planning process. They should do so, she said, because at present she believes there is very little about teaching and learning in the strategic plan. Professor Chomsky noted that there is one line, about moving to a culture of assessment, which is helpful, but few other direct references. Professor

Krichbaum agreed that the item should be delayed but said it is at the heart of the discussions about what kind of university this should be and is directly related to the mission. She also said she was opposed to student evaluations as the sole method by which teaching is assessed; it is not sufficiently accurate, she said.

Professor Clayton said that his second point, and the issue of the place to send commendations and complaints, have to do with policy. He wanted to focus attention on them because they could be very good for the University. There is now nowhere to say that something is good, or going wrong, and there needs to be such a place for people to bring items for recognition. Professor Campbell moved that the Committee transmit the recommendation to the President and Provost and ask that it be followed. It was agreed that Professors Clayton and Campbell would draft the actual wording of the motion; the Committee approved it

6. Crookston Representation in the Senate and on Committees

Professor Marshak said there remain questions about the five faculty members at the Crookston campus who are not part of the bargaining unit: are they eligible for membership in the Senate? If so, then they are also eligible for membership on Senate committees.

After discussion, the Committee concluded that because those five faculty (who are department heads) have been categorized as holding positions similar to that of a dean, they should not be eligible for Senate and committee membership in the future. It was also noted that (1) this decision does not apply in the case of the Morris or Twin Cities campuses, where department/division heads/chairs are eligible for membership in the Senate and on committees, and (2) the P&A staff at the Crookston campus eligible for Senate membership should seek representation through the P&A seats in the Senate that will be available in the newly-reorganized Senate starting July 1.

7. Update from the Legislative Liaison

Professor Sampson provided an update on legislative action affecting the University. The topics included the bonding bill, the "academic bill of rights," doctoral degrees at other institutions, and the stadium. One question that arose was whether the governance system wished to take a position on the stadium; the Committee concluded that it did not.

Professor Marshak adjourned the meeting at 2:15.

-- Gary Engstrand

University of Minnesota

[Note about the 3/24/05 minutes: In the discussion of the faculty ombuds issue, the Conflict Resolution Office was described as a 'clearinghouse' for problems. It certainly is an excellent place to call when an employee has a problem, but it is not the only place, nor is it a requirement to contact Conflict Resolution first. Equal Opportunity and Affirmative Action is still the place for investigations of discrimination complaints and that office continues the problem-solving, mediation/ombuds-type services for equal opportunity issues that it has provided for many years. They work with students, faculty and staff, on

discrimination concerns involving employment, academics, facilities and services. The website is <http://www.eoaffact.umn.edu/> .

In addition, both the EOAA office and the Office for Conflict Resolution have jurisdiction over discrimination complaints. However, an employee must choose between the two different processes and cannot pursue a complaint in both offices. Usually, the discrimination issues that come to the Office for Conflict Resolution are when the employee raises non-discrimination issues together with discrimination issues. The two offices advise employees about the differences in their processes. They also confer about the best process for an employee when discrimination concerns are presented as part of the picture but not the whole picture. They cross refer to make best use of their different processes.]