

Minutes*

Faculty Consultative Committee
Thursday, September 18, 2003
1:15 – 3:00
238A Morrill Hall

Present: Judith Martin (chair), Gary Balas, Jean Bauer, Susan Brorson, Charles Campbell, Tom Clayton, Gary Davis, Arthur Erdman, Dan Feeney, John Fossum, Mary Jo Kane, Fred Morrison, Jeff Ratliff-Crain, Martin Sampson, Charles Speaks, Carol Wells

Absent: Emily Hoover, Marc Jenkins, Marvin Marshak

Guests: Vice President Sandra Gardebring (University Relations), Steve Baker (Director of Communications, University Relations); John Engelen (Director of Federal Relations); Professor Shirley Nelson Garner, chair, All-University Honors Committee

[In these minutes: (1) a football stadium; (2) strike by University employees; (3) event for new faculty; (4) administrator reviews; (5) internal communication, "branding," and the football stadium; (6) athletic director on the Faculty Academic Oversight Committee for Intercollegiate Athletics; (7) discussion with the Director of Federal Relations; (8) recommendation for a new award]

1. Stadium

Professor Martin convened the meeting at 1:20 and began by noting that no one knew if or when there will be funds for an on-campus football stadium. Last year this Committee developed a set of principles; Professor Feeney recently reviewed them and sent a list of assumptions to Committee members that he thought should obtain in the current circumstances. He then prepared a revised set of principles. Professor Martin proposed that the draft be sent to the Senate Committee on Finance and Planning and the Advisory Committee on Athletics for comment and that this Committee not get involved in the discussions prior to receiving those recommendations. Committee members concurred.

Later in the meeting, President Bruininks provided a copy of a draft set of principles being prepared for the Board of Regents for their October meeting. Professor Morrison suggested that if the committees were to be able to make any contribution to the deliberations, they would need to act quickly. It was agreed that both Finance and Planning and the Advisory Committee on Athletics would have recommendations to this Committee by next Thursday, at which time the stadium would be added to the agenda.

2. Strike

Professor Clayton had inquired, via email, what the attitude of the Committee would be if any of the bargaining units were to go on strike. Professor Martin reported that Professor Fossum had provided her some information.

* 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.

Professor Fossum noted that the Committee has taken no position before, during, or after other labor negotiations so it would be inconsistent to take a position on the most recent one. Minnesota law provides that any employee can express his or her views about a strike; employees (not on strike and/or not part of the bargaining unit) who withhold services, however, are subject to penalties. The position of this Committee should be that the administration should support the right of employees to exercise their free speech. So the Committee should take no position but individual members of it can take whatever position they wish, Professor Martin reiterated.

But one must teach his or her classes, Professor Morrison said, or one is in trouble. In addition, he said, all the unions are voting the same day, October 2; it is not clear that only one unit will vote "no" on the University's offer.

Professor Ratliff-Crain said the Committee should make sure that people are aware of their rights to speak up. The messages from the administration make it clear that people must do their jobs if they are not on strike; there has NOT been an affirmation of one's right to speak up. He said the administration should be encouraged to include the right to speak in its messages.

3. Event for New Faculty

Professor Martin reminded the Committee that it had expressed an interest in helping new faculty understand and eventually participate in the governance structure. Professor Kane developed a proposal last year; does the Committee wish to consider it. What might affect the reactions, Professor Martin said, is that Employee Benefits held a session for new faculty last summer in which she was invited to make a fifteen-minute presentation on governance (which she did), and there will be another such session next week. Given that, should the Committee still do something?

Professor Kane said that her proposal was more than just informational; it proposes a small program to help faculty who want to be more engaged, a program that also provides some institutional recognition. The drawback is the time it will take to set it up. If it is to be set up, who will do so, who will monitor it, who will advertise it?

Professor Erdman recalled that the Committee sponsored some breakfasts and lunches a few years ago that could be offered again, although there is a cost involved. It was noted that the Committee on Committee does use the list of names of people who participated in those events.

It was agreed the Committee would take up this proposal at a future meeting.

4. Administrator Reviews

Professor Balas asked that the subject of reviews of administrators not be neglected. Professor Fossum assured him that the Committee on Faculty Affairs has it on its agenda.

5. Internal Communication, "Branding," and the Stadium

At this point Professor Martin welcomed Vice President Gardebring, Vice President for University Relations, to the meeting to discuss communication strategies and more specifically the electronic-only distribution of BRIEF.

Vice President Gardebring said she understood there was some unhappiness about the move to an electronic BRIEF and some annoyance that the faculty had not been consulted. She said she wanted an opportunity to explain.

University Relations did a reader survey about converting BRIEF to an electronic-only format; the response was equivocal, but there does seem to be a trend to electronic communication. Second, her office needed to make budget cuts; printing and delivery of BRIEF and KIOSK cost \$35,000 per year, which was not a trivial amount in her budget. When the President sent an email to all employees asking for suggestions on how to save money, the most frequent response was to eliminate the paper copy of BRIEF.

They now do a weekly BRIEF by email and once per month a BRIEF EXTRA; the latter has information similar to what appeared in KIOSK (features, awards, etc.). There are three other pieces to the communication strategy, Ms. Gardebring said.

-- There is the biweekly newsletter, U of M E News, which was developed in response to gathering information from other universities as a way to stay in touch with alumni. The distribution list for E News is about 60,000.

-- In January they will establish a repository that will contain much valuable information for internal audiences. She said that electronic communication is moving toward shorter messages with links to a story; this "supersite" will be the locus of information for budgets, the stadium, etc.

-- The University is using direct email communication for important issues. They sent a regular email on legislative events--what happened, what was coming--to the deans, directors, and department heads list, to this Committee, to CAPA, student leaders, Regents, and so on.

These five "prongs" are almost exclusively electronic. There are challenges; about 3000 people at the University do not have routine access to a computer, mostly University Service maintenance staff and the like. Mr. Baker is working with Vice President O'Brien on getting information to those people.

BRIEF goes to 23,000 email addresses; there were 12,000 printed copies, so there are over 10,000 additional copies being distributed. The paper mail lists are not as accurate as the electronic lists and some units, in the past, only posted one copy for a department. Electronic distribution provides the opportunity to reach many more people, Ms. Gardebring said. They have received some feedback, mostly positive, but some want a plain text format, which will be made available. Some miss the orange paper in their mailbox.

That is why they did what they did, Ms. Gardebring concluded. They are able to deliver more information to more people. One can opt out of receiving the electronic BRIEF; thus far, 40 people (out of 23,000) have done so. She said that in terms of consultation, she may have dropped the ball because she thought it was an administrative decision. She said she should have checked in.

Professor Ratliff-Crain said that he was one of the people who had expressed concern. He said he had not heard about the feedback and said the links were a good idea. The consultation issue was also connected to the fact that people are inundated with email communications, but BRIEF is an important communication tool that should not get lost. Ms. Gardebring agreed that people do receive a lot on their computer; email is an unmediated communication mechanism allowing people to talk to one another at the touch of a key. She said she, too, worries about the volume but said she had no answer to the problem.

Ms. Gardebring said there will be an electronic archive of BRIEF but agreed it will be important to print out copies as well for storage in the Archives. Professor Campbell pointed out that the libraries are increasingly moving to NON-print storage. Publishers are making archives available electronically--and updating them for new technology.

Professor Sampson agreed the change makes sense, even though he also had reservations. From January to August this year the University's leadership did a good job but many did not understand what was going on. The robustness of communication is important. This will be a year that requires a lot of decisions; it will be great if the new version of BRIEF is enticing so it serves as an effective means of communication. For example, BRIEF played an important role during the tenure debate. That is what they want, Ms. Gardebring responded; she said she does not believe one can over-communicate; people can throw away or delete mailings, but more communication makes them more likely to be successful as administrators. They are interested in feedback about communications, she said; they want good information provided to people.

KIOSK started at the request of this Committee, Professor Campbell recalled, to provide FCC and faculty leaders the opportunity to communicate with the faculty. Will that be part of the new system? It will, Ms. Gardebring said; that is why they are publishing BRIEF EXTRA. If Professor Martin wants a regular column, she may have it. She spoke with Professor Bland, who played a role in getting KIOSK started; she agreed that these tools are more important at some times than they are at others. They will work with the leadership groups to provide what is needed in the way of communication.

Professor Feeney suggested putting the word "BRIEF" in the subject field of email communications so people know what they are receiving. Ms. Gardebring said they intend to do that.

On the issue of "branding," there are three tag lines they have tested over the last 18 months with parents, alumni, the Foundation, and high-ability students. There were varying responses to the proposals; the general view that emerged is that they should use "big time" as an adjective. Vice President Gardebring said she would be glad to meet with the Committee to discuss the print and radio ads that are being planned. She noted that the money for the effort would come exclusively from Foundation funds; the effort is planned for launch in November.

Professor Martin recalled her point that the radio ads some years ago featuring research or some other part of the University were very good at providing regular reminders to the community about the work done here. Ms. Gardebring agreed the University should do something. This effort will not be directed at recruiting students but will be a platform for the University, a way for it to say that it is not simply a bigger version of a state university or private college. The message will be that it is different, big time, in a different category. This will be helpful to faculty in their professional identification,

Professor Martin said; the University needs to get over "Minnesota modesty." Ms. Gardebring agreed the time is past when one can do good work and expect others to notice.

Has there been any negative reaction, Professor Kane asked? Some, Ms. Gardebring said; if the University says it is "big time," does that mean the others are small time? The University is DIFFERENT, Professor Martin said. There is a little sense that the University should not brag too much, Ms. Gardebring said; she intends to ignore that advice. When she travels around the country, she hears much good about the University; it should brag about what it is doing.

Professor Martin next informed Vice President Gardebring that the Committee would be forwarding a set of principles it believes should govern the stadium discussions. Ms. Gardebring said the University has been looking at the issues and has retained the same consultants it used earlier in order to get an idea of the cost of a stadium based on programmatic decisions; they hope to have a figure that is about 85% certain. This evaluation should be finished by the end of October and will be funded by the Foundation. They also intend to take a revised set of principles to the Regents in October, as the President had reported. The Foundation is also doing a study of potential fund-raising for the stadium.

Does the Foundation have a way of certifying that the people they approach would not have otherwise given money to the University, Professor Campbell asked? Ms. Gardebring said she did not know. They are talking to people who have already given money for the central purposes of the University. Others will be asked if a gift for a stadium could be coupled with a gift for academic purposes. The President is committed to trying to avoid funds for the stadium displacing funds for academic programs. She said the President intends to create a steering committee that will include faculty, students, and deans, if the effort goes forward.

Professor Martin thanked Vice President Gardebring and Mr. Baker for joining the meeting.

6. Athletic Director on the Faculty Academic Oversight Committee for Intercollegiate Athletics

Professor Martin turned to Professor Erdman to lead a discussion of a change in the Rules to add the Director of Athletics as an ex officio member of the Faculty Academic Oversight Committee for Intercollegiate Athletics (FAOCIA).

Professor Erdman noted that Professor Leo, chair of FAOCIA, was unable to attend this meeting and asked him to present the item. There is a great deal of difference between the current athletic director and his predecessors; Mr. Maturi wants more communication and wants to take down barriers between athletics and the rest of the campus. He finds it strange that he is not a member of FAOCIA, which deals with the eligibility of students to participate in athletics. This change was brought to FAOCIA; the vote was divided 5-4 in favor.

Professor Martin pointed out that there is a need to separate Mr. Maturi from the consideration of whether the athletic director should sit on FAOCIA.

Professor Morrison said he strongly opposed the change. The split in committee responsibilities that was made several years ago was based on the idea that FAOCIA is a regulatory commission. One does not put the President of Xcel Energy on the Public Utilities Commission. The experience at the

University has been that the athletic director co-opts committees and they become ineffective. It is fine if FAOCIA wants to invite the athletic director to attend meetings, but it must be able to meet privately as well.

Professor Kane said she agreed with Professor Morrison but asked what the other arguments were. When the University hired Mr. Maturi, she recalled, it was made clear he must be part of the academic mission. Mr. Maturi believes that and does not want to be isolated. It must be clear the University is not sending mixed messages.

The Committee voted 7-0, with one abstention, not to approve the change in the FAOCIA membership. Professor Martin said she would communicate with Mr. Maturi and make it clear that this is a policy decision--and that FAOCIA may invite him to meetings.

7. Discussion with the Director of Federal Relations

Professor Martin next welcomed John Engelen, the University's Director of Federal Relations, and asked him to talk about the issues he was working on.

Mr. Engelen said that he represents all campuses and his office is part of University Relations. He spends about 60% of this time in Washington, D.C.; he lives in Minnesota and represents the University in a variety of places. Last year, for example, he organized 275 meetings between University representatives and members of the Minnesota Congressional delegation or their staff, and 40 members of the Congressional staff were involved in sessions at the University (in this way, the University is a resource for the Congressional delegation). A big part of his job is letting the federal people know that they can trust the University and that it is a good steward of federal funds. He wants to be sure every member of the Congressional delegation comes to a University campus each year; at present they have been averaging two visits per year. New members of Congress are invited to the University to meet with the President and others they may want to see before they go to Washington. Right now the University's reputation is at the highest it has ever been with the Congressional delegation.

He also represents the University on national higher education strategies through organizations such as the National Association of State Universities and Land Grant College, the Association of American Universities, etc.

In terms of the issues, there are about 20-25 days left of the session so appropriations are a major issue. The appropriations are being made at a difficult time (a worsening federal deficit, \$87 billion for the war in Iraq); Congress must complete 13 appropriations bills. The House has finished all 13, the Senate 6, but there are differences in the bills and there is not a lot of new money.

There is an attack on the peer review system again. One House of Representatives member found four projects he did not like that were peer-reviewed; there was proposed legislation to revoke funding for the projects that failed by only one vote. For him, Mr. Engelen said, this is a red flag that this has the potential to become a major issue during debates on future appropriations and agency authorizations. He has talked to the Minnesota delegation about peer review and what it means to the University.

Professor Martin said that there have been two items that Senate committees have dealt with that he might provide some insight about: research secrecy and new regulations for foreign students.

There is always an issue about whether the University can do research with Department of Defense funding, Mr. Engelen noted. There is a Regents' policy that bars secrecy in research. A new wrinkle is the designation by federal agencies of some research as sensitive but not classified; if research is deemed sensitive, it affects who can work on it and who has access to a lab. Sensitive is loosely defined; there is no federal statute creating this category. There are significant visa issues for foreign students and foreign scholars: can they get into the U.S., and if they leave, can they get back in? Some have gotten caught in the rules; he said he works on these on a case-by-case basis. The problem is that the agencies have not had the funds needed to implement the more restrictive rules; the University is not arguing with the rules but is telling Washington that it needs to get the process working right.

A related issue is the process by which the University reports information on foreign students and foreign scholars to the federal government. The requirements demanded a difficult, costly change in technology, but the federal government forged ahead with the requirements but without the funds.

Professor Erdman asked Mr. Engelen if he played any role in lobbying for individual faculty members or groups for individual proposals (because there is a sense that funds go to those with political clout). Mr. Engelen said he does do this kind of work and that it is appropriate in some agencies. He mostly hears about projects when there is a problem or when another member of Congress has gotten involved--so he hears late in the process. He said he working to get ahead of the problems. How can the Committee help, Professor Erdman inquired? Mr. Engelen said he would bring a proposal to the Committee.

Professor Balas asked Mr. Engelen how much time he spent on "big topic" issues versus research funding, and specifically for an increase in NIH funding. Mr. Engelen said it varies. The Congressional cycle is different from the academic cycle; there are times of year when he spends more time on individual projects and others when he is swept into the bigger issues. The job has been manageable, but with declining state funds for the University there has been increasing pressure in his position. Professor Balas asked Mr. Engelen if he had sufficient resources to do his job. Is one person, spending 60% time in Washington, enough when the University receives over \$400 million from the federal government? It is also the largest user of direct student loans and receives funds from every federal agency, Mr. Engelen added; the University has a huge interaction with the federal government.

Professor Campbell asked Mr. Engelen about the proposal in Congress that there be a tuition cap and the Sabo intellectual property initiative. Mr. Engelen said that tuition accountability is tied up in the reauthorization of the Higher Education Act, which occurs every five years. It does not appear that Congress will pass the reauthorization this year but there has been a lot of discussion. Minnesota has two representatives on the House subcommittee that deals with the legislation. The chair of the subcommittee is from California. The University of California system is talking about 30% tuition increases and the California community colleges about 62% increases, so the subcommittee chair is hearing a lot about tuition from his district. He has talked about proposing legislation that would lock public and private institutions into a formula whereby they could not raise tuition more than twice the inflation rate or suffer consequences. The first time an institution did so it would receive a warning; the second time it would lose all Department of Education funding (which would include student financial aid). The operating premise of the proposal is that universities do not hesitate to pass costs along to students. The subcommittee commissioned a study that is infuriating reading; among other things, it purports to show that higher education passes along costs and that state funding does not affect tuition (and it also finds that

Minnesota did not cut funding to higher education). The subcommittee chair is trying to move the bill by November but that is unlikely because there is a lot of dissension about it.

What can be done about the proposal? When it was announced, President Bruininks wrote to the Congressional delegation explaining why the University increased tuition. He has also worked with the subcommittee representatives from Minnesota so they can understand what is happening, Mr. Engelen said, and has provided them the accountability reports that the University gives to the state. He has informed them about the University's relationship with the legislature and about what has happened at the University (people have been laid off, Minnesota Extension Service offices have been closed, all salaries have been frozen, health care benefits costs are being increased for all employees, etc.). Have they heard you, Professor Bauer asked? Mr. Engelen said they have; one of the University's accountability reports was used in the hearings. This is an issue that is not split along Democratic/Republican lines, he added; some Republicans, for example, oppose it because it imposes price controls.

The Sabo bill calls for denying copyright for works that are substantially funded by the federal government so that access remains open. Mr. Sabo did not consult with the University before he proposed the legislation but has consulting a great deal since. The University's position is that there is a significant cost involved with publication of material and some scientific journal subscriptions. However, the University is reluctant to endorse a change in copyright law as a solution. Mr. Sabo asked what the University would like done. The University is working with the national higher education associations and hopes to develop a proposal.

Professor Wells noted that the Bayh-Dole act allows for patenting the results of federally-funded research; is this different? The danger is that if copyright is denied, one will slip into an attack on Bayh-Dole: the concept of assignment of private rights to the outcomes of federal research is an important underpinning of that law, Mr. Engelen said. If something is taxpayer-funded, it might be that there would be no private rights that attach to the work under the Sabo proposal or its progeny.

What kind of offices do other universities have in Washington, Professor Sampson asked? Michigan has three staff and Michigan State has two; they share clerical support. Purdue has just opened an office. The others in the Big Ten do what the University does.

Professor Martin thanked Mr. Engelen for joining the meeting. She said it was helpful to know that he was working on behalf of the University. Mr. Engelen said that faculty should not hesitate to email or call him. He also said that he meets all the time with University representatives when they are in Washington, and with University-affiliated groups.

8. New Award

Professor Martin next welcomed Professor Shirley Nelson Garner, chair of the Senate All-University Honors Committee, to present a proposal for a new award.

Professor Garner said the idea for this award came about when Professor Rama Murthy was chairing the All-University Honors Committee about three years ago. It is like the Outstanding Achievement Award, which is awarded to University alumni, but is for non-alumni. Over the years people have wanted to nominate individuals who are not alumni for an Outstanding Achievement Award; those individuals do not qualify, and at the same time they did not qualify for an honorary degree. This

award is a way to recognize people and at the same time make University values known to the larger public. The President favors the creation of this award.

Professor Martin asked if there is a financial commitment involved in creating the award. People receive a framed citation and a medallion that cost about \$190, Professor Garner said. In meetings with the deans, it appears likely that colleges would nominate one person for one award (Outstanding Achievement or this new award) per year, so she does not expect a large number of new awardees. The Foundation is interested in this award as well and has a budget to assist departments that want to nominate individuals.

There have been awards from the Board of Regents on short notice, Professor Campbell recalled; does this put a procedure in place for such awards? It does not, Professor Garner said; the same procedure that is used for all awards approved by the Honors Committee will be used for this award. This new award is also not for financial contributions. The Regents can recognize anyone they wish; the Committee, however, has defined procedures for the awards for which it has responsibility.

Is there a place where people will be recognized, Professor Balas asked? There is no definite time or place, Professor Garner said; that is up to those giving the award. It might be commencement or any other place. Deans' offices have been involved in determining how awards are given.

Will the recipients of these awards also be represented on the Scholar's Walk that has been presented to the Board of Regents, Professor Erdman asked? They would not, nor would those who receive the Outstanding Achievement Award, Professor Garner said; while the categories for the Walk have not been established, they will likely be limited to students and faculty of the University. There has been talk of a place to recognize people of significance to the Alumni Association, Professor Martin commented.

The Committee voted unanimously to approve the new award. Professor Martin thanked Professor Garner for her presentation and adjourned the meeting at 3:10.

-- Gary Engstrand

University of Minnesota