

Minutes*

Academic Freedom and Tenure Committee
Friday, September 17, 2010
9:30 – 11:30
300 Morrill Hall

Present: Barbara Elliott, Karen Miksch (co-chairs), Yusuf Abul-Hajj, Tracey Anderson, Arlene Carney, William Craig, Barbara Loken, Linda McLoon, Christine Marran, Paula O'Loughlin, Gary Peter, Paul Porter, Terry Simon

Absent: Joseph Gaugler, Carol Wells

Guests: Vice President Carol Carrier, Nan Wilhelmson (Human Resources); Professor Jeff Kahn (co-chair, Faculty Culture Task Force); Professor Kathryn VandenBosch (chair, Faculty Consultative Committee)

[In these minutes: (1) orientation on academic appointments; (2) faculty culture task force report; (3) discussion of the film "Troubled Waters"]

1. Orientation on Academic Appointments

Professor Elliott convened the meeting at 9:30 and welcomed Vice President Carrier and Ms. Wilhelmson to provide the Committee an overview of academic appointments at the University.

Vice President Carrier began by reviewing the history of the administrative policy Academic Appointments with Teaching Function. The process of reviewing academic appointments began in 1999 with a joint committee on academic appointments (chaired by Professor Kent Bales) initiated by the Senate Committee on Faculty Affairs (SCFA), the Faculty Consultative Committee (FCC) and what was then the Academic Staff Advisory Committee (ASAC, and what is now CAPA, the Council of Academic Professionals). The joint committee proposed revisions to University policy so that there would be a unified system and a way to ensure that appointments are made according to the system. Provost Bruininks then appointed another committee composed of faculty, staff, and administrators (chaired by Dean John Brandl) to take the Bales Committee report and develop recommendations on what should be done. The Brandl Committee reported in December, 1999, and after that a small group drafted the policy that is now in place. It was implemented in 2001. It took a couple of years for the colleges to get in place the personnel plans that the policy requires, but most were completed by 2003. [The policy can be found at <http://www.fpd.finop.umn.edu/Policies/hr/Hiring/TEACHING.html>]

The benefits of the policy are that it brought order and consistency to appointments and eliminated problems (e.g., "temporary" faculty appointments that had recurred for over 20 years). The policy provided a system to create consistency but one that allowed flexibility. It also cleaned up the benefits language and took care of a growing number of P&A staff who were teaching by providing regular appointments and a career ladder for them. The tracking system is better than it was before, although in a decentralized system the colleges/units make their own decisions. The policy is public and

* 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.

is included in the current comprehensive review of all administrative policies. (Ms. Wilhelmson noted that the policy will be reviewed during 2011.)

Somewhere along the line the policy focused on the academic appointments with teaching function, which was important because the number of appointments focused solely on research is quite small, Dr. Carrier said. Ms. Wilhelmson monitors the data related to the policy and fields questions about it.

Ms. Wilhelmson distributed copies of the policy and a handout with additional information. She said there are three major elements to the policy: (1) five categories of appointments with teaching function, including the standards and procedures for each and the titles used (the policy appendix contains several pages of titles); (2) Appendix A, which discusses each category and subcategory with regard to selection, appointment, performance review, benefits, etc.; and (3) the collegiate personnel plan, required of each college. The five categories of appointment with subcategories are (from the policy):

1. Regular (Tenured and Tenure-Track) Faculty:

Members of the tenured and tenure-track faculty.

2. Term (Non Tenure-Track) Faculty:

2A. Contract Faculty. Members of the faculty on annual, renewable, or multi-year contracts.

2B. Temporary Faculty. Members appointed to address temporary needs of 1-2 years.

2C. Visiting Faculty. Faculty at other universities who are temporarily here.

3. Adjunct Faculty:

3A. Adjunct Faculty from Within the University. Persons who hold regular or term (contract or temporary) faculty status in one main department and who are appointed by a second department or college.

3B. Adjunct Faculty from Outside the University. Professionals in the community who offer instruction on an occasional, part-time basis.

4. Academic Staff:

4A. Academic Professional Staff Who Hold Primary Responsibility for Teaching.

4B. Academic Professional or Administrative Staff with Primary Non-Instructional Duties Who Assume Part-Time Instructional Duties.

5. Graduate Teaching Assistants:

Students registered in a graduate or post-baccalaureate professional degree program may also provide assistance to the faculty in teaching or advising students registered for specific courses, or may be the instructor of record for an entire course, in accordance with the standards of the academic unit and those in the Policy and Guidelines for Graduate Assistants.

Vice President Carrier noted that the faculty at Crookston and Duluth covered by a union contract are exempt from the policy.

Professor Miksch pointed out that this Committee looked at the personnel plan for the Rochester campus several years ago because this Committee is appointed by the policy as the consultative body on

the plans and on any supplemental plans that colleges propose. All of the plans were brought to this Committee in 2002-03, Ms. Wilhelmson added.

The college plans are to be developed in consultation with the administration of the college, the regular and term faculty, and the P&A staff. The College of Design and the College of Education and Human Development (reconfigured as part of strategic positioning) are developing their plans.

Ms. Wilhelmson reviewed the definitions of academic appointments. Contract faculty was a new type of term faculty and a number of the "temporary" (but long-term) faculty were moved into this category, as were some P&A instructional staff. There was a small window, when the policy was first adopted and each college plan approved, for people to move among some categories without a search if they met the criteria for the category. Thereafter a search was required to fill all positions. For a college to use contract faculty, it had to make a request that required approval of Vice President Carrier and the Senior Vice President for Academic Affairs and Provost. The proposal needed to include the estimated number of contract faculty appointments.

The reasons for use of term faculty appointments are these (the items are taken directly from the tenure code; those with asterisks next to them are the most-often cited as reasons for requesting use of contract faculty):

1. The duration, the percentage of time, or both require less than service for two thirds-time for the academic year;
 2. The appointment is designated a Visiting appointment because the faculty member is from another educational institution or is a qualified professional from a government or a private agency on a leave of absence to accept a temporary appoint this University;
 - * 3. The appointment is designated a clinical appointment because the faculty member is a clinician in the community who gives service to the University part-time;
 - * 4. The appointment concerns a faculty member who principally is engaged in and primarily supported by clinical activities or by discipline-related service;
 5. The appointment is designated an adjunct appointment because the faculty member's primary employment is outside the university or is in another unit of the University;
 - * 6. The appointment extends courtesy faculty rank without salary;
 - * 7. The position is subject to the joint control of the University and another institution;
 - * 8. The specific funding for the position is subject to the discretion of another agency;
 - * 9. The funding for the position is for a limited time;
 - * 10. The appointment is in a unit or program that is experimental or otherwise restricted duration;
- and
11. The person is enrolled in a University of Minnesota degree program. A regular faculty member on a probationary appointment may transfer to term status during enrollment in such a degree program if the faculty member and the senior academic administrator agree. This transfer suspends the running of the maximum period of probationary service, but the faculty member retains other right of regular appointment, including annual review, the right to timely notice and terminal appointment period as provided in Section 6.

It is possible to use prefixes (teaching, research, clinical, service-outreach) with contract-faculty appointments, Ms. Wilhelmson said, such as teaching associate professor, research professor, clinical

assistant professor, and so on. The "teaching" prefix is the one that is used most; the service-outreach prefix has not been used at all.

Are these still in conversation, Professor Elliott asked? The Committee had a discussion with Senior Vice President Cerra about the teaching track, a contract-faculty designation. Ms. Wilhelmson said that if a college decides to use another title, or use contract faculty it has not used before, it would need to submit a change to its college personnel plan.

Professor Loken inquired about the difference between contract and adjunct faculty. Contract faculty are listed under number 2, "term faculty"; both are temporary. Ms. Wilhelmson said they are not; a contract-faculty appointment is a career position. Adjunct faculty are usually 20-35% time, from either inside or outside the University. The positions are very different. Most contract faculty are 75-100% time.

So adjunct faculty are more part-time and different from P&A because they are less permanent, Professor Loken clarified. Vice Provost Carney said that P&A staff are not faculty; mixing them up causes confusion. An adjunct faculty member could be someone who teaches one course per year for a unit; contract faculty (e.g., Clinical Scholars in the Medical School) have an annual standard appointment. Vice President Carrier said that units can choose to use the adjunct or P&A category; some hire them as P&A staff at 20%; others believe they can better recruit people if they use the faculty title. Dr. Carney observed that she holds a P&A appointment as vice provost but is also a tenured faculty member in her department; while she is serving as vice provost, her department has a contract faculty member doing her teaching. That person holds an annually-renewable appointment and teaches, does research and advising, and holds a faculty appointment, not a P&A appointment. Professor Loken said that her college has P&A instructors with multi-year appointments and wishes to know how these appointments differ from multi-year appointments of contract faculty. Both positions hold annually-renewable or multi-year contracts, Dr. Carrier said.

Another part of the definition of contract faculty, Ms. Wilhelmson explained, is that they carry out all three parts of the mission, teaching, research, and service, although contract faculty members may be more heavily weighted to teaching. P&A instructional staff may have teaching-only appointments.

Professor Anderson commented that her campus has seen a number of spousal hires; are they typically contract faculty? They can be, Dr. Carrier said, and are in the majority of cases, but some are brought in as tenure-track or tenured faculty.

The definition of temporary faculty was narrowed with the policy, Ms. Wilhelmson said; they are appointments of one year or less. Such appointments are more likely when a regular faculty member is on sabbatical or on medical leave, Dr. Carney said. There used to be many such appointments, Dr. Carrier said; now there are only a small number.

Ms. Wilhelmson also explained that in terms of adjunct or clinical faculty from outside the University, it is possible to have such titles as adjunct assistant professor, clinical assistant professor, and so on. What is the difference, Professor Abul-Hajj inquired? The clinical prefix is used more in AHC colleges for outside practitioners, Ms. Wilhelmson said. There is a task force in the Academic Health Center looking at the range of appointments being used, Dr. Carney reported, because there is a sense that the situation has gotten too diffuse and there is a need to make it more orderly. The needs of the Medical

School are very complex and include people in the community who are essential to educating medical students. With the changes Dr. Cerra described, this is a good time to establish new standards.

For P&A staff who hold primary responsibility for teaching, there is the option to give them a secondary professorial title. One could be a Teaching Specialist and Teaching Assistant Professor, for example, or Research Assistant Professor (there are not many of the latter). Use of the title requires a vote of the faculty or faculty committee in the unit. Professor Abul-Hajj said they have six such faculty members in his department; they attend faculty meetings but do not vote on tenure and promotion. They use the title because the P&A title does not accurately describe what they do. Are these titles available to all colleges or must they be in the personnel plan, Professor Miksch asked? They need to be in the plan, which must specify which titles will be used, Ms. Wilhelmson said.

Ms. Wilhelmson noted a table drawn from collegiate personnel plans that indicated which colleges are using which appointments. Some colleges have elected not to use certain categories (e.g., the Carlson School and Biological Sciences do not use the temporary faculty category; the Law School and Morris do not use graduate teaching assistants). Most colleges, however, use most appointment categories.

Ms. Wilhelmson also provided a two-page table of data indicating (1) for April of 2008, 2009, and 2010, the number of FTEs in each category in each college, and (2) a seven-year summary of the total number of FTEs in all categories in April of each year. The number of regular faculty FTEs increased by 2.4%, from 2586.66 to 2648.8; the number of contract faculty FTEs increased 77.9%, from 319.59 to 568.4. The number of temporary faculty FTEs declined by 87.3% (to 10.75 FTEs), as has the number of visiting and outside adjunct appointments. The number of P&A instructional staff FTEs has increased by 8.6%, from 456.47 to 495.5. About four colleges are going over their original estimates of the number of contract faculty they believed they would use; most colleges, however, are following their plan or using fewer contract faculty than projected.

Professor Porter inquired who, during the hiring process, determines if a faculty appointment is contract or tenured/tenure-track. Normally that is a college decision, Dr. Carney said. But the process has to be considered in light of the hiring pause; hiring decisions by deans needed to pass through the Senior Vice President for Academic Affairs and Provost, so the process is more complex today. But usually, because of the budget model, the dean will decide how many tenured/tenure-track faculty the college can afford. That depends on the number of faculty retiring and other factors. During the hiring pause, there may be an increase in the number of contract faculty because colleges are reluctant to use a permanent position. The dean must balance instructional needs; whether an appointment is contract or tenure-track, the college must have the resources to fund it. Professor Abul-Hajj said that in his experience the deans consult with departments; in the case of his college, they decided they would have no contract faculty. Dr. Carrier observed that even if a college plan envisions the use of contract faculty, some departments in the college may not use them.

Professor Elliott recalled that the policy requires a supplemental plan if the number of non-tenured/tenure-track appointments exceeds 25% of the number of tenured/tenure-track appointments. Ms. Wilhelmson noted the policy provision: "The collegiate plan must include a specific supplemental plan for any unit in which the number of FTE contract faculty positions (category 2A) plus the number of FTE academic professional positions with primary responsibility for teaching (category 4A) exceeds 25% of the FTE tenured and tenure-track faculty." The policy requires that the supplemental plan include a

rationale for the higher use of contract faculty and P&A instructional staff. Of the 19 colleges, 14 colleges have supplemental plans, either for the college as a whole or for specific departments within the college. Ms. Wilhelmson explained that when a plan is submitted, the college (or specific department) has permission to exceed the 25%, that some units with approved plans do consistently go over the 25% while some with approved plans never did go over the 25%; and that on occasion, some units with no plan did go over the 25%.

Examples of instances where a college might need a supplemental plan are the language departments and the composition classes in CLA, Dr. Carney said, because of the large demand for classes.

Once a college has submitted a supplemental plan and it has been approved, Ms. Wilhelmson said, her office monitors adherence. Some units consistently go over the 25%, some never do. Some exceed 25% even when they have no supplemental plan. What are the consequences in the last case, Professor McLoon asked? They ask the deans for compliance, Dr. Carrier said, and that generally happens. Some of the units are far beyond the 25% limit, Professor Abul-Hajj observed. If a supplemental plan has been approved, Dr. Carrier said, the college is not out of compliance with the policy.

Professor Anderson asked if any supplemental plans have not been approved. No, Ms. Wilhelmson said.

Ms. Wilhelmson reviewed briefly the research-related titles and provided data on the number of such appointments being used. There are very few "research professor" or associate or assistant professor appointments (10.5 FTEs in total); there are 57.8 FTE Senior Research Associates, 520.9 FTE Research Associates, 32.7 FTE Senior Research Fellows, 169.3 FTE Research Fellows, and 40.8 FTE Research Specialists as of April 2010.

There are never additional titles used with tenured and tenure-track faculty, Ms. Wilhelmson explained, because it is assumed that individuals with those appointments have the tripartite responsibilities of teaching, research, and service/outreach. To appoint someone as a "Research Professor" means the individual will never teach and is probably engaged in long-term research, especially if grant-funded, and is essential to the research mission of the college.

Professor Miksch said that the Committee reviews plans and supplemental plans and the rationale for them. Does the policy have criteria the Committee should rely on in conducting its reviews, in addition to referring to the tenure code policy regarding term faculty? The policy provides some discussion but it is not extended, Dr. Carrier said; it may be, Professor Miksch responded, that the Committee may wish to elaborate on the standards and provide advice to the administration on them.

Professor Elliott thanked Dr. Carrier and Ms. Wilhelmson for the overview of the academic appointment system.

2. Faculty Culture Task Force Report

Professor Elliott welcomed Professor Kahn to the meeting and noted that the invitation was extended after the Committee's discussion about civility of working relationships among those with

varying appointments and working conditions at the University. Professor Kahn said the Faculty Culture Task Force had not asked those questions, so Professor Miksch drew recommendations from the task force report and considered their status vis-à-vis the work of the Committee:

In my mind, the following recommendations have already been addressed by AF&T:

5. The University's senior administrators and faculty should redraft the tenure code's current 7.11 statement to reflect the institution's future objectives and to provide a clearer indication of its expectations for promotion and tenure. (The Committee addressed this in 2007)
6. The University, under the direction and approval authority of the Senior Vice President for Academic Affairs and Provost, must engage in a comprehensive departmental review and redrafting of all 7.12 statements. (This is an on-going effort)
9. The University must create language in the tenure code that explains the criteria and expectations for promotion to full professor. (The code was addressed in recent years, although, the Committee continues to look at promotion and how to clarify it in the regulations).

However, the Committee has not discussed (in my memory) the following recommendations:

7. After a faculty member has served three years on a probationary appointment, the department should vote on whether that faculty member is making sufficient progress toward meeting expectations for promotion and tenure.
8. Departments and deans must be encouraged to make the hard decisions necessary to assure rigor and excellence in the promotion and tenure process. We recommend the appointment of an all-University Review Committee comprised of faculty, that would be appointed by and advisory to the Senior Vice President for Academic Affairs and Provost.
10. 7.12 statements must include language that establishes an expectation that full professors will mentor both assistant and associate professors.

Professor Kahn thanked the Committee for the invitation, noted that he had co-chaired the task force with Professor Kirt Wilson, and that he is currently a member of FCC, and said that he had reviewed again the work of the task force; he remains pleased at the work the task force did. He agreed with Professor Miksch's assessment of the recommendations she highlighted: Some have been addressed and some have not; he thanked Vice Provost Carney for her work in addressing some of them. He added that he is not sure that all of the recommendations should be implemented as crafted, but hoped that those not implemented would at least spur discussion of important issues. He described the extensive conversations and consultations the task force held as it was doing its work. The title of the task force was a bit of a misnomer, he said; their work was directed at examining what could be done in terms of faculty recruitment, retention, promotion and tenure, and environment to help the University become a top-three public research university.

What struck him in the report as he reviewed it again was the repeated mention of university citizenship, something there is a need for more than ever with the leadership transition and budget pressures. The faculty need to pull together not only as scholars and teachers but as citizens of the

University. In a time of great uncertainty, people are anxious, and they may not see themselves as all in the same boat and needing to pull together.

It was that sense that was the impetus for the New Faculty Orientation, Dr. Carney related—that whole feeling that people were not part of a university. The one point in time when they see new Twin Cities faculty all together is in orientation, so they focus on being citizens of the University. They have data on faculty who started before the New Faculty Orientation program and those who started after and went through it, and they intend to find out if there is a different feeling about bonding with the institution.

Professor Abul-Hajj said he agreed 100%. The question in many minds among those in lower ranks, he said, is how top-down decisions will affect them. For example, the decision about the Graduate School means the departments are carrying out functions that were previously performed by the Graduate School; in his department, they have a list of 139 things they must now do that the Graduate School did previously. Top-down decisions make it difficult to bond to the University and be good citizens. There are faculty who believe the consultative system should operate to help bond. Some feel that it has not done so the last couple of years.

Professor Elliott said that the comment about being in the same boat and rowing together is the equivalent to a phrase she rarely uses, doing more with less. One question is mentoring: Are the more senior faculty nurturing those who will take their places?

Professor Kahn reported that he was on one of the task forces involved in restructuring graduate education, and one of the topics they dealt with was mentoring (including faculty mentoring for graduate students, but also noted the need for senior faculty mentoring of junior faculty). It was an area where more investment was seen as needed, but at the department or perhaps college level, but not at the University level. Other places are not like this University in terms of the faculty being disconnected; perhaps that is because this institution is so large. The question is how to capture the commitments faculty have to what they do so they feel as connected to the University as they do to their department, program, or college.

Vice Provost Carney said she was responsive to the mentoring recommendation and sent an email in November, 2006, to all departments with best practices for mentoring. She also talked with the Faculty Consultative Committee about the topic. There was an item about mentoring in the recommendations for revised 7.12 statements, but she received a lot of push-back on it. Departments did not want to include mentoring in their 7.12 statements because they worried about legal implications. Some departments did include mentoring, but it appears in less than half the 7.12 statements (the absence, of course, does not mean the departments do not provide mentoring). Dr. Carney described other activities related to mentoring in which she has been involved in recent years. She noted that in the national COACHE survey of probationary faculty, one question was about the most important thing that is not done well at their university; for Minnesota, mentoring was identified.

Professor O'Loughlin said that mentoring is crucial at the New Faculty Orientation and that the citizenship question becomes most clear after people achieve tenure and the rank of associate professor. That is the time they can begin to give back. At a small campus such as Morris, everyone must participate. She asked if Dr. Carney had thought about doing something with new associate professors. She does, Dr. Carney said, and discusses their new roles and how to progress to (full) professor.

Professor O'Loughlin suggested that representatives from the Senate structure be brought into that conversation; she said she is certain that many assistant professors do not know how to get involved. Dr. Carney said there could perhaps be a separate session, co-sponsored by the governance system.

Professor Marran agreed that mentoring is important but said she wished to return to Professor Abul-Hajj's point that the University could benefit from shared governance by faculty. New and current faculty can bring fresh ideas into the University and must have a sense, when they participate, that their ideas can take root. They do not have that sense now.

Professor Abul-Hajj said that while some departments may not have mentoring in their 7.12 statements, they are nonetheless doing it; in his case, the department has had a formal system since 1995. And they provide it for senior as well as junior faculty (e.g., when someone is going to make a grant proposal, they gather to critique it). Professor Elliott agreed that everyone needs to have feedback and support, not just for promotion or grant-getting but also as a member of the University community.

Professor Kahn noted that the task force report talked about the lack of opportunity for faculty to interact with those outside their normal orbit, a phenomenon that has to do with infrastructure as well as the amount of work people have to do. People do not have a place to congregate, but he noted that for him, service on University-wide committees has been a great way to participate and also acquire collaborative partners.

Professor Elliott noted that she is a member of the Center for Bioethics (which Professor Kahn directs); she asked Professor Kahn to describe what happens in the Center with respect to mentoring. The Center consists mostly of senior faculty, Professor Kahn said, but two of the 11 are not tenured and they receive a lot of attention. There are also Center meetings every two weeks that allows discussion of issues and common interests among the faculty.

Professor Kahn turned to the Faculty Culture Task Force's recommendation about the state's open record law and its effect on external evaluations in the promotion-and-tenure process. The University of Minnesota cannot promise anonymity or confidentiality in letters. He said he continues to worry about the University's process; he believes, as the Task Force recommended, that the letters should be redacted before being provided to the candidate, and said the University is an outlier in this regard: Most of the peer institutions the Task Force surveyed on this question do permit confidentiality in letters of evaluation/recommendation. The decision should be based on whether it is a good idea, not because state law requires they be made available. Professor Abul-Hajj agreed and said that his department has had reviewers decline to send letters because of the law. There is a passionate argument on the other side, Professor Kahn observed, that faculty members deserve to see their evaluations, which could be accommodated by allowing different colleges, or even departments, to opt for open versus redacted letters. The only real discussion, however, has been regarding the legal likelihood of whether the University could receive an exemption from the law.

Dr. Carney recalled that there had been a survey of department chairs on the issue; they divided about 50/50 on whether the law hurt the evaluations and the letters should be redacted. The task force recommended the University seek an exemption from the law, Professor Kahn said, and he believes it affects the quality of recommendations that are received for promotion-and-tenure cases. Even despite the law, there are letters that say strong things, Dr. Carney commented.

Professor Elliott thanked Professor Kahn for joining the meeting.

3. Discussion of the Film "Troubled Waters"

Professor Elliott welcomed Professor Kathryn VandenBosch, chair of the Faculty Consultative Committee (FCC), to the meeting to discuss the controversy surrounding the movie "Troubled Waters." She noted that she and Professor Miksch had been part of the Faculty Consultative Committee meeting the day before when the topic of the movie was addressed with Provost Sullivan. What happened was unexpected, she said.

Professor VandenBosch noted that she had invited the members of this Committee to a lunch meeting on September 16th with FCC, Vice President Himle, and Professor Weller, Director of the Bell Museum, to have a discussion about the events with the participants. Professor Weller had to withdraw at the last minute because she needed time to initiate the review process that had been called for. There was frustration that the session was cancelled, but the time was well-spent because Dr. Weller's efforts contributed to the resolution. She thanked Committee members for their patience.

Professor VandenBosch reviewed the discussion that had taken place at FCC the day before. The memos that Dean Levine and Provost Sullivan had distributed earlier in the week, provided to FCC, reassured the Committee of the administration's commitment to academic freedom and that there would be no compromise on it. FCC invited the Provost to make a statement on the matter in lieu of the lunch meeting. The essence of what he told FCC was that he had been out of town, had been briefed earlier in the week, had talked with the participants, and concluded that the review process had been sufficient, the movie premier could go ahead, and the embargo was lifted. There will be no additional review of the film and it will be shown twice at the Bell Museum on October 3, followed by a panel discussion. That is where things stand, Professor VandenBosch concluded.

Professor Elliott noted the reasoning in the rationale provided by the Provost: There had been a review earlier but it was thought missing. Provost Sullivan's reasoning clearly built on the need to recognize and honor academic freedom, a concept that is important to him—something the Committee knows in its work with him in recent years. This focus on academic freedom has not been picked up in the media. Professor Miksch noted that the Provost used the word "tilt": In 99% of the cases, the academic-freedom claim is clear. Some of the remaining 1% of cases may be in a gray area, as in this case because of contract work, but the Provost said if there was uncertainty the tilt should be toward an assumption in support of academic freedom. He told FCC that there would be a review of what happened and of the roles and responsibilities of those who were involved; the review would be conducted by him, the President, and the General Counsel. The Provost also said he would like to speak with this Committee at some point. Professor Miksch also relayed a suggestion from Professor Chomsky that this Committee review the report of the Task Force on Academic Freedom in light of events. One idea the task force proposed was a colloquium on academic freedom; that idea may be worth revisiting.

Dr. Craig commented on the external perceptions of how this is being played. In the case of one newspaper, the story is that the University finally caved in to environmentalists. He also related a conversation with a University graduate in Washington, D.C., in which this was the first subject brought up; he asked how the University got into this situation. Professor Abul-Hajj said he agreed with the Provost's decision and said the big question is what to do to avoid being in a similar situation in the future.

Professor McLoon said that one individual stopped the showing of the film; what will or should happen to that person? Where are roles defined and indications of what should happen when one steps outside the role? Professor VandenBosch said that one can talk about that issue in the abstract but specific personnel matters are protected by the Minnesota Data Practices Act. Professor Anderson inquired about the power structure of the University that allows one person to make such a decision. That will be covered by the review, Professor VandenBosch said, because it will include a look at the actions of all parties.

What concerns her, Professor Miksch said, is that when she writes an article advocating a position, it goes through peer review and is critiqued by other scholars—but not generally in a public forum. But if one does something that is publicly-engaged, that activity may receive greater scrutiny. This is a land-grant university doing a lot of creative, engaged work.

Professor Elliott noted that Professor Marran had raised questions in an email message about how scholarly work is affected when money comes from outside the University, and the differences between film and a journal article. She asked Professor Marran to amplify on her thoughts. Professor Marran said she saw a documentary film as like a journal article. Films, like books, inevitably have multiple points of view or perhaps one specific point of view. Documentary film is not a special medium that must produce or even can produce an "objective" point of view. This film provides an opportunity to engage precisely in discussions of academic freedom and censorship because this case has engaged so many communities. The "Troubled Waters" film situation speaks to the importance of allowing the introduction of multiple points of view in scholarship and film. The University must protect the freedom to explore ideas via film.

Professor McLoon said she has seen a lot written about this event, and one thing that has received attention was the apparent conflict-of-interest for the person who made the decision. She said that she indicates at the outset when she has received funding. She said it was not clear what to do about the potential conflict of interest and that she did not know if there was one. Academic books and films usually reveal their sources of funding, Professor Marran said.

Professor VandenBosch said one must be careful in making judgments because most of what people think they know comes from the press. It's likely that the published reports do not contain all the facts.

Professor Elliott thanked Professor VandenBosch for joining the meeting. She adjourned it at 11:30.

-- Gary Engstrand