

**FACULTY CONSULTATIVE COMMITTEE (FCC)**  
**February 18, 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:** Freedom of Speech/Academic Freedom Statement; Discussion with Provost Hanson; Using and Leasing University Outdoor Space Policy; Approval of March 3, 2016 Senate Docket]

**PRESENT:** Colin Campbell (chair), Jigna Desai (vice chair), Catherine French, Linda Bearer, Dan Feeney, Gary Gardner, Scott Lanyon, George Trachte, Susan Wick, Heidi Barajas, Dale Carpenter, Janet Ericksen, Greta Friedemann-Sanchez, Oren Gross, Joseph Konstan, Karen Mesce, Chris Uggen, Jean Wyman

**REGRETS:** Kathleen Krichbaum, LaDora Thompson

**GUESTS:** Provost Karen Hanson; Marlo Welshons, assistant to the provost, Office of the Senior Vice President for Academic Affairs & Provost; Paige Rohman, assistant to the vice president, Office of the Vice President for University Services

**OTHERS ATTENDING:** Danita Brown Young, Laura Knudson, Megan Sweet, Jason Langworthy, Deb Cran, Brian Edwards

1. **Freedom of Speech/Academic Freedom Statement:** Professor Campbell called the meeting to order and welcomed those present. He said the first agenda item is to discuss the draft freedom of speech/academic freedom statement that Professor Carpenter wrote. Professor Campbell asked Professor Carpenter to lead the discussion.

Professor Carpenter said this document is intended to be a statement of the FCC's commitment, as the executive governance body of the faculty, to some basic principles of free speech for a public university. The target audience is the entire University community, including administrators, students, staff and faculty. The need for such a document, said Professor Carpenter, stems from recent events at the University where freedom of speech was challenged and new justifications were given for restricting and investigating speech. These events have called into question the commitment of the University of Minnesota to robust protection of freedom of speech.

The draft statement has three parts, explained Professor Carpenter, 1) pages 1 – 2 outline the basic principles, 2) pages 3 – 9 provide context and an explanation of the principles and 3) pages 10 – 14 are recommendations to the administration on how to protect freedom of speech. Professor Carpenter then highlighted the four basic principles reaffirmed and defended in the document, but before doing so he made it clear that these principles are not original to him; what is laid out in the document is core First Amendment doctrine:

- A public university must be committed to protecting free speech both for legal reasons and for reasons of good academic practice and policy.
- Free speech includes protection of speech that some find offensive, uncivil, or even hateful. There is no hate speech exception to the First Amendment.
- Free speech cannot be regulated on the grounds that some people are thought to have more power or more access to speech than others.
- Even when protecting free speech conflicts with other important values at the University like fostering an inclusive climate, free speech prevails, it is paramount, and cannot be suppressed even if it makes people feel uncomfortable or unwelcome.

Professor Carpenter said he would like to find out today if a majority of FCC members support the basic principles outlined in the document. Once agreement is reached on the core principles, said Professor Carpenter, he would be delighted to work with members to address tone, emphasis, etc. Professor Campbell added that aside from whether or not members agree with the principles, he would also like to get a sense of whether members want to make a statement or not.

In Professor Konstan's opinion, it is important that the FCC has a free speech statement. Having said that, at the same time he thinks the issue with the principles is not about the principles themselves but about the scope of the principles. The scope is muddled between the scope of official actions carried out by employees of the University, and the scope of what is valued by society. The two examples driving this document, the shouting down of a speaker at the Law School, and the advertising around the panel discussion *Can One Laugh at Everything: Satire and Free Speech After Charlie*, are very different examples. All four of the principles apply to the example of faculty promoting an event and being censored by a University official, but the shouting down of a speaker at the Law School did not involve anyone from the University community so it begs the question of whether that is appropriate as a reasonable discussion to have as a community because it is not bound by the First Amendment. The First Amendment does not decide what each individual is supposed to value and it would be reasonable for people to say that shutting down hate speech is appropriate. Professor Konstan said while he personally believes shutting down speech, even speech he disagrees with is abhorrent, he does not think there is a consensus on this issue across campus. It is important that members think about whether the committee is making a statement about 1). what the University community values 2). what the University community feels is essential as a government institution bound by the First Amendment or 3). if this is an effort to make these statements one and the same.

Professor Carpenter agreed with Professor Konstan in that the case involving the faculty members who were investigated concerning their involvement in promoting the *Can One Laugh at Everything: Satire and Free Speech After Charlie* event without procedural protections and without consideration of the First Amendment is clearly a case of government action. On the other hand, the case where individuals not affiliated with the University shouted down a speaker at a University of Minnesota event, while this is not a question of legal obligation on the part of the University, it is a question of valuing the principle of a robust and free exchange of ideas. While part of the document clearly outlines the legal principles, the other part articulates that as an institution that values the free exchange of ideas, the University

should go even further than what the First Amendment requires and not only protect speech, but even controversial speech. This is something that the University in its disciplinary policy already makes clear that it is not permissible at the University of Minnesota to shout down speakers. The point of this document is to reaffirm this basic idea. It is not a question of whether the University has a legal obligation in this case, but it is a question of the University having an obligation as an academic institution to foster robust speech. This means there are lines and it is not a part of protected speech to shout down other people.

Professor Gross added that to some extent controversial speech is what universities do, and, if their speech is not controversial, then universities should close down. Universities push the envelope and promote further knowledge, some of which may make people feel uncomfortable. The groups that need to be most worried about having their speech shouted down are not white, tenured, male faculty because they will be able to speak regardless, but those that need the free speech protection are minority groups, and other groups that do not have other protections.

Following up on the comments about power and access, said Professor French, when a controversial speaker, for example, comes to campus should the event be structured so that there can be a free exchange of ideas so people do not feel like they have to protest to be heard. It could be that the people who are shouting down a speaker do not feel like they have power and access to create a forum to invite the alternate viewpoint. Is the University suppressing their freedom of speech because only one side is being presented? Professor Carpenter noted that in the Supreme Court's consideration of free speech issues there is a doctrine known as the heckler's veto (<http://www.duhaime.org/LegalDictionary/H/HecklersVeto.aspx>). If someone gets up and speaks and says controversial things that tend to be minority viewpoints, audiences sometimes exercise what they believe to be their privilege, which is to put a stop to the speech. The Supreme Court has been very clear that this is not part of freedom of speech, and it is important to avail oneself of other avenues, including things like a protest outside an event, or organizing a panel of alternating viewpoints on the same subject, etc. Professor Carpenter said he does not believe the University should allow faculty to get in a situation where groups feel like their messages are not being heard, and, as a consequence, these groups disrupt others speech. The people most hurt by this kind of an environment historically have been people with the least power and least access because mobs will determine what they say.

What is the University's obligation if it brings controversial speakers to campus to provide comparable access to opposing viewpoints, asked Professor Lanyon? Professor Campbell commented that it sounds like equal time and cited the example of those with a federal broadcast license having to provide equal time to political candidates.

Regarding points three and four in the draft document concerning access, said Professor Desai, some groups do not have any other recourse but to protest, e.g., they do not have a platform or funding to get access. Last week's campus event -- "CALM DOWN!! Restoring Common Sense to Feminism" with Milo Yiannopoulos and Christina Hoff Sommers raises important issues regarding freedom of speech and access to freedom of speech. She noted that faculty in her department were invited by the Students for a Conservative Voice to "debate" with Yiannopoulos on the value of feminism, which she said she declined. Professor Desai went on

to say Yiannopoulos is known for his racist diatribes, xenophobic hate-mongering, and vitriolic rants against women, transgender people, and refugees.

While she recognizes his right to speak and the right of those who wish to hear him, she also appreciates that protest and dissent are important and that disrupting his speech was a pedagogic contribution to the University last week; the protesters disrupted the speaker and were escorted outside of the lecture hall where the protest continued. The protesters were, importantly, not arrested or charged with violating conduct codes, as far as she knows. Dissent on this campus too must be valued.

Professor Desai added she also hopes the University recognizes that “free speech” is not actually free: it takes money, labor, and support to invite speakers who will draw the sorts of crowds attending such an event, money that many interdisciplinary departments do not have. The real cost is the hostile climate that has been fostered by this xenophobic, misogynistic, and racist event, its broadcast on YouTube, and its ongoing impact on transgender people and women, immigrants and refugees, and people of color, a hostility that many will spend endless hours trying to ameliorate. The University has an obligation and responsibility to address these rantings and create a more inclusive campus.

In response, Professor Carpenter said that one of the recommendations in the statement is that the University will continue to sponsor a series of fora, debates and panels that include diverse viewpoints. It is important that diverse viewpoints are heard. This value is consistent with a robust protection of speech and commitment to the free exchange of ideas. He added that he has heard from conservative students on campus who say they feel that conservative views are being marginalized, and they do not feel the University is responsive to them. Professor Carpenter said his response to these students was that they have to pressure, organize and protest to make their views known. Professor Campbell suggested putting some of this language in the first part of the document rather than towards the end. He added that in his opinion, the document needs to be shorter so people will read it. Professor French agreed with Professor Campbell, and suggested Professor Carpenter begin the document with the four core principles and then to have the recommendations immediately follow. Regarding the issue of power and access, this could be included in the four principles section. Finally, she suggested putting the remainder of the content in the document in an appendix. It dilutes the text to have the examples in the middle of the document.

Professor Konstan said one way of making a strong statement about valuing open dialogue even if it is confrontational or hateful could be a recommendation that says the University should set up a fund that groups could apply for in order to be able to invite a speaker(s) who have an opposing/different view. Doing this would actually add to the dialogue rather than shut it down. Resource allocation is a more difficult question, said Professor Carpenter, because the University must not appear to fund only the viewpoints it favors. Groups on all points of the political spectrum believe their viewpoints are inadequately represented and funded. It would be very difficult to administer such a fund in a viewpoint-neutral way. Besides, speakers for different viewpoints may easily be found within close proximity and thus at little or no cost. What the University may do is encourage diversity of viewpoints in general, although it cannot require that a specific panel or speech event include diverse views. That by itself would be a First Amendment violation because it would be requiring groups to host and promote others’ speech. It is appropriate for some panel discussions or speeches to represent only one

viewpoint or to address only one subject. Single-issue panels themselves may contribute to the diversity of viewpoints expressed at the University, as long as space is made available for those who differ. The University should ensure that students know that access and space are available to those with different viewpoints.

At this point, said Professor Carpenter, it would be extremely helpful if members could send him specific suggestions for language for the first two pages of the document. He said he will incorporate these suggestions, and hopefully have a version ready that the committee can vote on at its next meeting. Professor Campbell encouraged members to send Professor Carpenter their suggestions. He added that parenthetically this has been one of the best discussions the FCC has had since he has been chair.

2. **Provost Hanson:** Professor Campbell welcomed Provost Hanson to the meeting, and said the floor is yours. Professor Hanson said she would like to get a brief recap of the freedom of speech discussion. Professor Desai noted that the discussion focused on how freedom of speech can be advocated for, and the relationship of free speech to campus climate issues. There was also a fair amount of discussion about access because free speech is not necessarily free. She went on to say that Professor Carpenter has written a beautiful draft document. The committee will need to come to a consensus or at least a majority opinion about the values and principles outlined in the document. There have been a lot of different opinions about whether people feel like they have free speech even implicitly before they walk into a space given the structures and hierarchies that exist. The conversation taking place nationally is that hate speech is not protected at universities. With that said, how does that mesh with the University's commitment to an inclusive campus climate?

Provost Hanson noted that within the frame of the requirement of the First Amendment and the belief that the best response to bad speech is more speech, there is still room for, perhaps a responsibility for, the University, and, in particular, faculty, to consider in detail how to encourage and support "more speech." In a classroom or in courses where sensitive issues might be discussed, figuring out how to deal with these sensitive issues and the responses they might elicit, and figuring out how to keep all students engaged and respected, is a particularly important teaching skill and responsibility. The provost noted that the salience of the First Amendment is foundational, and, in a sense, absolute; but there is an interesting space for campus discussion about how to – in everyday classes and at larger events – connect the fundamental respect for the value of free speech with the important responsibilities for teaching and engagement. Taking a personal example, Provost Hanson mentioned that a lot of philosophy departments teach courses on contemporary and moral problems. Student views on these problems are often varied and sometimes deeply oppositional to one another. The best teachers find ways to work through fraught subjects and initial antagonisms so that none of the students feel they are being shut down or not heard.

Professor Campbell said once the document is done, thought will need to be given to where this document should go. This document, if done right, will be an opportunity to set the tone for the institution.

Professor Bearinger suggested freedom of speech be the topic of this year's intellectual futures discussion. Additionally, she suggested inviting the Office of Equity and Diversity to listen to the discussion because it could start them thinking about what role they could play in enacting the values that are articulated in the statement.

Moving on, Provost Hanson provided the committee with the following updates:

- Dean searches are underway for the College of Design, College of Pharmacy, the Law School, the College of Science and Engineering, and the Graduate School.
- This semester's decanal reviews will include the Carlson School of Management, the School of Dentistry, and the Hubert H. Humphrey School of Public Affairs.

In response to a question from Professor Bearinger about the frequency of the decanal reviews, Provost Hanson said she has been thinking about how often reviews should be done, and, in her opinion, she believes it would be good to check in with the dean early on to make sure everything is going well, and then conduct in depth reviews every five years thereafter.

Professor Friedemann-Sanchez agreed that an initial review closer to the time the dean is hired makes sense, but wanted to know the process for the in depth dean reviews. Provost Hanson said this is another issue she has been thinking about and referenced the rather lengthy questionnaire that is used. In her opinion, she believes this instrument needs to be updated. She also talked about the rationale for the standing committee that conducts the reviews, but said using a standing committee usually means that most of the people on the committee are not from the school whose dean is being reviewed. Provost Hanson said she is inclined to think that it would be better to have more members of the review committee be those more closely tied to the school.

In response, Professor Konstan said that some of the frustration people feel with the reviews is twofold, 1). because reviews are a personnel matter, after spending a significant amount of time completing the questionnaire, people rarely hear the outcome, and 2). an attempt to conflate reviewing the college and reviewing the dean. With that said, he suggested exploring more in depth reviews of the college and its performance, and fewer in depth reviews of the dean as the manager of the college. Provost Hanson said it has not been her experience here at the University of Minnesota that the decanal reviews look like college reviews. There has been progress made, however, with the academic reviews, as an entirely different enterprise (though it might include some attention to leadership issues.) She agreed with Professor Konstan in that there need to be different kinds of reviews for different purposes. There is a reason to have decanal reviews that include the faculty, the progress of the school itself, and also to get the student perspective as well as other constituencies. On the matter of the decanal reviews being private because they are a personnel matter, which is true, she noted that she and the people she has reviewed at the University have had discussions about this and about the importance of letting people know their voices were heard. In recent years, she has sent a brief note of thanks to all who contributed to the review, but her note has typically been followed by a longer note from the dean, indicating what he or she took to be salient from the review. In that way, the feedback loop is closed, without violation of personnel policies.

Professor Gardner said he was thinking about this issue in the context of the search for director of the Arboretum and commented that for the first time this position description does not require this person to be a full professor. Apparently, the thought behind this is that the person will be running a business so they do not need to be an academician. The same argument could be used for the deans who are running a big business. With that said, Professor Gardner believes the instrument needs to be changed to include an intellectual leadership component. Professor Campbell agreed with Provost Hanson's overall characterization of the decanal review questionnaire and the fact it needs to be updated.

Professor Bearinger said the administrative procedures for reviewing and evaluating deans (<http://policy.umn.edu/hr/paperformance-proc02>) are very specific and too important to be ignored. She added that in her opinion the University should be looking to the history of these reviews that are guided by policy and procedures. The policy is not in question; the question is whether some elements of the current procedures could be improved. Provost Hanson said in her view the current questionnaire used for decanal reviews does not facilitate frank and focused responses. The policy and procedures, added Professor Campbell, are really good at identifying deans that are functioning at high levels and low levels. Professor Barajas commented that she believes a review should serve to support the development of people and not just penalize them for what they are doing wrong. Therefore, doing a review sooner rather than later makes sense.

Frequently survey and questionnaire instruments used by the University, e.g., Employee Engagement Survey, ask for identifying information such as length of employment at the University, said Professor French. She indicated that she knows of people who refuse to fill out surveys and questionnaires because they are worried their responses will be traced back to them. Have the survey and questionnaire results been analyzed to see what groups have not responded? How representative are the responses? Professor Campbell said the questionnaire response rate for decanal reviews vary significantly from college to college. Often, but not always, the higher the number of responses to the questionnaire, the more likely the review will be poor. He added that the reality is it is safe to fill out the surveys and questionnaires and no one is going to be tracked down.

Professor Feeney said in his opinion it is important to make people believe that taking the time to complete the questionnaire, for example, is going to be effective. Is it really going to make a difference if a dean gets unfavorable questionnaire results? The perception is that there are no consequences for unfavorable results. Therefore, people need to understand that the questionnaires are comprehensive and will be taken seriously. Provost Hanson said they are taken seriously and there are consequences for a poor review. Professor Feeney noted that part of the problem in getting people to participate is because they never hear the outcome. Provost Hanson said she had heard this complaint when she first arrived at the University and has since taken steps to work with the deans to suggest they make some kind of response to their constituencies about the outcome of their respective reviews. Professor Campbell congratulated Provost Hanson on these efforts.

On a different topic, Provost Hanson mentioned that 15 member universities of the Committee on Institutional Cooperation (CIC), including people from the University of Minnesota, are

working in conjunction with their states' respective health departments to bolster health equity. The collaborative project is called the CIC Health Equity Initiative. Provost Hanson shared information about the initiative with members. For more information, visit <https://www.cic.net/projects/health-equity-initiative>.

Now that the Grand Challenges Research report has been issued, will the identified Grand Challenges be coordinated with the University's capital campaign, asked Professor Gardner? Yes, said Provost Hanson, work on coordinating these efforts is already underway. She then talked a little about these efforts, and reminded the committee that the capital campaign is not just about the Twin Cities campus. With that said, she noted things have been identified that will facilitate synergies between the implementation of the Strategic Plan on the Twin Cities campus and the upcoming capital campaign. Regarding next steps and the Grand Challenges Research report, Provost Hanson reported that deans are being asked to shape their responses to the compact process in terms of the Strategic Plan. The Board of Regents has also asked for explicit alignment of the Strategic Plans from all the campuses; they want an overall coherency. A subset of the Grand Challenges Research Team continues to meet, and, based on additional review of research ideas that were submitted and on related consultation with deans, will identify areas where investments could be made now.

On the same subject, the capital campaign, the campaigns have tended to focus on new initiatives, commented Professor Gardner. A lot has not been done to underpin important core areas, which may not be 'fancy,' but yet are necessary. Maybe the campaign can keep this in mind to ensure current areas that are strong, remain strong, and tie them to the areas in the Grand Challenges. Provost Hanson agreed, and said doing so would give legislators a sense of the kinds of experiences students have at the University, and the types of faculty and students the University could attract if the state provided the University with support that would allow the institution to do certain things. Professor Gardner said doing this could be a way to leverage the grand challenges as an incentive for showing how to make the resources they give to the University go further.

Regarding using funds for bringing in graduate students to the University, which would then enable graduate programs to increase the quality and number of students, Professor Mescé asked Provost Hanson if she ever envisioned units giving money to graduate students as a 'signing bonus,' per se, on top of their fellowship. No, said Provost Hanson, but added that this year she provided supplemental funds totaling \$1.5 million to the deans to enhance pending offers to highest ranked 2016-17 Ph.D. program applicants; she deliberately gave the units a lot of discretion as to how to use their funds because she believes the units understand their recruiting challenges better than anyone else. She will ask for an account of how the funds were used at the end of this year's recruitment cycle.

Professor Desai asked Provost Hanson to talk about next steps for Grand Challenges Research. Provost Hanson reiterated her earlier comment that a subset of the Grand Challenges Research Team chaired by Professor Bud Duvall is going back through the many ideas that were submitted by faculty and information gathered at campus forums to determine immediate, promising avenues of research in each of the grand challenge areas. The expectation is that cross-collegiate groups of researchers will be convened in the near future to develop one or

more proposals for jump-starting or expanding interdisciplinary research collaborations in each of the five grand challenge areas. Support will be made available to develop and launch these projects. Implementation discussions with collegiate deans will help to guide and advance these efforts as well as efforts to coordinate with the grand challenges curriculum and engagement components of the Strategic Plan.

**3. Using and Leasing University Outdoor Space policy:** Professor Campbell welcomed Marlo Welshons, assistant to the provost, Office of the Senior Vice President for Academic Affairs & Provost, and Paige Rohman, assistant to the vice president, Office of the Vice President for University Services, and called for a round of introductions.

Ms. Welshons began by providing an overview of the Using and Leasing University Outdoor Space policy and highlighted the following:

- The policy is in the process of going through its comprehensive review. While the policy only required consultation with the Senate Committee on Finance & Planning, the group reviewing the policy decided to talk with all the Senate consultative committees about the proposed changes.
- The purpose of the policy is to balance the University's commitment to free expression with the needs of the University to be able to carry out its mission, e.g., safety of students, faculty and staff.
- The group reviewing the policy coalesced around three areas of feedback:
  - Confusion about when a permit is required.
  - Confusion around the procedural details – <http://outdoor.umn.edu/>.
  - Confusion concerning the sound amplification restrictions, which were thought to be too narrow and inconsistently applied.
- Based on this feedback, the following changes are being proposed:
  - Reordered language in the policy to start with what was permissible as opposed to what is not permissible.
  - Moved the procedural language that was on a separate website (<http://outdoor.umn.edu/>) and put it into a formal appendix and procedure document that is part of the policy.
  - Clarified the sound amplification clause and made an exception that allows for a single bullhorn without a permit, but still keeping the restrictions on music and other plug-in amplification devices.

After the overview, Ms. Welshons opened the floor for questions and comments. Professor Campbell said when this policy first came to the FCC last year his concern was its potential for selective enforcement. He thanked the review committee for its work on the policy.

Professor Konstan said in general the policy seems clear and appropriate, but there are some areas that are less clear. First, the policy and addendum with the frequently asked questions should be synced up so it is clear when a permit is required. Additionally, the policy assumes every event is perfectly planned and that the number of people who will attend is known, but this is not the case. Therefore, Professor Konstan requested that this language be clarified because there are a number of rules in the policy that tend to not apply to most events, but they

are written as if they are blanket rules. Lastly, he said that there is too much specificity in the policy document.

Professor Bearinger provided feedback on #9 in the appendices, and suggested the heading be changed to something that speaks to the amount of advance notice needed. Additionally, there is an inconsistency in the deadline timeframe. Ms. Welshons commented that this review process has served to uncover operational problems in the policy.

Regarding the use of bullhorns, said Professor Uggen, this could be a significant change especially for people who teach in buildings where sound comes in easily. Mr. Rohman agreed and said this will be monitored to make sure it does not create a disruptive environment.

Professor Friedemann-Sanchez made two comments 1). the 50 participant maximum threshold (without a permit) seems low especially when one thinks about the larger gathering spaces on campus such as Northrop Plaza where people tend to congregate, and 2). the use of the term 'other gatherings' is too generic and should be defined. Professor Konstan added that Professor Friedemann-Sanchez's comment raises the question of what an event or gathering actually is. While the implied intent of the policy seems to be that accommodations should be made to allow multiple sides of an issue to gather and voice their opinions, the language in the policy, however, makes this challenging because it talks about notions of pre-emption. He added that the policy also says one event cannot disturb another, and he hopes this does not apply to reserved events. Ms. Welshons said they would look into this.

Professor Gardner suggested including a statement in the policy that permits are not required for faculty-led, staff-led, programmatic events. Mr. Rohman agreed and said it will be important to make sure the policy does not leave the impression that sometimes it is enforced and sometimes it is not.

Not related to this policy, Professor Desai asked who decides when a building is to be locked down or to check identification cards, etc. Mr. Rohman said when an event is known to have the potential to be disruptive to University business, the chief of police in conjunction with the vice president for University Services make the decision to secure a building. As far as checking identification cards, Mr. Rohman said he believes that the chief of police and the vice president for University Services makes this decision on a case-by-case basis.

Hearing no further questions about the policy, Ms. Welshons took a few minutes to provide an update on the Student Conduct Code, which is a Board of Regents Policy and not an administrative policy. She noted that the Code is being reviewed, and the Board specifically requested a few areas be looked at closely, and these include:

- Add definitions for sexual misconduct.
- Add clear articulation of due process protections.
- Explore adding medical amnesty language that would parallel the state statute.

Ms. Welshons added in conversations with Professors Campbell and Desai, it is clear the FCC is interested in making sure the Student Conduct Code balances the right of free expression and safety of the University's students. The specific parts of the Code that Professors Campbell and Desai have asked to be looked at are:

- Section VI. Disciplinary Offenses – Subd. 4. Refusal to Identify and Comply.
- Section VI. Disciplinary Offenses – Subd. 6 & 7.
- Section VI. Disciplinary Offenses – Subd. 16. Disruptive Behavior.

Ms. Welshons said it is also likely that a guiding principle will be added to the Student Conduct Code around students' rights to assemble, freedom of expression, etc. She added that in the procedural documents and frequently asked questions section work will also be done to be more clear about the kinds of behaviors that are and are not acceptable, and clarify what it means to be "in trouble."

Ms. Welshons said formal consultation will take place with the Senate Committee on Student Affairs, Student Senate Consultative Committee, Student Academic Integrity Committee, and the Student Senate, and these efforts will culminate at the Academic and Student Affairs (ASA) committee meeting at the Board of Regents in May for review and again to ASA and the full Board in June for action. The goal is to have the revised/updated Code implemented and take effect for the next school year.

Professor Konstan said there is a big gap between what is actually enforced in the Code and the tone of the Code. The Code is remarkably draconian in certain ways. While there is room for human discretion in enforcement, he worries that that discretion is given to whoever the University wants. In Professor Konstan's opinion, he does not believe that refusal to comply should be a violation of the Code. He suggested thinking about making the tone more positive and to have fewer subdivisions that cover the important things, and, if needed, a part of the document that covers egregious conduct that is harmful to others or the education of others. He would like language that reflects how serious the conduct would need to be in order for a student to be brought up on violations of the Code. Ms. Welshons said that is the definition of and the rub of policy development: how to be specific enough without being too specific. There is a fine line between those.

Professor Campbell thanked Ms. Welshons and Mr. Rohman for their presentation.

**4. Approval of March 3, 2016 University/Faculty Docket:** Before approving the docket, Professor Campbell said this meeting will adjourn early, and any members interested in staying for a general discussion are welcome to do so.

Next, the FCC unanimously approved the concurrent meetings of the University Senate and Faculty Senate meeting agenda.

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

Renee Dempsey  
University Senate Office