

FACULTY CONSULTATIVE COMMITTEE (FCC)

April 7, 2016

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

[In these minutes: Discussion with Regents Johnson and McMillan; Legislative Update; University of Minnesota Foundation Funding Model Changes; Food Insecurities and Mental Health Issues Among Students; Promoting a Culture of Ethics in Research: Statement of Core Commitments; Unionization Information and Forum Update; Continued Discussion of Free Speech Documents, Decanal Reviews]

PRESENT: Colin Campbell (chair), Catherine French, Linda Bearinger, Dan Feeney, Gary Gardner, Kathleen Krichbaum, Scott Lanyon, LaDora Thompson, Susan Wick, Heidi Barajas, Dale Carpenter, Janet Ericksen, Greta Friedemann-Sanchez, Oren Gross, Joseph Konstan, Chris Uggen, Jean Wyman

REGRETS: Jigna Desai (vice chair), George Trachte, Karen Mesece

GUESTS: Dean Johnson, chair of the Board of Regents, and David McMillan, vice chair of the Board of Regents; Kathleen Pickard, vice president and chief financial officer, University of Minnesota Foundation, Dave Golden, director, Public Health and Communications, Boynton Health Service, Katie Lust, PhD, MPH, RD, director, Research, Boynton Health Service, and Gary Christenson, chief medical officer, Boynton Health Service

OTHERS ATTENDING: Jason Langworthy and Brian Steeves from the Board of Regents Office; Brian Edwards, Minnesota Daily reporter; Chuck Turchick, Continuing Education student

1. **Call to order:** Professor Campbell convened the meeting and welcomed those present. He then made a motion to close the meeting so the committee could have a candid discussion with Regents Johnson and McMillan. The motion was seconded, and members voted unanimously to close the meeting. Those present during the closed session included FCC members, Senate staff, and, by invitation, Board of Regents staff members Brian Steeves, executive director and corporate secretary, and Jason Langworthy, board associate.

Before launching into a discussion, Regents Johnson and McMillan each took a few minutes and shared some opening remarks. Topics discussed during the closed session of the meeting included:

- The University's enrollment strategy.
- Tuition.
- The Campus Master Plan with an emphasis on increasing the number of innovative, interactive teaching and learning spaces.
- Graduate education and the need to be more competitive.

- Financial sustainability of the University. Does the University need to stop doing certain things? Are there redundancies that can be eliminated?
- The importance of having a faculty voice/perspective at all Board of Regents meetings.
- Faculty representation on search committees for senior leaders.
- Board of Regents embedding themselves in what faculty and students do to get a deeper understanding of what it means to be a faculty member and a student at the University of Minnesota.
- Campus climate and morale, especially for faculty and students of color.
- The importance of being able to conduct fetal tissue research at the University.

2. **Legislative update:** The meeting remained closed through the update by the legislative liaisons, Professors Bearinger and Gardner.

3. **University of Minnesota Foundation (UMF) funding model changes:** Professor Campbell welcomed Kathleen Pickard, vice president and chief financial officer, UMF, who was invited to provide information on a proposed funding model change for UMF. Before beginning, Professor Campbell called for a round of introductions.

Following introductions, Vice President Pickard provided information about a financial model change that UMF is planning to implement effective July 1, 2016. She noted that approximately a year ago a task force was formed to look at the Foundation's post-merger (University Foundation and Minnesota Medical Foundation) financial model. The goal was to make sure the financial model was sustainable and to ensure equity in the service structure and related fees. One inequity the task force uncovered was on UMF's fee on its non-endowed fundraising. By way of background, the three giving methods and their corresponding fees are:

1. Permanently Endowed Fund – 1% administration fee.
2. Quasi-Endowed Fund – 1.5% administration fee.
3. Demand Fund (intended for current spending and cannot be subject to investment risk) – current market interest rate.

Vice President Pickard explained that changes in the investment environment have resulted in a significant reduction in investment returns generated by the low risk Demand Fund pool. For example, in FY2000, the pool was earning an average of 6% from which UMF retained enough to cover its related administrative costs. Today, returns are averaging less than 1%, which is not enough to cover its administrative costs (approximately 4%). In addition to not getting enough investment return to cover its administrative costs, UMF Demand Fund fundraising is becoming more popular and has grown from 40% to 60% of total gift production since FY2000.

UMF's fee philosophy, said Vice President Pickard, is that fees are only used to cover the related costs of administration, which does not include fundraising costs. A new 3% administration fee is being created, and, when combined with applicable investment earnings, is intended to cover actual costs.

Professor Gardner said, in his opinion, donors who are giving relatively small amounts of money may view this fee as a tax on what they are giving, which may make them less likely to

want to support UMF. Vice President Pickard said the task force discussed this point extensively because UMF does not want this fee to be misinterpreted as a gift tax or gift fee. The new 3% fee is an internal administration fee. Based on conversations with the collegiate units, for simplicity reasons, they preferred UMF calculate the fee based on the money received and take it from the actual gift rather than invoicing the units.

Professor Lanyon asked whether consideration had been given to setting a threshold where the fee would kick in so that smaller gifts would not be assessed a fee. He added that he assumes the shift to Demand Fund giving has to do with the number of big construction projects. Vice President Pickard said anecdotally there are several reasons for the shift such as a lot of capital projects, but also baby boomers tend to want to see the impact of their giving during their lifetime, etc. Regarding a threshold, said Vice President Pickard, the deans on the task force wanted to keep the fee simple. There was also talk about putting a cap on the really large gifts because it is often the smaller gifts that do not cover their administrative costs. For example, Rutgers' University charges a 10% fee for smaller gifts.

Professor French asked how the 3% fee matches UMF's costs. Vice President Pickard said hopefully the 3% will stay steady, which will serve to give UMF some predictability of revenue. If investment returns increase, UMF will give the extra investment return to the funds themselves. In other words, if investment returns go back up to 3% - 4%, it would nullify this fee.

In cases where companies make small donations, Professor Konstan said it would look much better if UMF were to invoice the unit rather than taking the 3% fee out of the gift. By taking the fee off the top of the gift basically sends the message that at least part of the gift goes to support UMF. It would be easy for companies to bypass UMF by buying a piece of equipment, for example, and giving it to a unit. While 3% is a reasonable charge, it should be treated more like research support and not taken off the top of the gift. A lot of people want to know that every dollar they gave went to the purpose they intended. Vice President Pickard said the donors on the task force felt strongly that the distinction that this is an internal fee, and not a gift fee, is very important. Donors understand there are costs associated with administering their gifts, but they do not want to pay for fundraising for other purposes. If a department would rather receive an invoice than having the fee taken from the gift, the department head should talk with the dean and UMF can make this happen. It is up to each collegiate unit as to how they want to pay the fee.

Professor Lanyon said he agrees with Professor Konstan in that it really comes down to the sophistication of the donor. Larger donors are more likely to understand the costs associated with giving than smaller donors. The University does not, however, want to convey the message that smaller gifts are not important. Hopefully, the University will make sure to recognize the different levels of sophistication of its donors. Vice President Pickard agreed and cited Duluth as an example because it gets a lot of smaller gifts. As a result, UMF is working with Duluth to find discretionary resources, recognizing they are also scarce, in order to avoid having to take the fees from the smaller gifts.

Professor Campbell added he agrees with his FCC colleagues that even though the fee is not a gift tax, it looks like a gift tax. He deferred to the expertise and knowledge of UMF when communicating this fee. Vice President Pickard asked the committee for their help in communicating this fee as an internal fee and not a gift fee.

Professor Gardner said he does not believe that faculty who rely on small gifts have been adequately taken into account. In his opinion, he does not believe it is because Millennials want to see how their money is used right away, but because sources of financial support for faculty work have decreased. He added that he thinks the new UMF administrative fee may dissuade some people from giving. Vice President Pickard acknowledged that the change will not be easy, and noted that UMF is investing more money into development, e.g., more development officers, to tap into the fundraising potential that UMF has not been able to do up until now. The hope is that the increase in fundraising will help negate the administrative fee.

Professor Bearinger asked if any thought had been given to setting a gift threshold, e.g., administrative fee waived for gifts under \$5,000. Vice President Pickard said the task force had talked about a cap/threshold on gift amounts where the fee would not apply, but it was the deans on the task force that wanted to keep the fee simple administratively. Professor Bearinger said this is yet another example of faculty not being engaged in decisions that impact them; deans are not always aware of how decisions like this play out for their faculty. In response, Vice President Pickard said the issue of how best to engage and communicate the fee to faculty was discussed with the deans and provost, and the decision was made to give the deans the discretion to decide how to communicate the fee with their individual faculty. She suggested if faculty have serious program or donor concerns that they should talk with their school's chief financial officer and/or dean. Professor Bearinger said this is one step too late in the process. It all comes down to decisions being made about the faculty without faculty input. Professor Sanchez-Friedemann suggested UMF talk with the deans and ask for time at faculty meetings to communicate this funding model change.

Professor Campbell asked Professor Ericksen on the Morris Campus her perspective of the fee. Professor Ericksen said a 3% fee would cost the Morris Campus a fair amount of money and argued that their funds are already so limited that this could have a serious negative impact.

Professor Campbell thanked Vice President Pickard for attending the meeting. Vice President Pickard said she senses that the committee was not happy with the process by which this decision was made, but hopefully members are satisfied with the rationale for making the decision. Professor Gardner commented that a lot of large donations start with people making small donations, and it is important not to turn off the donors who are being cultivated. He added that he has sensed an unwillingness on the part of development officers in the collegiate units to deal with people unless they are willing to make a sizeable gift and, in his opinion, this is a strategic mistake. Vice President Pickard said that the collegiate development officers are probably more focused on larger gifts, but UMF runs the annual giving programs, which welcomes all gifts small or large. Professor Gardner said in the 26 years he has been at the University, he has never seen how the annual giving programs comes back to the work of individuals.

4. **Mental health and food insecurity issues among University of Minnesota students:**

Professor Campbell welcomed Dave Golden, director, Public Health and Communications, Boynton Health Service; Katie Lust, PhD, MPH, RD, director, Research, Boynton Health Service; and Gary Christenson, chief medical officer, Boynton Health Service, who were invited to share information on food insecurities and mental health issues among students. Before beginning, Professor Campbell called for a round of introductions.

Following introductions, Dr. Lust distributed a PowerPoint presentation to supplement the presentation. She noted that the data that she will be sharing came from the 2015 College Student Health Survey (http://www.bhs.umn.edu/surveys/survey-results/2015/UofMTwinCities_CSHSReport_2015.pdf), which was conducted in the spring of 2015. The survey included not only the University of Minnesota Twin Cities campus, but Duluth, Crookston and about 13 or 14 other two and four year public and private schools across Minnesota. The University of Minnesota Twin Cities sent out about 6,000 surveys and got back a little over 2,000, which was approximately a 34% response rate. The Morris campus participated in the 2016 College Student Health Survey and had approximately a 47% response rate. Moving on, Dr. Lust then shared demographic information that the survey respondents supplied.

Next, Dr. Lust walked members through several graphs and charts, and highlight that there is a significant correlation between poor student mental health and grade point average (GPA). She also noted that when this health survey was first conducted on-line in 2007, a quarter of the students reported having been diagnosed with a mental health condition in their lifetime, and that number has now increased to almost 33%.

Questions and comments from members included:

- Professor Campbell asked if the up-tick in a lifetime diagnosis is a long-term trend or a recent trend. Mr. Golden said this is a recent up-tick. He said he went back and looked at survey data going back to 2001, and prior to 2007 the numbers were relatively flat and since then they have been on the increase.
- Is chemical health included as part of a mental health diagnosis, asked Professor Uggen? No, said Dr. Lust, the mental health diagnosis question does not include chemical health despite Dr. Christenson's request that it be included.
- Professor Konstan commented that he would hope that the number of students who report a lifetime mental health diagnosis would eventually be close to 100% because everyone goes through stages in their life when they are anxious or depressed. Bouts of mental health problems are part of a normal, healthy existence.
- Because the University cannot "fix" what happened to students in their past, e.g., adverse childhood experiences (ACEs), what can the University do to break the association between what happened in a student's past and the effects that are presenting now, asked Professor Konstan? In response, Dr. Lust said that Boynton Health Service has been talking with a group of faculty about doing a forum in the fall of 2016 to start the discussion about trauma informed care. While she does not purport to have expertise in ACEs, a takeaway from the reading she has done on trauma informed care is that while what happened to an individual in the past cannot be changed, it is important not to re-traumatize them. There is hope for people who have

gone through bad adverse experiences as children and it does not need to continue for the rest of that person's life. The University is fortunate to have the data it does around ACEs because a majority of college campuses do not, and most are not even talking about trauma informed care. Mr. Golden added that there are things that can be done related to social determinants of health and mental health in terms of policy, education, and informed care that can have a positive impact. The Minnesota Department of Health is very interested in looking at how the cycle can be broken so it does not repeat into the next generation. Dr. Christenson noted that this information suggests that some screening tools could be used as students come into the University so they can be directed to resources to help them be successful.

- If approximately 3,000 students consider suicide each year, this speaks volumes to the need to get them resources, e.g., therapy. The FCC has been hearing from students about the long wait times to get a mental health appointment at BHS, said Professor Friedemann-Sanchez, and wondered whether central administration is supportive of increasing BHS's resources so more staff can be hired. Dr. Christenson noted that in the short-term, BHS has increased its staff by 60% in the last four years and appreciates the fact that this discussion is becoming broader and wider so more people are advocating for more resources. The Provost's Committee on Student Mental Health is in the process of drafting a white paper, which is in its second iteration right now. The white paper uses the data that has been collected to make some recommendations on addressing the acute needs and to keep ahead of the curve. He added that some of the increased demand on BHS services is actually positive because BHS has done a lot of work around stigma reduction, educating faculty, staff, and students on reaching out to students in distress, etc.
- Does the University have data on the extent to which a student's mental health status changes over the course of their time at the University, and when they leave the University, asked Professor Gross? He said it would be interesting to know if there is a correlation between their University experience and changes in mental health. Dr. Lust said the University could collect this data, but does not have it at present.

Moving on, Dr. Lust provided information on food insecurity. She began by noting that there are multiple definitions for food insecurity depending on what is being measured, e.g., dietary deprivation, lack of resources that could have an impact on dietary intake, anxiety related to lack of sufficient food, and it is the anxiety related to lack of sufficient food that BHS looks at. Individuals who report food insecurity usually have a host of other issues such as fatigue, worry, deprivation, helplessness, and depression. In Minnesota, noted Dr. Lust, the overall food insecurity rate is 11.2% or over 500,000 people.

In light of time, Dr. Lust quickly walked members through a series slides containing data on prevalence rates, correlations, and relative risks for being food insecure. Recent survey data indicates that 23.2% of undergraduate students report that they are worried about their food running out and about 9.5% of graduate students report the same. Based on the data, the conclusion cannot be drawn, however, that students do not have money for food; there is more going on than meets the eye. Dr. Lust said she is working with a couple researchers to try and figure out what is actually going on.

Professor Gardner commented that if students are purchasing fast food or prepared food from the supermarket, they are spending a lot more than if they would purchase food and prepare their own meals. Dr. Lust agreed and said it is important for students to not only have access to affordable supermarkets, but there also needs to be education about how to wisely spend one's money. Professor Gardner said this is intervention that has mostly been ignored by higher education. In order to address the issue of food insecurity, said Professor Konstan, the University needs know what its goal is. For example, is the goal to make sure students are fed or is the goal for students to graduate unlikely to experience food insecurity for the rest of their lives or, put differently, "give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime." Professor French said she knows of another university that offers a program that teaches students how to plan and prepare meals. Dr. Lust noted that BHS has a similar program, Student Nutrition Advocacy Collaborative (SNAC) - <http://www.bhs.umn.edu/schedule/snac-group-cooking-class.htm>, which is very popular. Mr. Golden also noted that a MSA member, Amogh Kambale, recently started a grocery store shuttle service, which operates on Sundays that picks students up and takes them to Cub Foods.

Professor Uggen agreed with Professor Gross' earlier suggestion about looking at the data longitudinally because to the extent there is differential attrition with food insecurities, for example, the data would be very telling.

Dr. Lust took the remaining couple minutes and walked members through the remaining slides. Professor Campbell thanked the representatives from BHS for their presentation and suggested having them come back at some point to continue this discussion.

After a short break, the committee took a few minutes to debrief from the mental health and food insecurities presentation. Professor Bearinger began by saying that it is important to keep in mind that causal effect cannot be used in looking at this data. She said there were some confounding variables in the data that she would like to see teased out. Professor Konstan agreed with Professor Bearinger's comments and added that in addition to getting this data he would have liked to have heard about possible solutions. It may be worth investing time at a future FCC meeting to develop a broad articulated vision for addressing student mental health issues. This vision could then be shared with senior administrators with the hope that they would adopt it and move it forward. Professor Campbell reported that he and Professors Lanyon and Wick and some student leaders would be meeting soon to discuss the possibility of forming a joint task force on student mental health.

Given the University has a major academic health center, said Professor Krichbaum, it would seem reasonable that it could establish a specialty clinic or center to help students who are struggling with mental health problems.

Professor Wyman noted that she would have liked to have heard more about what BHS is doing to manage mental health. She also suggested the possibility of BHS partnering with some of the schools that deliver health care services and training in order to meet the demand for these services.

Professor Campbell asked Renee Dempsey, Senate staff, to solicit member's ideas and questions for the BHS representatives, and he along with another interested FCC member will have a follow-up small group meeting with them.

5. Promoting a Culture of Ethics in Research: Statement of Core Commitments:

Professor Campbell solicited members' feedback on the document *Promoting a Culture of Ethics in Research: Statement of Core Commitments* per the request from the Implementation Work Team on Cultivating a Culture of Ethics. Professor Gardner suggested that given the document is about human subjects research that the title should reflect this, e.g., *Promoting a Culture of Ethics in Human Subjects Research: Statement of Core Commitments*. Members had no other feedback regarding the document.

6. Unionization information and forum update: Professor Campbell reported receiving a letter from a number of faculty who are concerned about the status of faculty raises. He noted that there is a great sense of frustration on the part of many faculty about how reticent the administration has been in addressing the issue of what constitutes status quo. He said that he and Professor Desai have communicated this to Amy Phenix, chief of staff, Office of the President, that it is bad public relations on the part of the administration to be dragging their feet on these issues.

The committee then spent several minutes talking about the Office of Human Resource's communications related to unionization, which they agreed were too legalistic, unclear, and lacked sensitivity. At the conclusion of the discussion, members unanimously voted to invite Vice President Brown to an upcoming meeting to ask her pointed questions in an effort to get answers, which have not been forthcoming to date. Before inviting Vice President Brown, Professor Campbell said he and Professor Desai would talk with President Kaler and make him aware of what the FCC will be doing and what they want to accomplish.

Regarding the upcoming unionization forum, noted Professor Campbell, it will take place on Monday, April 25 from 4:00 – 5:30 in the Coffman Memorial Union Theater and will use a panel format. The forum will be co-sponsored by the Minnesota Daily and the FCC. A save the date email was sent out yesterday, and a follow-up email will be sent out next week about the forum and include a place where people can submit questions. Professor Campbell also noted that the event will be live-streamed to all the campuses and will be archived so people who want to watch it later can do so. The intent is for this to be an informational forum.

7. Continued discussion on free speech documents: Professor Campbell began by saying that he feels strongly that it will be important to engage the entire University community in discussions about what will eventually be a University of Minnesota free speech statement. He said he plans to have free speech on the May 5, 2016 University Senate docket for discussion. In Professor Lanyon's opinion, he feels free speech would make for a great Senate discussion. Professor Campbell added that Provost Hanson has indicated that she would like there to be a free speech forum next fall. According to Professor Campbell, the provost does not think the current document is sufficiently nuanced, and in Professor Campbell's opinion this is because some of the statements in the document come across as being absolute and create opposition between campus climate, inclusivity and free speech.

Regarding the input received from senators to the *Free Speech at the University of Minnesota: Four Core Principles* that the FCC provisionally approved at its March 10, 2016 meeting, Professor Carpenter said he was gratified by the comments and felt that overall they were positive and thoughtful. With respect to the specific comments from the Academic Freedom and Tenure (AF&T) co-chairs, Professors Buhlmann and Kimberley, the reason that the exceptions to the protection of free speech were not included in this document was because this document was intended to be a broad statement of principles, and the details of the free speech principles are contained in the addendum. Secondly, in terms of how to handle hate speech, while the document states that hate speech is protected speech, it does not mean it is endorsed. There is a lot of speech that is protected, which cannot be regulated or punished by the government, but that people are free to and should criticize this speech. Professor Carpenter volunteered to talk with AF&T to address their concerns if they would like him to do so.

Professor Sanchez-Friedemann asked Professor Carpenter to talk about hate speech that incites violence. Professor Carpenter said that this is unprotected speech and this is clearly outlined in the addendum.

Professor Campbell said what he thinks troubles some people about the document is that two incompatible things are included in the statement, which is hate speech is protected, yet the University condemns it. In response, Professor Carpenter used the analogy of burning the U.S. flag as an example of free speech, which is protected; however, he does not condone burning a U.S. flag. There are a number of forms of speech that show poor judgment and that are not respectful of people, but, at the end of the day, government administrators, including University administrators, cannot make decisions about ways of expressing viewpoints that are otherwise protected.

A number of members proceeded to share their thoughts on the document, and more or less came to the agreement that the document is quite good albeit not perfect; however, if it were perfect, they agreed it would not be generating as much discussion as it has and this is a good thing. The goal should be to collectively get faculty, staff and students to talk about the document. Members also agreed they liked the plan to discuss the document at the May 5 Senate meeting and to hold a forum in the fall. Professor Konstan noted that at the end of the process he would like the Senate to adopt a version of the statement and have it endorsed by the University community.

Another issue that continues to arise related to the document, noted Professor Campbell, is the unequal power dynamic that exists and wondered if there is any way to address it. Professor Barajas said that is why she thinks it should be discussed at a forum. Unequal application is about real people getting really hurt in concrete ways; this is how discrimination happens and where prejudice is practiced.

Moving on members debated whether the free speech discussion should take place at the University Senate or the Faculty Senate. Some members felt strongly that it should go to the University Senate, while others felt this is an issue where the faculty should be showing

leadership. Professor Campbell asked members to give this some thought and that the committee will decide at its next meeting.

Regarding the addendum and recommendations, Professor Carpenter said he received useful feedback on both documents, which he will incorporate and send out another draft of each in a week or so before the committee's next meeting. He noted that he sees the recommendations as a concrete way of implementing the values outlined in the core principles.

8. **Decanal reviews:** Professor Campbell noted that he is hearing that there needs to be more consultation around the decanal review process. The last time the committee discussed decanal reviews with Provost Hanson, said Professor Bearinger, there was a lack of awareness of or consistency in how the decanal review process was handled from school to school. In her opinion, the process needs to be standardized so there is some consistency in how the deans are reviewed. Professor Konstan noted that given the current review process is not particularly effective, he is not sure standardizing it is the solution. What is needed is a series of provosts who will take this matter seriously and work toward changing the process to something that with time is perfected and will be encoded into policy.

Professor Barajas said she is not sure what the provost is hoping to get out of the decanal review process – is it simply a mechanism for reviewing someone that reports to her, or is it about the health of the unit. Before deciding to change the current process, this question would need to be clarified.

Professor Konstan suggested separating the review of the dean from the review of a college. A review of a college is not a personnel matter so it could be made public whereas now the decanal review process is considered a personnel matter.

It all comes back to where is the faculty voice as decisions are being made, said Professor Bearinger. Deans are more concerned with how to communicate changes to faculty rather than engaging faculty in the decision-making process. The FCC should play a role in consultation with Provost Hanson about ideas for changing the decanal review process.

Professor Campbell said he would provide information about the make-up of the current standing decanal review committee at the next meeting. He also suggested inviting Dr. Tom Dohm, director and senior psychologist, Office of Measurement Services, to talk about the decanal review survey that is sent out to faculty, etc. Before inviting Dr. Dohm, Professor Lanyon suggested the FCC have a preliminary discussion about what it trying to accomplish and its goals as it relates to this process.

9. **Adjournment:** Hearing no further business, Professor Campbell adjourned the meeting.

Renee Dempsey
University Senate