

FACULTY CONSULTATIVE COMMITTEE (FCC)

March 10, 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: Free Speech Statement; Support the U Day Announcement; Department of Psychiatry Report and Management Plan; Miscellaneous Committee Business; Student Mental Health Priorities; Miscellaneous Committee Business; Nominations for Benefits Advisory Committee; Educational Forum on the Implications of a Twin Cities Faculty Union]

PRESENT: Colin Campbell (chair), Jigna Desai (vice chair), Catherine French, Dan Feeney, Kathleen Krichbaum, Scott Lanyon, LaDora Thompson, George Trachte, Susan Wick, Heidi Barajas, Dale Carpenter, Janet Ericksen, Greta Friedemann-Sanchez, Joseph Konstan, Chris Uggem, Jean Wyman

REGRETS: Linda Bearinger, Gary Gardner, Oren Gross, Karen Mesce

GUESTS: Lauren Mitchell, speaker, Council of Graduate Students (COGS): Joelle Stangler, president, Minnesota Student Association (MSA)

OTHERS ATTENDING: Brian Edwards, Minnesota Daily Reporter; Vice Provost for Faculty and Academic Affairs Rebecca Ropers-Huilman; Chuck Turchick

1. **Free speech statement:** Professor Campbell convened the meeting and called on Professor Carpenter to talk about the changes he made to the draft free speech statement that the committee has been discussing. Professor Campbell said, based on feedback he received from the committee, he has broken the original statement up into three documents 1) free speech core principles, 2) an addendum, and 3) free speech recommendations. Today's discussion will focus on the core principles document and the addendum. Professor Carpenter made a motion to approve the two-page core principles document and refer it to Academic Freedom & Tenure (AF&T), Office for Equity and Diversity (OED), the Student Senate, provost and president for broader consideration and consultation.

Professor Carpenter then took a few minutes to speak to the motion he just made. As members know, said Professor Carpenter, the committee has been talking about free speech now for almost one year because of a variety of incidents on campus. He then provided background on how the document came about to its current state. In Professor Carpenter's opinion, the committee should take a stand on this important issue but at the same time recognize there will be a need for a larger consultative process regarding the statement.

In response to comments received from Professor French, said Professor Carpenter, embracing free speech is not analogous to the University opting out of conceal and carry gun laws. The University may opt out of concealed carry based on a state statute that allows the opt-out. The University, however, has no option to opt out of its obligation to the Constitution, and

specifically the First Amendment. Secondly, he believes the University should have a discussion about the merits of hearing even the most extreme kinds of views, specifically vernacular hate speech, which he thinks is valuable to hear. Under the First Amendment, the University is obligated to protect even the most extreme views, and not to subject these individuals to any form of discipline. Most of the document, as drafted, is not concerned with the protection of the most extreme views, but it is concerned about protection of core political speech, e.g., the Equal Opportunity and Affirmative Action (EOAA) investigation of the Charlie Hebdo flyer, and the disruption of a speaker at the Law School last fall. Lastly, said Professor Carpenter, he believes the University community should embrace a diversity of views and viewpoints, and, at the same time, recognize that there are different forms of speech and all of them have a role. It is not important that any single one of these forums for speech represents all viewpoints. For example, it would not be necessary for Students for Reproductive Justice to bring in a prochoice speaker and also bring in a prolife perspective. What is important is that in the totality of the circumstance that the University promotes and facilitates a diversity of viewpoints and makes them available to the community. While this statement is not an adventurous interpretation of the First Amendment, it is an important statement for the University to make given other universities around the country are doing the same.

Professor Campbell said this document represents the beginning of a dialogue. If the committee chooses to adopt the document it will serve as a platform for consultation and discussion. While this is likely not the final version, it is a strong version. He then congratulated Professor Carpenter for all his hard work on drafting the document. Professor Campbell reiterated and emphasized that this is the start of a discussion, and it seems that if the committee does not adopt something now, it will not happen. Professor Carpenter fully agreed with Professor Campbell.

Professor Lanyon asked for clarification on where this document will go from here. What is the end point? Professor Campbell said in his mind this document is a starting point for further consultation. Where the document goes from here will depend on the reception it receives. In Professor Lanyon's opinion, he believes it would be helpful as the document is circulated to others to explain that the FCC plans to eventually issue a final statement, but before doing so it wants input. If at least one path for the document is suggested, it is more likely that something will happen. Professor Campbell agreed with Professor Lanyon. Professor Krichbaum also agreed with Professor Lanyon's suggestion and said the FCC needs to provide leadership around this important issue.

Professor French said she approves sending the document out to others for further consultation, but she does not support approving the two-page core principles document as drafted. She said she has concerns about some of the text that follow the core principles in the document, specifically the comments about power and access, and hate speech, which she believes warrants further discussion. Given the issues around the country related to hate speech, she thinks the document may be perceived as taking a position on hate speech, which is that free speech trumps all. She does not believe the University wants to create an atmosphere in which people think the University supports hate speech.

Professor Konstan noted that he agrees with the entirety of the statement, but he is not sure he agrees with adopting it and went on to explain why. In his opinion, the document is trying to achieve three things 1) putting the administration on notice that the University community understands the Constitution and the constitutional rights as it relates to free speech and it will not tolerate administrative action as a government entity that attempts to suppress speech 2) a statement by the University community of what it values, developed through meaningful dialogue, and 3) a University community response to hate speech. Professor Konstan says he worries about adopting this document without establishing a process that involves convening the University community over a series of events that will lead to a final document outlining its values related to free speech, e.g., providing access to speech for people who might not otherwise have access.

In light of concerns around the product and process, Professor Desai suggested rather than adopting the document per se that the committee agree to move it forward for further consultation. Professor Carpenter said he would not be willing to take this suggestion as a friendly amendment and explained why. He pointed out that the statement explicitly says, “The University encourages all members of the community to speak with respect and understanding for the dignity and life experiences of others. The shock, hurt, and anger experienced by the targets of malevolent speech may undermine the maintenance of a campus climate that welcomes all and fosters equity and diversity.” Also, the document clearly states that the University does not condone uncivil or hateful speech. With that said, he does not believe the document should conclude with hate speech is protected, which it is, but it should say normatively that this kind of speech is inappropriate, and the document clearly does that. Professor Carpenter said he feels strongly that the document should convey the University’s position on the importance of speech in the context of this moment. In his opinion, the document will more affirmatively start a dialogue if it clearly articulates the committee’s stance on free speech. To not articulate a stance and simply punt the document to others would be inadequate.

Coming from the perspective of engaging different communities, said Professor Barajas, she believes communities appreciate it when they are given something to start with because otherwise a lot of time is spent deciding where to start. On the other hand, she believes communities do not appreciate being given something that is absolute. Even this committee has talked about how frustrating it is when the administration does not consult before making final decisions. In her opinion, it does not weaken the FCC’s position by making sure the community has access to this conversation, instead this is leadership. Professor Carpenter acknowledged Professor Barajas’ point and suggested changing the motion to the Faculty Consultative Committee (FCC) “provisionally” approves the two-page statement of principles, pending consideration and consultation by the Senate Academic Freedom & Tenure Committee, the Office for Equity & Diversity, the Student Senate, provost and president.

Professor French commented on a change in the document from the original draft to the current version and said she liked the wording in the original draft better, which said:

“On those rare occasions when protecting expression conflicts with other values, the right to speak must prevail. Concerns about maintaining a climate of mutual respect, for

example, cannot justify suppressing speech. The proper response to offensive ideas is to rebut them with better ideas. Such counter-speech is encouraged; the freedom of speech does not immunize speakers or their ideas from criticism.”

Rather than:

“The University does not condone speech that is uncivil or hateful, and Universities officials should make this clear. Nevertheless, on those rare occasions when protecting expression conflicts with other values, like maintaining a climate of mutual respect on campus, the right to speak must prevail.”

The current version basically says that free speech trumps everything else and she does not like this ending. Professor Carpenter responded that all the things in the first draft of the document are in the second draft but in a different place. The reason he changed it was based on a suggestion from her at the last meeting to rearrange the document around the core principles. In Professor French’s opinion, the original language could still be included as a core principle. She added that while she hates to be a critic because the document is so well written, she likes the original wording better. Professor Carpenter said that is what free speech is all about.

In light of time, Professor Campbell asked Professor Carpenter if he would like to restate his motion and have the committee vote or would he prefer more discussion. Professor Carpenter reiterated the modified motion he stated earlier, which said the Faculty Consultative Committee (FCC) provisionally approves the two-page statement of principles, pending consideration and consultation by the Senate Academic Freedom & Tenure Committee, the Office for Equity & Diversity, the Student Senate, provost and president. The committee voted and the document was approved by a majority of the FCC’s voting members, seven in favor and two against.

2. Support the U Day: Professor Campbell noted that Provost Hanson recently sent out an email message encouraging faculty to excuse students from classes on March 29, 2016, which is Support the U Day. There are faculty who feel that excusing students on this day interferes with the University’s educational mission. Professor Campbell made a motion that the FCC endorse Provost Hanson’s request that students be excused from classes in order to participate in Support the U Day. The committee unanimously voted to approve this motion.

3. Department of Psychiatry report and management plan: Professor Campbell opened the floor for members to participate in an open discussion about the Department of Psychiatry report and management plan, which members received prior to the meeting. He then called on Professor Krichbaum, as chair of the Academic Health Center Faculty Consultative Committee (AHC FCC), to say a few words to start the discussion.

Professor Krichbaum began by saying this issue has been an ongoing topic of discussion for the AHC FCC and the committee has had multiple conversations with Dr. Jackson concerning this matter, which she then shared with the committee. With regard to Dr. Jackson’s commentary in the Star Tribune (<http://www.startribune.com/counterpoint-u-is-making-progress-on-research-reform/370037161/>), which was in response to an article the Star Tribune published about the Department of Psychiatry (<http://www.startribune.com/university-of->

[minnesota-research-lapses-show-self-reform-is-failing/369355421/](https://www.startribune.com/minnesota-research-lapses-show-self-reform-is-failing/369355421/)) a week or so earlier, the AHC FCC was informed that Dr. Jackson was sending a response to the Star Tribune the day before it showed up in the newspaper. Unfortunately, members of the AHC FCC had some good suggestions for how Dr. Jackson's response could have been stated more clearly, but given the short notice there was simply not time to give him this input.

Members of the committee proceeded to have a very candid discussion about the issues surrounding the Department of Psychiatry, the consultant's report and the management plan. Themes that came out of this discussion included:

- Disappointment in how the administration is handling this controversy with a member going so far as to characterize it as "sickening."
- The alleged conduct in the Department of Psychiatry goes so far beyond the level of responsible conduct that it calls into question how the University could have recruited, trained and sustained people who would act this way. What kind of environment allowed this to happen? It would be naïve to believe this is the only place in the University where these kinds of things are occurring. How can the precursors be identified before something like this happens again?
- The administration is taking a very defensive posture/position by categorically denying allegations in the report rather than taking responsibility and being accountable. If the University is going to spend the money to hire an outside consultant, it needs to accept the findings, even when they are findings the administration does not want to hear. This speaks to the credibility of the institution, and minimizes the trust employees and students have in the institution. What can faculty do to hold the administration accountable? A number of faculty are not necessarily behind the administration. What should the faculty response be given there is so much distrust.
- The administration continues to operate in crisis and damage control mode, and fails to see the underlying issues that caused the problems in the first place, which are often structural and systemic, e.g., the environment and culture. A culture change needs to happen; it is difficult to overcome administrative practices and procedures that are in place that do not foster a culture where people feel they can speak up without being retaliated against.
- There exists a lack of consultation on the part of the administration. It is not uncommon for the administration to make important decisions without proper consultation.
- Serious misconduct can lead to federal consequences. Should certain lines of work be discontinued in order to restore the University's reputation? There is a serious accountability problem for those on the front line and up the hierarchy as well. Individuals are not being called to task. Violators should be subject to greater scrutiny going forward.
- The institution as a whole has a culture of non-compliance, which, at least in part, is due to a lack of institutional commitment to ensuring compliance occurs and because there are so many rules it makes it hard to get anything done. The University makes it hard to do the right thing, and easy to not do the right thing. Studies should be systematically or randomly audited. More auditors need to be hired. Taking a course on research ethics does not make a person ethical unless the person really works on ethical reasoning.

- The administration is not forthcoming with information and gives it too late, e.g., timing of distribution of the report.
- The institution should function as one university and not the AHC and everyone else. Breaking down the boundaries will be critical if the University going to do well.

At the conclusion of this discussion, Professor Krichbaum suggested inviting Dr. Jackson, VP Herman and Dr. Dan Weisdorf to a future meeting to answer questions that have been raised in this discussion.

4. **Miscellaneous committee business:**

- Professor Campbell took a moment to recognize Professor French, Senate vice chair, for doing a terrific job chairing the March 3, 2016 Senate meeting.
- Professor Campbell announced that at a future meeting Professor Feeney, chair, Senate Committee on Finance and Planning (SCFP), will provide an update on the proposed new organizational structure, which will create a new position titled Senior Vice President for Finance & Operations. Professor Feeney added that he has spoken with President Kaler who has agreed to have two faculty members from the SCFP serve on the search committee for this new position.

5. **Student mental health priorities:** Professor Campbell welcomed Lauren Mitchell, speaker, Council of Graduate Students (COGS), and Joelle Stangler, president, Minnesota Student Association (MSA), and called for a round of introductions.

Ms. Stangler began by saying that she and Ms. Mitchell are here to engage the FCC in a conversation about student mental health, particularly from the viewpoint of students, in the hopes there can be some shared collaboration around this issue. As Ms. Mitchell has said on a number of occasions, noted Ms. Stangler, mental health expenses and investing in mental health is mission driven, and the more broadly this can be communicated, the greater likelihood of success.

Ms. Mitchell took a couple minutes to explain why student mental health has become a priority for her, and shared a personal example to make her point. In her experience in dealing with administrators around this issue, while they are concerned and want to help, they do not have the same perspective on the level of damage mental health issues can have on students. She added that she is concerned that the administration is not seeing mental health as a prerequisite for education. For this reason, she and Ms. Stangler come before the FCC to ask for the committee's help in getting this issue the attention it deserves from the administration.

Professor Uggen said when Ms. Mitchell and Mr. Borowsky met with the FCC last fall to talk about this issue that he recalls one of the concerns was wait times to see a mental health specialist at Boynton Health Service (BHS), which were unacceptably long. If the FCC were to draft a resolution on this issue, what should it include as deliverables in this document? Ms. Stangler said she and others she is working with related to this issue are struggling with this same question. In her opinion, she thinks there needs to be a top down understanding about the institution's philosophy on student mental health. She agreed, however, that if she could have one wish it would be that wait times would be reduced and waitlists eliminated. Having said

that, there are other nuances that come into play, e.g., students not wanting appointments run through their parent's insurance, use of community providers as needed.

Professor Thompson commented that she recently heard that BHS is hiring additional mental health providers given the wait times. Additionally, she heard that the Carlson School of Management (CSOM) plans to hire a mental health professional specifically for their school. Ms. Stangler said while the institution is making investments in this area, they are being made somewhat randomly. This effort needs to take place in a concerted, holistic way. Ms. Stangler said the University needs to establish a standard of care and communicate this standard broadly to minimize student confusion and distribution of misinformation.

Professor Wyman suggested involving students who are being trained as mental health professionals in delivering care, which would not only provide them with opportunities for clinical placements, but also help to reduce the wait times.

Does the University have any resources for helping classmates and faculty deal with tragedies when they occur, asked Professor French? Ms. Mitchell explained that Student Counseling Services is a resource for students as well as faculty.

Professor Wick suggested consideration be given to setting up a task force on student mental health as a way to pull together the various parties that could make a difference and efforts be more coordinated. Ms. Stangler said she likes this idea and proposed it be mirrored after the Task Force on Student Advising, which used a holistic approach. She also mentioned that there already exists the Provost's Committee on Student Mental Health, but this group seems to be focused on idea sharing and making sure everyone is on the same page. Professor Wick noted, however, that committees and task forces have different roles.

Along these same lines, said Professor Desai, suggested also setting up a food insecurities task force to address these pressing issues, which could be charged with coming up with recommendations for a five-year plan.

Professor Campbell suggested Ms. Stangler and Ms. Mitchell also think about contacting Regent Simmons with their concerns. She may be a resource for helping to advance this priority for them.

Professor Desai added that in her opinion the University should have disability studies scholars like many other institutions. The reason many faculty do not think about these issues is because no intellectual discussions around disability are taking place on campus and this includes mental illness. The University is one of a few universities in the Big Ten that does not have a disability studies major. A College of Liberal Arts cluster hire for a disability studies major could go a long way.

Professor Barajas commented that she likes the idea of a mental health task force that would also look at issues that contribute to mental health that are not related to medical conditions such as depression. Trauma, for example, can be a cause of mental health problems in students.

Students come to campus as whole people and are not just University of Minnesota students when they are here.

Professor Lanyon said the FCC could do a couple of things 1) draft a statement/resolution about the need for additional mental health resources and/or 2) draft a recommendation that a task force be set up. Who would be responsible for charging a task force to look into this issue? Ms. Stangler said most likely it would be Provost Hanson, but because this issue intersects with equity and diversity, campus infrastructure, etc., her preference would be to have President Kaler charge a task force because she believes this would show a higher level of institutional commitment to this topic. Professor Lanyon noted that there is actually a precedent for a task force co-charged by both the provost and the FCC and cited the example of the Special Committee on Graduate Education (SCGE). Professor Krichbaum said she likes this idea because the faculty need to be behind this effort. Professor Campbell proposed that Professors Wick, Lanyon, Desai, Ms. Stangler, and himself meet and formulate an idea for setting up a task force and bring it back to the FCC for approval. He said he likes the idea of these kinds of initiatives coming from within the FCC for a variety of reasons.

With a couple minutes remaining, Professor Campbell asked Ms. Stangler if she wanted to say anything about the challenges the Minnesota Student Association (MSA) are facing (<http://www.mndaily.com/news/campus/2016/03/09/msa-decries-administrative-%E2%80%98intervention>). Ms. Stangler said student government views itself as being in a partnership with the institution. However, the students have reached a breaking point in terms of what they have asked President Kaler to do in response to student input and feedback. Student leaders and President Kaler have a drastically imbalanced partnership. The students are called upon to testify at the legislature in support of the University's priorities, for example, but yet President Kaler cannot find time to have a monthly meeting with the joint student presidents. In addition, she said that while President Kaler told her he was 100% behind affirmative consent, but when she asked for his support publically, she was told she needs to take this fight to the media, alone. Then, most recently, said Ms. Stangler, on Monday, March 7 she received a draft of a statement (<http://president.umn.edu/content/statement-todays-msa-resolutions-0>) that was going to be sent out from President Kaler condemning the Students for Justice in Palestine (SJP) resolution. She went on to convey additional information about how this came about. Student leaders have a high level of expectation of what they need to provide to the President's Office, but, in her opinion, the President's Office does not reciprocate. The students feel they are not being treated as professionals and legitimate stakeholders. In response, Professor Campbell said Ms. Stangler's comments sound familiar. He added that she has the committee's full support and thanked her and Ms. Mitchell for attending this meeting.

6. Miscellaneous committee business:

- Professor Desai took a couple minutes to thank Professor Campbell for doing a wonderful job moderating the State of the University speech.
- Professor Krichbaum requested a list of the deans who are being reviewed this year. Professor Campbell said he would look into this.
- Professor Krichbaum reported that the AHC FCC had a request from the deans to see the committee's agenda, and asked if the FCC gets the Twin Cities dean's meeting agendas. Professor Campbell said the FCC never asked for it, but it could. Professor

Konstan said he thinks it makes sense for the committee to lead with being open. He suggested making all the Senate committee agendas available to the public.

- Professor Lanyon reported that an agenda item that will be coming to the FCC from the Senate Committee on Faculty Affairs (SCFA) is the recommendation to form a subcommittee to explore establishing a Senate committee on graduate education. Additionally, SCFA plans to change its charge so it explicitly includes dealing with postdoctoral issues.

7. **Nominations for Benefits Advisory Committee (BAC):** Professor Campbell said the FCC needs to provide the chair of the BAC with the names of two faculty members willing to serve on the BAC for the one seat that is opening up. Professor Jean Abraham who had filled this seat is no longer able to continue due to new work responsibilities. Professor Campbell then read, off the record, the list of names that Professor Abraham suggested as possible nominees. In addition to these individuals, if members have other ideas Professor Campbell asked they be sent to Renee Dempsey, Senate staff.

8. **Educational forum on unionization:** Professor Desai reported that she and Professor Campbell met with the editor-in-chief of the Minnesota Daily to discuss putting on an educational forum about the implications of a Twin Cities faculty union. The plan is for the FCC to partner with the Minnesota Daily to co-sponsor a forum. Professor Campbell added that this would not be a pro and con forum, but rather an educational forum as Professor Desai mentioned. The format would be to have a panel discussion, and that the panel would be comprised of faculty and students. He asked for members' support for this idea. Members unanimously were in favor of moving forward with a forum. Professor Campbell said he and Professor Desai would welcome any members who would be interested in working on this event. Professor Uggan said it will be particularly important for the panelists to be balanced in their opinions about unionization. Professor Campbell agreed and reiterated that the intent of the forum is to be educational, and not pro and con.

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

Renee Dempsey
University Senate Office