



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee  
N307 Elliott Hall  
75 East River Road  
Minneapolis, Minnesota 55455  
Telephone: (612)626-1850

SENATE CONSULTATIVE COMMITTEE MEETING

11:15 - 12:15

AND

SCC DISCUSSION WITH PRESIDENT KELLER

12:45 - 1:30

May 14, 1987

Regents Room, Morrill Hall

AGENDA

FOR ACTION:

- 11:15 1. Approve minutes of April 30 (attached).
- 11:15-11:25 (10) 2. Approve for submission to Senate a resolution on free speech (attached; see also May 5 memorandum from President Keller and Vice President Benjamin sent individually to SCC members).
- 11:25-11:35 (10) 3. Approve modification to search and review guidelines approved at April 30 meeting (attached: new draft with changes incorporated).

FOR DISCUSSION:

- 11:35-11:55 (20) 4. SCEP motion to establish a Senate Committee on Information Systems (copies distributed with April 30 agenda).
- 11:55-12:15 (20) 5. Final report of the Special Committee on Minority Programs in Support of Commitment to Focus (attached). Guest: Professor John Taborn, Chair.

FOR DISCUSSION WITH THE PRESIDENT:

- 12:45-1:00 (15) 6. Freedom of speech; enforcement of the Student Conduct Code.
- 1:00-1:10 (10) 7. Tuition refund schedule for students cancelling classes.
- 1:10-1:30 (20) 8. The President's items.



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MINUTES

SENATE CONSULTATIVE COMMITTEE MEETING  
AND  
DISCUSSION WITH PRESIDENT KELLER

May 14, 1987

11:15 - 2:20

Regents Room, Morrill Hall

Members present: Tim Allison, Ellen Bercheid (Chair), Mark Brenner, Charles Campbell, Shirley Clark, Brenda Ellingboe, Jill Gaudette, Richard Goldstein, Ron Kubik, Joseph Latterell, Scott Love (UMW interim rep.), Cleon Melsa, Paul Murphy, Ronald Phillips, Roy St. Laurent, Andy Seitel, W. Phillips Shively, Bruce Vandal.

Guests: Student SCC members-elect Sonia Arreaza and David Dahlgren; Charles Farrell (past SSCC member), Jason Franch (UMW student), Dianna Gardner (temporary assistant to SCC), Judy Grew (student rep. to Regents and MSA president-elect), Richard Heydinger (senior assistant to the president), Timothy Kasen (of the Daily), President Kenneth Keller, Todd Lowen, Sallye McKee (ex officio member of CTF Minority Programs Committee), Associate Vice President V. Rama Murthy, Mary Jane Plunkett (student government adviser), Tim Pratt (MSA president), Marsha Riebe (assistant to the president), Heidi Schechter (of the Daily), John Taborn (Chair, CTF Special Committee on Minority Programs...), and a Daily photographer.

At the Chair's request, all members and guests introduced themselves.

1. The minutes of April 30 were approved as distributed.
2. SCC motion to the Senate on freedom of speech.

Professor Brenner, who chaired SCC's subcommittee to draft the motions, referred to the pair of motions sent SCC members for this meeting, and distributed copies of a new, stronger Motion 1, which addressed more directly the drowning out of Vice President George Bush's recent speech (April 28 Carlson Lecture) which prompted the SCC initiative. Following lengthy discussion, the SCC voted (17 yes, 0 no, 1 abstention) to approve the motion as amended:

WHEREAS the University Senate recognizes the need to protect  
the right of free speech;

WHEREAS the University Senate recognizes that individuals have the right to express alternative points of view;  
WHEREAS the University Senate believes in the promotion of full, public discussion of issues;  
WHEREAS the University of Minnesota is a center for open discussion for the advancement of thought on issues important in today's society;  
AND WHEREAS the University Senate is a representative body of the University of Minnesota community;

THEREFORE BE IT RESOLVED that the University Senate condemns actions that prevent persons invited to speak at the University of Minnesota from expressing their views and actions that disrupt their presentations.

(MOTION ONE)

BE IT FURTHER RESOLVED that the University Senate endorses the development of an ongoing all-University open forum that permits expression of multiple viewpoints on issues, and that the Senate Committee on Social Concerns should develop and report back to the Senate on possible methods of implementation no later than winter quarter, 1988.

(MOTION TWO).

3. Special Committee on Minority Programs in Support of Commitment to Focus: Final report. Guests: Professor John Taborn, Chair, and Professor Sallye McKee, ex officio member.

Professor Taborn stressed to the SCC that to achieve the desired minority program development under Commitment to Focus there must be creative involvement by the faculty as well as the deans, clear articulation at the vice presidential level of the goals and means, and integration of the plans into the mainstream of academic planning. Reaching out to secondary school students is a key activity, in anticipation of the full implementation in 1992 of increased University preparation requirements, and is abetted now by a two million dollar grant from Super Valu. Otherwise, \$1 million to \$1.5 million per year is a very rough estimate of the cost of implementing the report's recommendations.

Professor Berscheid praised the committee for "going the extra mile" in trying hard to get cost estimates for its recommendations.

The Senate was scheduled to vote on the report later on this day, following which it would go before the Regents for action.

3. "The Selection and Review of Persons Holding Middle Management Administrative Positions:" Motion drafted for SCC submission to the Senate later on this same date.

(Note: SCC had approved an earlier draft of the motion at its April 30 meeting.) Copies were distributed to SCC members of the May 13 memorandum from Professor Clarice Olien, Chair of the Senate Committee on Equal Employment Opportunity for Women (EEOWC), conveying that

committee's comments and recommendations on each section of the motion. Professors Shively and Berscheid had met with the EOWC earlier in the week to discuss the proposal. Also distributed was a set of small modifications proposed by Professor Shively (co-author) and the SCC Chair, Professor Berscheid.

EOWC recommended deletion of the section on "Automatic Termination with Change in Command." In discussion, the SCC noted that Section I reasserts the norm; in a straw vote the committee approved, without dissent, preserving Section I.

SCC then approved, without dissent and after further short discussion of slight modifications and editorial improvements, the full text of the motion it would recommend to the Senate. Professor Shively acknowledged that if the Senate approves the motion, the SCC will next year probably work on means for its implementation and enforcement.

#### 4. Discussion with President Keller.

##### A. Free speech and the student conduct code.

Professor Berscheid reported to the President the SCC's endorsement of a strong resolution regarding freedom of speech on campus, to be submitted to the Senate later this afternoon. She added that the SCC believes a resolution is not in itself sufficient to change behavior.

Discussion ensued on the broad question of how to discourage disruptive behavior on campus, particularly through the tone set by University leadership and by timely hearings to deal with alleged Student Conduct Code violators and, if appropriate, with registered student organizations. Speakers touched on the roles and responsibilities of the Office of Student Affairs, the Assembly Committee on Student Behavior, the President, and the campus police. President Keller said he would welcome further thought and suggestions regarding enforcement of the Student Conduct Code. He encouraged the Consultative Committee to express itself publicly and strongly on any aspect of this issue it wished to.

##### B. Tuition refund schedule for students cancelling classes.

The SCC was not opposed to the new policy, but disapproved of the consultation schedule. In its April 2 meeting, the SCC had recommended to Associate Vice President Jeanne Lupton that data be gathered on the reasons students drop classes late, and that that data be presented for the Regents' information before they were asked to vote on the policy change. However, without the conduct of any studies, the item is scheduled for Regental action in June. President Keller told SCC that saving money was an important reason for the change, along with deterring students from dropping a course at mid-quarter and freeing up spaces early enough for wait-listed students to enter a space-limited class early in the quarter. (Instead of stretching a fractional tuition refund over six weeks, the new policy would permit no refund after the third week.)

After polling SCC and finding support for the new policy, Professor Berscheid told the President that the SCC did not wish to hold up enactment of the new policy, but asked that the Regents be told there is no evidence to bolster the educational policy arguments being made on behalf of the policy. The President indicated his agreement with Professor Berscheid's statement that the University needs more data on why students drop classes.

Mr. St. Laurent asked that even after Regental action, the matter be sent to the Senate Committee on Educational Policy for its consideration.

Member-elect Dahlgren urged that the procedures for student appeal in extraordinary cases be prominently printed in course catalogs.

The SCC's discussion with the President concluded at 2:20 p.m.

Respectfully submitted,

Meredith Poppele  
Executive Assistant

From University Senate minutes,  
May 14, 1987

### III. CONSULTATIVE COMMITTEE

#### ADMINISTRATIVE POSITIONS, SELECTION AND REVIEW

Action (15 minutes)

##### MOTION:

That the University Senate approve the following proposed guidelines for the selection and review of persons to hold middle management positions at the University of Minnesota. Middle management is defined here as all 93xx appointments except the President, Provosts, Chancellors, Deans, Chairs, Heads, and Directors (with faculty rank). Included are Vice Presidents, Associate and Assistant Vice Presidents, Associate and Assistant Provosts, Associate and Assistant Chancellors, Associate and Assistant Deans, University Librarian, Directors (University-wide), etc.

##### I. Automatic Termination with Change in Command

All officers in this class will, at the commencement of the appointment of a new person to whom they are responsible, be given a trial term appointment of up to six months, or for as long as is required for notice under the terms of their contracts, whichever is longer. At the end of the period their appointment will be terminated; however, the responsible official may at that time choose instead to continue their appointment without a new search. All University, state, and federal equal opportunity policies, and policies protecting academic freedom, apply to the decision not to reappoint officials under this procedure.

##### II. Search Procedures

Section VI of the April 17, 1980, Senate resolution on search committee guidelines should be supplemented with the following:

The responsible (hiring) officer, or the officer's agent, should meet directly with the search committee at certain key junctures of the search, including but not limited to (a) the selection of a set of candidates to be interviewed and (b) a discussion of all interviewed candidates at the conclusion of the interviews. Individuals to be interviewed will be jointly selected by the search committee and the responsible official. At the close of the interviews, and after further direct consultation with the responsible official, the search committee will consider whether any of the interviewed candidates are unacceptable. The responsible official, who will have been informed on the committee's views of the relative merits of the candidates from the direct consultation, may appoint any interviewed candidate who has been judged acceptable by the committee.

##### III. Acting Appointments

Appointments should be made in an acting capacity only under urgent and exceptional circumstances, with a strong burden of proof on the responsible official that such an appointment was necessary. Except in cases of death or incapacitation, individuals should leave their positions with sufficient notice that a timely search for a successor is possible. When new positions are created, demonstrable urgency must be shown if ordinary search procedures are to be postponed, and an official appointed in an acting capacity.

##### IV. Performance Review of Administrators

The performance of all administrators in this class will be evaluated annually by their responsible officer. Timely public notice of the review, and an invitation to comment on the review, should be offered to colleagues, to others with whom the administrator interacts or for whom the administrator performs a service, to other administrators at both higher and lower levels, and to faculty and students where appropriate.

##### V. Implementation in College Constitutions

We urge that the above model be implemented in college constitutions.

##### VI. Editorial amendments to "Search Committee Guidelines," approved by the University Senate, April 17, 1980.

- a) Section I, sentence one: Search committees are expected to seek out and identify the best qualified nominees available for administrative positions, irrespective of sex, religion, race, national origin, age, or any other criteria violating ~~affirmative action~~ equal opportunity statutes.
- b) Section IV.E.: Personal responsibility of each member for affirmative action and ~~discretion~~ confidentiality.
- c) Section V.B., first sentence: The President (or the President's agent), or the chairperson, shall file notification of the availability of the position in...

##### VII. Review of Policies

After these policies have been in place for two years, the Senate Consultative Committee will review them and the manner in which they have been implemented.

##### COMMENT:

The above provisions are intended to make middle management officers more accountable, both to those whom they serve and to the officials under whom they work. It is intended to create a tighter system in which administrators have better control over those working under them for whose work they are responsible and can therefore be held more strictly accountable for the performance of their offices. Thus, when administrators are themselves reviewed for reappointment, they can properly be held responsible for the personnel and the general efficiency and effectiveness of their offices.

The provision in Article IV changes a previous (see Keller memorandum of June 22, 1983) permissive suggestion to a requirement that annual performance reviews be open to input from the administrator's colleagues and those whom the administrator serves. This is not intended to raise annual reviews to the formal status of the reappointment review, but seeks a regular infusion of constructive criticism into the administrators' performance reviews.

Article I is intended to insure a productive working relationship between middle management and those to whom they are responsible by requiring that their continuation in office after a change in command is a positive choice by the new official, rather than a normal expectation.

Article II involves the responsible official more directly than in the past in the selection of subordinate officials. Unlike faculty positions, where individuals are held accountable for their own actions, the middle management individuals dealt with by these provisions are accountable to a responsible officer, who will in turn be held responsible for their actions. Therefore, the responsible person should be able to play a more direct role in the selection of assistants for whose actions they will be held responsible.

By allowing the responsible official more direct involvement in searches, it is intended that Article II should eliminate any motivation for sham searches and evasive appointments on the part of hiring officials. Article III, which erects a strong burden of proof on the use of acting appointments, is intended for the same purpose.

ELLEN BERSCHIED  
Chair

Approved

May 14, 1987

PROPOSED CHANGES IN "THE SELECTION AND REVIEW OF PERSONS HOLDING  
MIDDLE MANAGEMENT ADMINISTRATIVE POSITIONS"

Article I:

1. Insert at end of first sentence: or for as long as is required for notice under the terms of their contracts, whichever is longer.
2. Add at the end of the article: All University protections against discrimination on grounds such as race, gender or age, and all protections of academic freedom, apply to the decision not to reappoint officials under this procedure.

Article IV, first sentence:

The performance of all administrators in this class ~~should~~ will be evaluated annually by their responsible officer. Timely public notice.....

New Article VI:<sup>1</sup>

After these policies have been in place for two years, the Senate Consultative Committee will review them and the manner in which they have been implemented.

THE SELECTION AND REVIEW OF  
PERSONS HOLDING MIDDLE MANAGEMENT  
ADMINISTRATIVE POSITIONS

Motion:

That the University Senate approve the following proposed guidelines for the selection and review of persons to hold middle management positions at the University of Minnesota: Middle management are defined here as all 93xx appointments except the President, Provosts, Deans, Chairs, Heads, and Directors (with faculty rank). Included are Vice Presidents, Associate and Assistant Vice Presidents, Associate and Assistant Provosts, Associate and Assistant Deans, University Librarian, Directors (University-wide), etc. *Chancellors*

I. Automatic Termination with Change in Command

All officers in this class will, at the commencement of the appointment of a new person to whom they are responsible, be given a trial term appointment of up to six months. At the end of the period their appointment will be terminated; however, the responsible official may at that time choose instead to continue their appointment, without a new search.

II. Search Procedures

Section VI of the April 17, 1980 Senate resolution on search committee guidelines should be supplemented with the following: the responsible (hiring) officer or the officer's agent should meet at certain key junctures of the search directly with the search committee. Included among these junctures should be the selection of a set of candidates to be interviewed, and a discussion of all interviewed candidates at the conclusion of the interviews. Individuals to be interviewed will be jointly selected by the search committee and the responsible official. At the close of the interviews, and after further direct consultation with the responsible official, the search committee will consider whether any of the interviewed candidates are unacceptable. The responsible official, who will have been informed on the committee's views of the relative merits of the candidates from the direct consultation, may appoint any interviewed candidate who has ~~not~~ been judged ~~not~~ acceptable by the committee.

III. Acting Appointments

Appointments should be made in an acting capacity only under urgent and exceptional circumstances, with a strong burden of proof on the responsible official that such an appointment was necessary. Except in cases of death or incapacitation, individuals should leave their positions with sufficient notice that a timely search for a successor is possible. When new positions are created, demonstrable urgency must be shown if ordinary search procedures are to be postponed, and an official appointed in an acting capacity.



#### IV. Performance Review of Administrators

The performance of all administrators in this class <sup>will</sup> should be evaluated annually by their responsible officer. Timely notice of the review, and an invitation to comment on the review, should be offered to colleagues, to others with whom the administrator interacts or for whom the administrator performs a service, to other administrators at both higher and lower levels, and to faculty and students where appropriate.

#### V. Implementation in College Constitutions

We urge that the above model be implemented in college constitutions.

#### VI. Editorial amendments to "Search Committee Guidelines," approved by the University Senate, April 17, 1980.

- a) Section I, sentence one: Search committees are expected to seek out and identify the best qualified nominees available for administrative positions, irrespective of sex, religion, race, national origin, age, or any other criteria violating affirmative action equal opportunity statutes.
- b) Section IV.E.: Personal responsibility of each member for affirmative action and discretion confidentiality.
- c) Section V.B., first sentence: The President (or the President's agent), or the chairperson, shall file notification of the availability of the position in ...

#### Comment:

The above provisions are intended to make middle management officers more accountable, both to those whom they serve, and to the officials under whom they work. It is intended to create a tighter system, in which administrators have better control over those working under them, for whose work they are responsible, and can therefore be held more strictly accountable for the performance of their duties. Thus, when administrators are themselves reviewed for reappointment, they can properly be held responsible for the personnel and general efficiency and effectiveness of their offices.

The provision in Article IV changes a previous (see Keller memorandum of June 22, 1983) permissive suggestion to a requirement that annual performance reviews be opened to input from the administrator's colleagues and those whom the administrator serves. This is not intended to raise annual reviews to the formal status of the reappointment review, but seeks a regular infusion of constructive criticism into the administrator's performance reviews.

Article I is intended to insure a productive working relationship between

management and those to whom they are responsible by requiring that their continuation in office after a change in command is a positive choice by the new official, rather than a normal expectation.

Article II involves the responsible official more directly than in the past in the selection of subordinate officials. Unlike faculty positions, where individuals are held accountable for their own actions, the middle management individuals dealt with by these provisions are accountable to a responsible officer, who will in turn be held responsible for their actions. Therefore the responsible person should be able to plan a more direct role in the selection of assistants for whose actions they will be held responsible.

By allowing the responsible official more direct involvement in searches, it is intended that Article II should eliminate any motivation for sham searches and evasive appointments on the part of hiring officials. Article III, which erects a strong burden of proof on the use of acting appointments, is intended for the same purpose.

May 13, 1987

TO: Ellen Berscheid, Chair, FCC  
Phil Shively, FCC

FROM: *Chris Olien*  
Clarice Olien, Chair, Equal Employment Opportunity for  
Women Committee

We appreciate your rearranging your schedules to meet with the EEOWC to discuss the FCC proposal on the selection and review of persons holding "middle management" administrative positions. The committee understands and shares the concerns of FCC regarding the difficulty in the use of acting appointments including the possibility of sham searches, the proliferation of administrators, and the lack of adequate reviews of central administrators. However, we have some questions and concerns about some of the methods proposed for addressing these problems. EEOWC members are in agreement about the following recommendations for amendment:

I. Automatic Termination with Change in Command

EEOWC recommends that this section be deleted from the proposal.

Given the professional nature of the positions included in the proposal and in the interest of continuity in the functioning of the University and its parts, members of the EEOWC feel that automatic termination is not in the best interest of the University. If appointees are completely subject to the desires and whims of the next new administrator, the caliber of the applicants for a position and the role performance, once in that position, could be reduced. As you recall, an example used during our discussion was the position of Director of EEO & AA, a position of particular concern to the EEOWC and women in the University and a position which would be included under the proposed guidelines. Involvement and knowledge of past cases and the historical context of affirmative action and equal employment opportunity are important in the operation of that office. An EEO and AA Director who is performing admirably in the position might not be reappointed if at some time in the past this director, because of affirmative action and equal employment opportunity considerations, had turned down a request of a new president or had in some other way crossed swords with the new president. Someone in this type of position should be terminated only if incompetence is demonstrated. Section I of the proposal gives new administrators too much power to

appoint on their own terms rather than the needs of the University.

The effect on information flow to senate and other committees should also be considered. For example, ex officio members, the Director of EEO and AA and the Associate Vice President of Academic Affairs, provide timely information and historical perspectives to the EEOWC. If both positions were eliminated at the same time, the needed information might be much more difficult to obtain.

The EEOWC has also noted that the women and minorities currently in central administrative positions are in the positions covered by the proposal. This is the only area in central administration where affirmative action has had an impact. Recent gains could be eliminated or reduced if section I is left in the guidelines.

There are also questions of individual rights and current P/A policies and procedures. There seemed to be some confusion whether or not the protections regarding termination notice and grievance procedures established for academic professionals and others in the P/A category would be removed. An example is the one year notice required for academic professionals who have been in a position for ten years or more. Another is the provision for filing grievances. Section I also does not address other personnel matters, such as whether individuals who have no tenure home will be transferred to other positions within the University or asked to leave, even after decades of acceptable service to the University, or whether some other provisions would be provided for displaced individuals.

The EEOWC believes that central administrators can be held accountable and should not use incompetence of others in their office as an excuse for failure in the efficient and effective functioning of their offices. There are other ways of dealing with incompetent administrators, including the provision in section IV of your proposal, which we support. We believe the individuals in these positions should be judged on their role performance of functions necessary to the effective operation of the office of which they are a part and the current protections regarding termination notice and grievance procedures should not be removed.

## II. Search Procedures

The EEOWC recommends changing the third sentence in the paragraph in the following way: "Individuals to be interviewed will jointly be selected by the search

committee and-the-responsible-official."

Because of time limitations, we were not able to discuss this section as a group. The recommended changes are based on previous discussions about central administrative search procedures and individual conversations with EEOWC members. We do not object to discussions and meetings between administrators and search committees for these positions at "key junctures of the search", but we do think the actual selection of those to be interviewed should be made by the search committee. This gives the hiring administrator a great deal of latitude in hiring while setting some limits on the selection.

### III. Acting Appointments

The EEOWC strongly supports this section of the proposal. We suggest limiting such appointments to six months.

### IV. Performance Review of Administrators

The EEOWC strongly supports periodic review of administrators, including timely public notice of the review to the people listed. During our meeting, we suggested changing "should" to "will" in the first and second sentences. We also suggest changing the end of the last sentence to read: "... and to faculty and to students where appropriate." Your suggestion of setting up a monitoring structure which includes FCC was supported and should be included in the proposal.

### V. Implementation in College Constitutions

The EEOWC supports this section of the proposal if other suggested changes are made.

### VI. Editorial amendments to "Search Committee Guidelines," approved by the University Senate, April 17, 1980.

The EEOWC supports the editorial amendments.

### Comments Section

Given the collegial nature of the academic institution, we suggest some changes in wording in the "comments" and other sections of the proposal. Perhaps titles and other wording can be used instead of "superior", "subordinate", "change in command", etc.

mai

cc: Geoffrey Maruyama, Chair, SCFA

SENATE CONSULTATIVE COMMITTEE MOTION TO UNIVERSITY SENATE

May 14, 1987

MOTION:

That the University Senate approve the following two resolutions:

Whereas the University Senate recognizes the need to protect the right of free speech;

Whereas the University Senate recognizes that individuals have the right to express alternative points of view;

Whereas the University Senate believes in the promotion of full, public discussion of issues;

Whereas the University of Minnesota is a center for open discussion for the advancement of thought on issues important in today's society;

and Whereas the University Senate is a representative body of the University of Minnesota community;

THEREFORE, BE IT RESOLVED that the University Senate endorses the development of an ongoing all-University open forum that permits expression of multiple viewpoints on issues, and that the Senate Committee on Social Concerns should develop and report back to the Senate on possible methods of implementation no later than winter quarter, 1988.

BE IT FURTHER RESOLVED that the University Senate condemns actions that prevent persons invited to speak at the University of Minnesota from expressing their views and also condemns actions that disrupt their presentations.

MAY 8 1987

REVISED 5/12/87



UNIVERSITY OF MINNESOTA

University Student Senate  
Student Lobby Advisory Committee  
240 Coffman Memorial Union  
300 Washington Avenue S.E.  
Minneapolis, Minnesota 55455

(612) 373-2414

WHEREAS the University Senate recognizes the need to protect the right of free speech;

WHEREAS the University Senate recognizes that individuals have the right to express alternative points of view;

WHEREAS the University Senate believes in the promotion of full, public discussion of issues;

AND WHEREAS the University Senate is a representative body of the University of Minnesota community;

THEREFORE BE IT RESOLVED that the University Senate condemns actions that prevent persons invited to speak at the University of Minnesota from expressing their views and actions that disrupt their presentations.

(MOTION ONE)

BE IT FURTHER RESOLVED that the University Senate endorses the development of an ongoing all-University open forum that permits expression of multiple viewpoints on issues, and that the Senate Committee of Social Concerns should develop and report back to the Senate on possible methods of implementation no later than winter quarter.1988.

(MOTION TWO)

Senate Consultative Committee

MAY 6 1987





UNIVERSITY OF MINNESOTA

Office of the President  
202 Morrill Hall  
100 Church Street S.E.  
Minneapolis, Minnesota 55455

May 5, 1987

TO: Professor Ellen S. Berscheid, Chair  
and Members of the Senate Consultative Committee

FROM: Kenneth H. Keller, President   
Roger Benjamin, Provost and Vice President for Academic Affairs 

Academic freedom suffered a blow at the University on April 28, 1987. On that date, a number of people in Northrop Auditorium did their best to prevent Vice President George Bush from presenting his views. It is small comfort that they were only partially successful. While he persevered in the face of the disruptions, we certainly failed one major test of a university -- a community where ideas need not be popular or even correct to be allowed expression.

We have apologized to Vice President Bush. But if the matter is put to rest with that apology, the fundamental issues regarding freedom of speech will remain. We could simply not invite controversial speakers to the campus. We could invite them but screen those who wish to attend. We could respond to the kind of disruption presented yesterday by physically removing demonstrators and thus delay the speech. Each of these choices is a defeat for the principle of freedom of speech. Instead, we prefer a full discussion in our community about what comprises appropriate behavior with the hope and expectation that the traditional norms governing behavior toward guests will be reestablished.

What should our position be? Simply put, freedom of speech - especially at a university - demands that no censorship beyond that suggested by the "clear and present danger" doctrine be allowed. Speakers must be allowed to present their arguments in a climate of reasonable civility. Unless this principle is reaffirmed and adhered to by all members of our community we are, in fact, abridging the principle of freedom of speech from which all discourse in the academy follows.

Thus, we intend three things. By this joint statement, we wish to underscore the concern and commitment we have to uphold our freedom of speech. Second, we call upon the Senate -- both faculty and students -- to deliberate on the questions raised in light of the "Bush affair." Finally, we seek advice on what we might practically do to avoid any future recurrence.

KHK/RB/rar

c: Ellen Smith, Managing Editor, Minnesota Daily



UNIVERSITY OF MINNESOTA  
OFFICE OF PROVOST AND VICE PRESIDENT  
FOR ACADEMIC AFFAIRS

To Ellen Berscheid

- |   |   |
|---|---|
| <input type="checkbox"/> Approved   | <input type="checkbox"/> For your recommendation                      |
| <input type="checkbox"/> For your approval                                | <input type="checkbox"/> Please note and return                       |
| <input type="checkbox"/> For your information and files                   | <input type="checkbox"/> Please reply directly with copy to my office |
| <input type="checkbox"/> For your attention                               | <input type="checkbox"/> Please draft suggested reply                 |
| <input type="checkbox"/> No need to return                                | <input type="checkbox"/> Please see me                                |
| <input type="checkbox"/> This confirms meeting in my office as indicated: |   |

COMMENT

I also thought you might be interested in the attached excerpt from a report issued by Cornell. (No one else received a copy.)

Date 5/5/87

Roger Benjamin

March 31, 1987

REPORT OF THE FREE SPEECH COMMISSION AT CORNELL

I. Introduction

President Frank H. T. Rhodes established the Free Speech Commission at Cornell in November, 1986 and charged the Commission as follows:

"PREAMBLE TO CHARGE

"In a community of scholars, freedom and restraint must coexist, in judicious balance. In no other way can we protect the freedom of learning and the freedom of teaching which, taken together, Carl Becker called the 'freedom of the mind.' Only thus, can we preserve an atmosphere of tolerance and civility upon which our whole existence as a University depends.

"The events of recent academic years have raised a host of difficult questions regarding the appropriate conduct of members of the University community in expressing strongly held views on political, social and other issues.

March 31, 1987

"Last year, demonstrators sued the University twice in Federal Court and once in the State Supreme Court, each time the court ruled against them. The University, in the end, also went to court in an effort to preserve the peace. Litigation, however, is not a permanent solution. We must relearn the elemental lessons which make it possible for us to live together in relative peace and in the pursuit of our greater purposes as a University.

"CHARGE

"In order to consider these matters anew, I appoint this commission of nine [subsequently changed to ten] to perform the following duties:

"1. To consider whether or not, in light of extant University policies, an additional policy statement is needed regarding the responsibilities and rights of members of the campus community in the expression of views on political, social and other matters of common concern.

"2. To make recommendations on the possible need for additional guidelines regarding the conduct of members of the campus community when assembled together for the purpose of making such views known to fellow members of the community. Such recommendations should include:

"a) conduct in relation to: meetings of the Assemblies and their committees, meetings of the faculties, public convocations for the purpose of hearing guest speakers, open meetings of the Board of Trustees or its committees, and

"b) conduct in relation to: the character, time, place and duration of large-scale demonstrations, including attendant symbolic means of expression.

"3. In reviewing such matters, the Commission will be cognizant of federal and state laws and bear in mind the ultimate and nondelegable responsibility of the Board of Trustees to preserve the peace and good order of the campus in the interests of all members of the immediate campus community, as well as alumni, friends and visitors.

"I ask that the Commission report to me regarding general policies and guidelines not later than March 1, 1987. It will be my intention to review these recommendations and, thereafter, to ask the Board of Trustees to take such actions as may be needed and appropriate."