

FACULTY CONSULTATIVE COMMITTEE

May 28, 2015

Minutes of the Meeting

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 reflect the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

[In these minutes: Graduate Education Policies; Free Speech, Campus Climate and the Office of Equal Opportunity and Affirmative Action; Implementation Team Report; Grand Challenges Research Task Force]

Present: Rebecca Ropers-Huilman (chair), William Durfee, Eva von Dassow, Joseph Konstan, Kathleen Krichbaum, Colin Campbell, Dale Carpenter, James Cloyd, Jigna Desai, Janet Ericksen, Karen Mesce, Jean Wyman

Regrets: Chris Uggen (vice chair), Linda Bearinger, Gary Cohen, Gary Gardner, Maria Gini, Susan Wick

Others attending: Allan Erbsen, Teresa Kimberley, Jon Steadland

Guests: Professor Liz Davis, a member of the Graduate Education Council (GEC) Policy Subcommittee for the discussion on two graduate education policies

Professor Alejandro Baer, Center for Holocaust & Genocide Studies; Professor Bruno Chaouat, CLA French and Italian; Riv-Ellen Prell, CLA American Studies for the discussion about free speech and campus climate

1. Graduate education policies: Professor Ropers-Huilman welcomed Professor Liz Davis, a member of the Graduate Education Council (GEC) Policy Subcommittee and a faculty member in the Department of Applied Economics, who was invited to discuss the proposed changes to two policies 1) Credit Requirements for Master's and Doctoral Degrees, and 2) Credit Requirements for Students Earning Postbaccalaureate Degrees.

Professor Davis began by noting that the Graduate Education Council Policy Subcommittee was charged to conduct a University-wide review of the graduate education policies that were put in place approximately three or four years ago when the Graduate School constitution was devolved. When the subcommittee completes its review of the policies, it will bring its proposed changes to the GEC as a whole for additional discussion. The subcommittee has solicited input from Academic Support Resources (ASR), and people in the Graduate School about what is and is not working in terms of the policies. In addition, besides the FCC, the Senate Committee on Educational Policy (SCEP) has been consulted as have the graduate education associate deans in each college. Because this is a comprehensive review, the policies will then go to the Policy Advisory Committee (PAC) and the President's Policy Committee (PPC).

Regarding the Credit Requirements for Master's and Doctoral Degrees policy, no policy changes are being proposed but only editorial/language changes to make the policy more clear and consistent, reported Professor Davis. This policy outlines the minimum and maximum credits for programs. FCC members had no concerns or questions regarding the proposed changes to this policy.

The next policy, Credit Requirements for Students Earning Postbaccalaureate Degrees, explained Professor Davis, is about how students demonstrate that they have satisfied the degree requirements. The policy pertains to a student's graduate degree plan. The intent in making the proposed changes is to clarify how and where credit requirements are earned. As proposed, the revised policy would apply consistent standards for all transfer credits whether from inside or outside the University, and gives programs the authority to decide whether or not to accept transfer credits. At the same time, the revised policy establishes a minimum number of credits to be earned at the University of Minnesota. Professor Davis went on to briefly talk about the issues that were addressed by the changes, which included double counting of credits and the 40% limit on credits transferred from other institutions. The subcommittee's goal was to have a policy that was consistent in how it treated credits applied to other degrees. As a result, the new policy sets a consistent minimum number of credits that must be unique to a student's degree, and earned while enrolled in the program and not counted towards another degree.

SCEP and the deans did not have objections to the master's degree minimums, said Professor Davis, but had concerns about whether there should be a minimum number of credits for doctoral degrees. The revised policy sets a minimum of 12-course credits earned while enrolled in a doctoral program with the exception that if credits were earned as a master's degree student in the same program, these credits could be double counted. The subcommittee did not feel that the 12-course credit minimum was a significant burden for students, but yet it served to establish the student's degree was earned at the University of Minnesota. Professor Davis said there is an exception to the policy to accommodate the rare instance when an advanced doctoral candidate, who has completed their coursework in another doctoral program, and taken their written and oral preliminary exams, accompanies their advisor who is a new faculty hire at the University (assuming the program agrees). In this case, the 12-credit requirement can be waived.

Professor Konstan prefaced his remarks by saying his bias is that less policy is better. With that said, he raised three concerns:

1. The prohibition of using credits applied to another degree - To privilege a master's degree in one program over a master's degree in a related, possibly an interdisciplinary program, is shortsighted. This does a disservice to programs that exist only as master's degree programs and undermines interdisciplinary scholarship.
2. The prohibition on using credits, even graduate credits earned here, unless the student is enrolled in a program - The policy does not take into account the real issues of full-time working students. There are a lot of students who take courses

- at the University in order to stay current in their respective fields without the intent of getting a master's degree. However, if a student later changes his/her mind, and wants to get a master's degree, the policy says the coursework they have already taken does not count because they were not enrolled in the program as a degree-seeking student. As long as the policy is being revised, this restriction should be removed rather than encoded in a different way.
3. The requirement that students earn a certain number of their credits at the University, and, in instances when this is not possible, encouragement by the program to take directed study courses as a way to get around the requirement. Allowing directed study to fulfill the 12-credits in residence on top of a thesis or dissertation makes the program look like it just wants the tuition money.

In response to Professor Konstan's third issue, Professor Davis said the subcommittee felt 12-credits earned at the University was important as part of earning a University of Minnesota degree, and for programs where this is not a concern, directed study or seminar classes may be counted (at the program's discretion) as a way to reach the 12-credit minimum. Professor Konstan replied if the policy contains a workaround then why have the policy in the first place. Professor Campbell said he strongly agrees with Professor Konstan's last two points. Regarding the workaround, noted Professor Desai who also serves on the GEC Policy Subcommittee, the subcommittee said the exception is intended to be used when students need to leave the University. On the other hand, noted Professor von Dassow, there are programs that do not have the faculty resources to offer courses that graduate students need in a timely fashion and so occasionally directed study may be the only way for a student to do that particular coursework. Professor Desai added that in the spirit of thinking about a doctoral program, it is important to keep in mind the intellectual community and providing a cohort experience. Being in residence at the University, for example, allows students to participate in the intellectual community, and this is a significant aspect of what it means to get a University of Minnesota degree. There is an experiential component of learning that is not only in the classroom but outside as well. In response, Professor Konstan rhetorically asked if distance-learning degrees should then be eliminated. How is it different whether a student has been admitted to a program or not when the only experience is watching a course on a screen? Professor Davis said these are two different issues. If a program allows a student to do all their required coursework before being admitted, what is the guarantee the student will ever be admitted? In her opinion, this does a disservice to the student by having his/her take courses as a non-degree seeking student and then not admitting them into the program.

In response to the concerns that had been voiced thus far, Professor Davis pointed out the policy covers a wide variety of programs, and while she agrees that to an extent less policy is better, the subcommittee's goal is to set minimums for what qualifies as a University of Minnesota degree. Without the policy, the alternative would be no minimums in terms of where credits could come from. Professor Konstan said another idea would be to require students to have a certain number of minimum graduate credits from the University of Minnesota and get rid of the requirement that the student must have been admitted in a program while earning the credits. He said he is worried about

students who initially do not want to be in a degree-seeking program but later change their mind. Professor Krichbaum said she would be interested to know how many students are impacted by this requirement. Professor Davis said the subcommittee was thinking about students who should be advised to apply to a program and not just keep taking courses as a non-degree student.

Professor Erbsen noted if the concern is about stringing students along, the policy does not address this issue because the cure to stringing them along is to admit them even though their prior work does not count. Secondly, he said it is helpful to distinguish between academic concerns and bookkeeping issues. The academic concerns seem to be avoiding overlap and the importance of attending the University to earn a University of Minnesota degree. The requirement that a student has to take a class in a certain program or an analogous program is simply a bookkeeping requirement. A line should be drawn between the overlap concern and the program of enrollment concern, and take the enrollment issue out of the policy. In theory, from an academic perspective, Professor Erbsen said he cannot think of a reason to care if a student enrolls in a program seconds before they get their degree as long as they have met all the requirements.

Regarding the enrollment concern, said Professor Desai, enrollment gives students access to mentoring and other kinds of advising. Professor Konstan said this is not universally true across the University. Professor Ropers-Huilman noted that what Professor Desai said resonates with her program because she would hate to see a master's degree student take 27 credit hours, apply for admission, but not have anyone willing to advise him/her so the student does not get admitted. Professor Davis said programs can set their own minimums but wondered whether they would do so, or instead would they interpret the policy such that they are not supposed to do this. The policy's intent is for the program to decide if the credits a student takes before they are enrolled in the program can be counted.

Professor Cloyd asked where this policy goes next. Professor Davis replied that the policy will go back to the subcommittee to talk about issues that have been raised, which include same versus similar programs, and the "while enrolled in the program" language, which addresses credits a student takes before being admitted into a program. Then, if the GEC makes further changes, the policy will be brought back to SCEP for further consultation and then ultimately onto the PAC and PPC and finally the Senate.

Professor Wyman asked for the definition of "graduate level" as it relates to the Academic Health Center's (AHC) professional programs. While the AHC has graduate programs, they are not under the guidance of the Graduate School. Would they be impacted by these policies? Currently, said Professor Davis, all University-wide graduate policies apply to all programs except first professional degrees. However, Provost Hanson would like the professional programs to be defined as well but to have them separate from the research-based graduate education programs. It is unclear at this time, which policies the professional programs will fall under.

Professor Ropers-Huilman thanked Professor Davis for her time.

2. Free speech and campus climate: Before introducing the next agenda item, Professor Ropers-Huilman called for a round of introductions given that additional people had joined the meeting since it started. To give this agenda item some context, Professor Ropers-Huilman said in her view the two primary issues are free speech and an inclusive campus environment. Based on communications she has had with a variety of people, different people are defining the issues differently, but, in the end, all parties involved believe that free speech is essential. It is also important, however, to think about various actors' positions in the University. Some people have the ability to have their speech heard more readily than others. As Professor Desai mentioned at the last meeting, it is the faculty's responsibility as educators to make students uncomfortable because they learn from being uncomfortable; it is not the job of faculty to make the environment unwelcoming. Professor Ropers-Huilman feels there is strong support for both of these values on the FCC and in the Office of Equal Opportunity and Affirmative Action (EOAA), and there is strong consensus that free speech related to advertising the recent panel discussion *Can One Laugh at Everything: Satire and Free Speech After Charlie* was protected speech as made clear in the EOAA report. EOAA has been criticized for their protection of the faculty members' rights to advertise in the way they wanted to, but despite this criticism, EOAA is standing firmly on its findings that the faculty members had the right to engage in free speech. She added that she and Professor Campbell learned from a conversation with Kimberly Hewitt, director, EOAA, that EOAA provided recommendations to Dean John Coleman as they regularly do, and this is standard practice for EOAA.

Professor Ropers-Huilman reported having looked at the EOAA mission statement (<https://diversity.umn.edu/eoaa/?q=aboutus>) and encouraged members to do the same. She then read a couple excerpts from the statement. She noted that it is clear their mission goes beyond compliance. Given this, their intention is to not only ensure compliance, but to educate and foster an equitable and inclusive community. With this in mind, she hopes members will hold both of these values at the center of their thinking during this conversation in an effort to move forward in a positive and productive way.

Professor Carpenter asked about the conversation Professors Ropers-Huilman and Campbell had with Ms. Hewitt and what they might be able to add to what the committee already knows. Professor Campbell said that Professor Ropers-Huilman summarized this in her opening remarks. The real issue stems from the May 14 discussion on this topic and has to do with if the EOAA communications, which, if it had ended before the conclusion portion of the document, this discussion would not even be taking place. The goal is to move forward, said Professor Campbell, and suggested the two separate issues (compliance and advice) addressed in the document be decoupled. In Professor Campbell's opinion, EOAA believes if they separated the two issues that people would have interpreted their report as an endorsement of the panel.

Professor Carpenter said he would like to have the conclusion portion of the document decoupled from the compliance section. The problem for him was that the conclusion insisted that panel materials be taken down. The conclusion was strong and amounted to

a reprimand of the people involved in the panel. In his opinion, the University should not have reprimanded the panel organizers because they were doing a service to the institution by contributing to an academic discussion, which is at the core of the University's mission.

Professor von Dassow said the EOAA letter to Dean Coleman instructed him to communicate disapproval. It is not the business of the EOAA or any other office at the University to approve or disapprove of faculty or student speech that does not violate any laws.

Professor Konstan said he finds the whole issue challenging. There is a point at which it would be inappropriate for faculty to go out of the way to antagonize and provoke people in a scholarly community without a purpose that is educational. He added that he does not want the administration to decide if something has an educational purpose. Regarding the case in question, it seems clear the poster had a reason for being the way it was. Professor Konstan said what bothered him about the EOAA response was not its absolute nature but it was poorly tempered to the actual incident that occurred. Any recommendation that there be a formal voice of disapproval was a mistake.

The way the EOAA office is structured is problematic, e.g., adjudicatory and rule-making authority in the same office, said Professor Erbsen. This could be remedied by separating out these different functions, e.g., one office that adjudicates complaints and another office that educates and criticizes.

Professor Carpenter said he also has a problem with the EOAA mission in that it does not speak to academic freedom and freedom of speech. The institutional incentives in that office are weighted heavily in favor of regulation and condemnation. There should be a spokesperson within EOAA that promotes First Amendment rights and academic freedom because it is essential to the functioning of the institution. There are two issues: 1) the panel and the process they were put through by EOAA, and 2) the climate issue as it relates to academic freedom of speech. He said he would like EOAA to formally withdraw their conclusion from the letter, and, if they refuse, the FCC should weigh in as academics because academic freedom and speech are central to faculty members' roles. Professor Carpenter said he would also like to have Ms. Hewitt attend next week's FCC meeting to discuss this matter further.

Professor Konstan said he does not believe the concerns around issues like this are unique to EOAA and cited the Student Travel and Education Abroad: Health and Safety policy (<http://www.policy.umn.edu/Policies/Education/Student/EDABROAD.html>) that the committee discussed with President Kaler and Provost Hanson at the May 14 FCC meeting. There seems to be an administrative ownership of academic freedom and free speech within the University that should administratively sit within the President's Office or the Provost's Office.

In Professor Desai's opinion, there is a disconnect between the Office of Equity and Diversity (OED) and the academic conversations that happen on this campus. She

suggested that the Provost's Office should be the office responsible for the academic component of campus climate at the University.

Professor Campbell asked the guests (Professor Aljandro Baer, Center for Holocaust & Genocide Studies; Professor Bruno Chaouat, CLA French and Italian; Riv-Ellen Prell, CLA American Studies) if they had anything they would like to contribute to the conversation. Professor Chaouat clarified that EOAA received no complaints about the composition of the panel, but only the flyer, which depicted Mohammed, the Prophet of Islam. Professor Prell said this fact raises an interesting question about the relationship between freedom of religion, freedom of speech and academic freedom. It is important to think about this issue from a religious freedom perspective because it is an issue that will come up again and again under the First Amendment. She also informed FCC members about EOAA's insistence that the faculty involved in this event respond to each complaint it received, which seemed never-ending and naturally was extremely time consuming. Finally, Professor Prell noted it is important to read the conclusion of the EOAA report carefully because it clearly indicates that the faculty involved in this event wanted more speech such as forums, conversations, etc. because they thought it would be the most appropriate response, but the report instructed Dean Coleman to use his speech to condemn.

Professor Carpenter said he would like to hear from Ms. Hewitt about the substantive judgment that led EOAA to insist that Dean Coleman publically condemn what seems to him to be a perfectly appropriate flyer. Secondly, he would like to know if EOAA has a threshold for deciding when a complaint is worthy of follow-up. Professor Konstan added that he would also be interested in knowing whether EOAA has a procedure for dealing with related complaints concerning a particular issue so that each complaint does not have to be responded to individually but rather as a whole.

Professor Mesce asked rhetorically about courses in satire and whether the University would ever not allow discourse on the historical importance of satire. If so, this would be disturbing. Professor Ropers-Huilman noted she has heard the issue framed as students elect to take courses versus the advertising for this event, which members of the University community were unable to avoid. In Professor von Dassow's opinion, the accusatory stance by EOAA is as bad as their assertion of a prerogative over deciding what can be said.

In terms of moving this issue forward, Professor Kimberley, co-chair, Academic Freedom and Tenure Committee (AF&T), suggested AF&T discuss how issues like this should/could be handled in the future. It seems reasonable given EOAA is operating in an academic environment that it should seize the opportunity to get consultative input from various groups such as AF&T.

Professor Carpenter said he is not concerned the University will stop speech because if it does it would be sued. His concern is the climate that is created by EOAA's response to this matter, which could chill academic exchange. It is for this reason, said Professor Carpenter, that he would like EOAA to attend the June 4 FCC meeting so the committee

members can share their views on this issue, and also hear about EOAA's processes for handling complaints and whether an academic freedom/free speech component can be incorporated in their decision-making process in the future. Professor Erbsen added it would probably also be worthwhile to invite a representative from the Office of the General Counsel (OGC) to attend as well as whoever administers the Student Conduct Code. As discussed at a prior FCC meeting, a problem with the Student Conduct Code and other policies that are in place is that they were written at a time when people were not thinking about the possibility that students would use these kinds of protections as a way to go after speech that makes them feel uncomfortable. The substance of the policies that various administrative offices are being asked to enforce need to be reviewed in order to get ahead of the curve. As he suggested earlier, it may also be worth thinking about dividing EOAA's authority as it relates to adjudication of complaints and education.

Members spent the next few minutes talking about how to make next week's discussion with representatives from EOAA, OED, etc. productive versus combative and confrontational. After listening to members' thoughts, Professor Ropers-Huilman said she would be talking with Professor Campbell about how to construct the discussion so it will be productive and forward moving.

3. Human Subjects Research Implementation Team Draft Work Plan: Professor Ropers-Huilman introduced the next agenda item, the draft work plan (<http://research.umn.edu/advancehsr/documents/workplan.pdf>) by the University of Minnesota implementation team. The work plan is intended to ensure that the University's human subjects research is conducted at the highest standards of science and ethics. She asked Professors Durfee and Wyman, who served on the implementation team, to talk about the work plan and next steps.

Professor Durfee reported that the draft work plan is open for public comment now through June 1, 2015 and invited members to weigh in on it. Professor Wyman also urged members to submit their comments, which will be taken seriously by the implementation team and undoubtedly result in an even better product than the current draft work plan.

Professor Konstan commented that based on what he has heard he wonders if the accountability structure created by this work plan is too big to carry out the oversight needed to ensure appropriate conduct of research within the Academic Health Center (AHC). Professor Wyman noted that the draft work plan does away with the option of having departmental reviews for scientific reviews, which will now be going back to the Institutional Review Board (IRB) committees. The intent is to eliminate any conflict of interest in the review process. If problems are uncovered, deans and department heads will be notified. Professor Durfee added that regarding the whole human subjects research enterprise, there is nothing special about the AHC or the Medical School; there is nothing more or less that needs to be done within the Department of Medicine as compared to the Department of Chemical Engineering & Materials Science, for example.

Professor Krichbaum reported that the AHC FCC met yesterday with Dr. Jackson, vice president for health sciences and dean of the Medical School, about the work plan. AHC FCC members had collected comments from their colleagues, which they shared with Dr. Jackson. This was a productive meeting and several suggestions were shared with him including but not limited to:

- Given the work plan is quite complex and detailed, an organizational or flowchart should be developed to clarify the reporting process.
- Creation of a data safety monitoring board to oversee the integrity of the data reported.
- Concern about the workload associated with service on an IRB and that the 10% service allocation did not seem sufficient.
- Invite faculty moving into phased retirement to serve on an IRB.
- Improve the online educational resources for protection of human subjects research.

Overall, the AHC FCC felt the work plan was moving the University in the right direction.

Professor Desai suggested the University of Minnesota establish a Disability Studies Program and tap into the expertise of the scholars in this field who are familiar with dealing with vulnerable populations. Currently, the University does not have a Disability Studies Program. Professor Durfee said a number of years ago this was discussed but for a variety of reasons it never came to fruition.

Professor Konstan asked whether the implementation team discussed the creation of a service center to deal with clinical subject recruitment. The implementation team, said Professor Durfee, did not talk about the efficiency in finding human subjects but the ethics of whether or not a treating physician should be enrolling individuals in a study. Implementation team members were divided in their views of this matter. Professor Cloyd said the AHC uses research coordinators who have the requisites to carry out these conversations with human subjects. While the idea of having a service center is an interesting one, it would impart a heavy load on whatever office would take on the responsibility because experts would be needed in cancer, psychiatry, endocrinology, etc. Professor Wyman added that the implementation team did talk about better training the research staff who talk with subjects about consent, particularly when a person has diminished capacity. There will be new specialized training for these individuals.

Is there enough protection in the work plan for whistleblowers, asked Professor Krichbaum? Professor Wyman explained a 1-800 number would be set up for people who want to lodge a complaint and there will also be a way to do it online. Individuals, who do report, will be provided information about what happened with the case. Human subjects will also be given a special consent handout that explains what to do if they have concerns.

Hearing no further questions or comments, Professor Ropers-Huilman said she was glad to see the report addressed issues related to culture first and foremost because she thought the report was going to focus on structure so this was a pleasant surprise. Professor

Durfee noted that he really enjoyed serving on the implementation team and was impressed with the breadth of knowledge of those who served on the committee.

Regarding the issue of faculty workload for those serving on IRBs that was raised earlier, said Professor Wyman, the implementation team recommended increasing the number of IRB committees and reducing the number of meetings faculty needed to attend. Doing this is expected to address the workload concerns. Professor Durfee agreed, but said this is another cultural issue that will require a change in how faculty view serving on an IRB.

Professor Ropers-Huilman thanked Professors Durfee and Wyman for the update on the draft work plan.

4. Grand Challenges Research Strategies Team: Professor Ropers-Huilman turned to Professor Wyman for a brief update on the work of the Grand Challenges Research Strategies Team. Professor Wyman said she likes how the team is developing a multifaceted process for gathering perspectives from across the campus on cross-disciplinary areas that the University can embrace as institutional Grand Challenges priorities and mentioned Provost Hanson's recent "Call for Ideas" (http://strategic-planning.umn.edu/sites/strategic-planning.umn.edu/files/provost-gcresearch-identifying_priorities_05192015.pdf). Faculty are being asked to submit brief proposals, which are due by June 26. There will likely be a second call for ideas so faculty who are on nine-month appointments can also submit their ideas. Depending on how many ideas are received and the kind of ideas will determine next steps. Professor Wyman added that there will be funding attached to the ideas that are selected to help support their implementation. She strongly encouraged members to consider submitting their interdisciplinary ideas.

Professor Konstan asked about the amount of work faculty will need to invest in submitting their idea only to find out it has been rejected as well as the criteria that will be used for selecting ideas. Professor Wyman said the ultimate goal of this initiative is to foster more interdisciplinary research and teaching. The details about the selection process and what will be required of faculty who submit an idea are still being worked out. As mentioned earlier, it will depend on the number and kinds of ideas that are received before this question can be answered. Professor von Dassow agreed with the concern raised by Professor Konstan about what exactly will be required of already busy faculty once they submit an idea. Additionally, noted Professor Campbell, without knowing the dollar amount attached to the selected ideas makes it hard to know whether it is worth one's valuable time to submit an idea.

On an unrelated note, but before the meeting was adjourned, Professor Cloyd asked Professor Ropers-Huilman to make sure to put on a future agenda a discussion about partnering with the administration on an "academic roadshow" to educate legislators and their respective constituents about the amount and kind of work the University does for the state.

5. **Adjournment:** Hearing no further business, Professor Ropers-Huilman adjourned the meeting.

Renee Dempsey
University Senate