

Academic Freedom and Tenure Committee (AF&T)

September 11, 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 represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.]

[In these minutes: Welcome; Review of Charge; Academic Appointments with Teaching Functions Policy discussion; Updates on ITRAAC, the Shield Amendment, and Department of Psychiatry; Discussion of Possible Topics for the Upcoming Year.]

Present: Phil Buhlmann and Teresa Kimberley (co-chairs), Karen Miksch, Jerry Cohen, Kevin Upton, Marti Hope Gonzalez, Holley Locher, Jessica Larson, Karen Miksch, Al Levine, Nathan Shippee, Paula Rabinowitz, Ole Gram

Regrets: Catherine Squires, Naomi Scheman, George Trachte

Guests: Eva von Dassow, proxy for Naomi Scheman

1. Welcome: Professors Buhlmann and Kimberley, co-chairs, convened the meeting and asked for introductions.

2. Review of Charge: Buhlmann and Kimberley reviewed committee accomplishments of the past year. Most notable were two procedures related to the Tenure Code that were finally addressed and made official: Unrequested Leave of Absence for Disabled Faculty Members and the Faculty Moving Appointment Homes. The chairs commended the committee for their work in making these changes to the Code.

Buhlmann and Kimberley then reviewed each point of the committee charge. Professor Rabinowicz urged the group to focus on point D, as she felt it had generally been ignored by the committee. The chairs agreed that point D, (“review annually the use of contract and non-faculty instructional appointments in all departments and colleges, and make recommendations to the Faculty Senate and the appropriate senior academic administrators”) has always been a part of the charge and there have been attempts to address this, but there are several barriers to overcome. The chairs specifically mentioned this to be a primary area the committee would work on this year (see below).

Professor von Dassow mentioned an incident related to point H of the charge (“promote understanding of the concepts and exercise of academic freedom across the University”), that arose last spring at a Faculty Consultative Committee (FCC) meeting, as a result of a February faculty-organized event following the shooting at the headquarters of Charlie Hebdo.

von Dassow provided a summary of events leading up to the incident: A flyer for the February 2015 panel discussion, “Can We Laugh at Everything? Satire and Free Speech

After Charlie,” featured a cartoon image of Mohammed crying, which was a reproduction of the first issue of the magazine following the attack. This discussion was well attended and there were no complaints before or at the event. Later, however, several complaints were filed with the Office for Equal Opportunity and Affirmative Action (EOAA) by students, employees, and off campus individuals, stating that the image was offensive. The EOAA office investigated the incident without taking counsel of lawyers at the University.

FCC did not hear of the complaints until early May, when the EOAA office requested that Dean Coleman write a letter expressing disapproval of the actions of those faculty members being investigated. Dean Coleman did not do so. In spring, FCC tried to look at the incident from a procedures standpoint: What guidelines does the EOAA have in regard to getting advice on such issues? With whom do they consult?

Professor Shippee asked if “the [AF&T] committee has specific definitions to work with when talking about academic freedom?” Per Shippee, tenure has been defined pretty specifically, but not academic freedom. Nor has the line been drawn between professional responsibility versus harassment.

Professor Miksch thought it would be valuable to discuss, as a committee, the Academic Freedom and Responsibility policy, and the fact that there are limits on free speech. Per Miksch, academic freedom is sort of embedded in the free speech amendment. But there is a tension between academic freedom and the right to not be harassed. The AAUP provides guidance but the lines are not clear.

It was agreed that committee members should read the minutes from the FCC June meeting.

Action plan: Kimberley will follow up with FCC chair Professor Colin Campbell to see what progress the FCC has made.

A related issue that came up for possible discussion in the upcoming year was the movement across academia to require the use of trigger warnings in classes. Faculty are being asked to revise their curriculum to be more sensitive to those issues which might be points of trauma for students. The concern expressed by committee members was when and whether trigger warning requirements cross into issues of academic freedom.

3. Academic Appointments with Teaching Functions Policy discussion: This policy specifies that “any unit in which the number of FTE contract faculty positions plus the number of FTE contract faculty with academic professional positions with primary responsibility for teaching exceeds 25% of the FTE tenured and tenure-track faculty” must include a plan for why this is so. It was agreed by the committee that annual evaluation of adherence to this policy is supposed to take place at the University, but that it rarely occurs. The committee concluded that a lot of stakeholders at the University are interested in this issue. After conversations and research last year, the committee realized this was not a key issue in any part of the University strategic plan, and no one is working currently on this. Last spring, the committee decided that the best way to do so would be

to develop a white paper, a conclusion of the state of the matter and possible solutions. The committee should invite stakeholders to have a discussion.

Kimberley proposed that a representative from SCFA and a representative from AF&T meet. She reiterated that the committee charge is not to solve the problem, but rather to develop criteria or processes to determine what the optimal ratio is for any given department. Rabinowicz averred that it is a policy and our job is not to tweak the policy, and that perhaps what does need to be defined is what exactly 25% represents. Kimberley agreed, and stated that the committee has tried to move forward in the past but had difficulty getting the data due to the numerous job classifications across campus. Discussion ensued on college personnel plans, and the fact that the 25% exceptions should be included in each college's personnel plan. Committee members thought that perhaps the colleges should be provided with specifics as to what the personnel plans should include.

Vice Provost Levine stated that some of the necessary reports are available, but not all of them. He added that the policy is not being followed in some colleges for legitimate reasons. He believed that it would be useful for the committee to weigh in on these issues. Per Dr. Gram, the Provost's Office has just started collecting some data from the Office of Institutional Research addressing just these issues. He stated that previous gatherings by SCFA and AF&T didn't really complete the job and a joint subcommittee could address some of these issues.

An additional point brought up for discussion was the path to promotion for non tenure-track positions. Committee members are aware of excellent research assistant professors who have been in that assistant professor role for fifteen years, and felt that this should be included in the discussion. It was agreed that this is an issue of academic freedom because many of these instructors are doing the work of tenured faculty without the security that tenure offers. SCFA has been looking at promotion opportunities and whether these faculty are really given options for tenure.

In conclusion, the plan of action is **to connect with SCFA. Jointly, SCFA and AF&T need to articulate exactly what they want from the Provost.** Additionally, the committee should start to develop a set of questions that could be used to perform the evaluation so variances could be assessed for legitimacy.

4: **Shield Amendment Update:** Miksch provided an update on the progress of the Shield Amendment, which is currently under review by the General Counsel's office. The committee hopes to have the amendment become a piece of legislation on which the University moves forward. If this does not happen, then the committee recommends that the amendment be forwarded to Faculty Senate. Essentially, the amendment provides an exemption from open records requests for ongoing scholarly work that is either confidential or not yet complete. Per von Dassow, Gary Gardner, legislative liaison and AUUP officer, is lobbying for the amendment and wanted to know how he could help. **Miksch will contact Mr. Gardner. Kimberley and Buhlmann will check on the status of General Counsel's review and copy Miksch.**

5. ITRAAC Update: Per Buhlmann, not much has happened on this issue since spring. Administrative policy affects international travel of undergraduate and graduate students, and it affects graduate students' academic freedom. The committee decided last spring that they would like to administer a survey to students who have been affected by this policy. Buhlmann approached Dean McQuaid and asked if her office would be using Qualtrics for the survey. Per the Dean's office it is not feasible for them to use Qualtrics, but the committee can if they wish to. Professor Buhlmann **will report back on when the survey might be sent out.**

6. Department of Psychiatry Review: A member of the psychiatry department spoke at the last AF&T meeting in spring regarding the current psychiatry department research restrictions and the way those are affecting academic freedom and tenure. The committee drafted a memo stating that the faculty of the psychiatry department should be made aware that their deadline for tenure review has been extended. That memo is part of minutes from May. All the committee can do at this point is monitor and observe.

7. Issues for Future Meetings: The committee returned to a discussion of trigger warnings, and whether a University policy was being drafted on trigger warnings. While social media was brought up as well, it was shared that the decision has been made not to have separate social media policies because other policies already cover these issues.

Hearing no further business, the meeting adjourned.

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