

**Academic Freedom and Tenure Committee (AF&T)**  
**May 13, 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** Collegiate Personnel Plans Update; FCC Statement on Free Speech Update; Promotion and Tenure Procedures; Agenda Items for 2016-2017]

**PRESENT:** Phil Buhlmann (co-chair), Marti Hope-Gonzalez, Kevin Upton, Geoff Dubrow, Anne Barnes, George Trachte, Ole Gram, Rebecca Ropers-Huilman, Holly Locher, Paula Rabinowitz, Karen Miksch, Jerry Cohen, Naomi Scheman, Nathan Shippee

**REGRETS:** Jessica Larson, Teresa Kimberley

**OTHERS:** Ben Intoy, post-doctoral associate, School of Physics and Astronomy

**1. Collegiate Personnel Plans Update:** Phil Buhlmann, co-chair, welcomed the committee and then asked Rebecca Ropers-Huilman, vice provost, Faculty and Academic Affairs, to provide an update on the work her office has done on the personnel plans. Ropers-Huilman said that, with feedback from the committee, they had created a letter that will go out this month to deans of all the colleges. She said the only piece not quite complete was the data tables to accompany the letter. The letter, Ropers-Huilman said, provides the expectations of the collegiate personnel plan, and attempts to address both the letter and the spirit of the [policy](#), which she thought was a good thing.

Kevin Upton asked about the bullet point “Career advancement options for non-tenure track faculty” listed on page two of the letter. He said that in his college there is no formal review of contract faculty. He added that this is very specifically mentioned in the policy but that he had never received one. Holly Locher added that they just started giving contract faculty reviews in her school. Anne Barnes said that she sat on the P&A board for the College of Liberal Arts, and what she was hearing from instructors was that their contracts were annually renewable, appointed in fall and laid off in spring, year after year. This meant they could not accrue years of service, which affected their ability to advance professionally and to be eligible for benefits.

Professor Karen Miksch said that the reason the committee was interested in identifying career advancement opportunities was because members had concerns about academic freedom for non-tenure track faculty. Professor Paula Rabinowitz asked if there were AAUP guidelines addressing continuous single-year non-tenure contracts. It might be worthwhile, she thought, to declare that the University is committed to treating non-tenure track fairly, challenging the national trends of the past 30 years.

Miksch said that point three “Assure broad consultation with strong tenure-track faculty governance takes place in the development of new and revised academic personnel plans” might be expanded to include mention of the last bullet point on page two: “Evidence of consultation

with representatives from the appointment categories listed in the policy statement.” Perhaps the letter could also state that the committee would also be reviewing the plans, she thought.

Professor Jerry Cohen said that despite the fact many adjunct faculty are abused, there are legitimate reasons for hiring adjuncts, and the goal should be for every position to be value added, both for the individual and for the University. If the adjunct role is benefiting the individual professionally, that is great. But if, at the end of their time in this role, they are not ready to walk in to another position then the University has failed. Professor Naomi Scheman added that with the use of non-tenure track faculty, departments have limited curricular flexibility. If every decision made was based first on the fact that this is a University and the finances will have to cope with that, rather than finances driving the decisions, the University would flourish.

Buhlmann asked if the letter would go out to all departments. Ropers-Huilman stated that the intention is to send it to all the colleges, with the committee’s suggested edits. Buhlmann concluded the discussion by thanking Ropers-Huilman for the work her office had put in to the initiative.

**2. FCC Statement on Free Speech:** Buhlmann said that he was not quite sure what FCC is going to do with the document, that they were still waiting for more feedback after the latest Senate meeting. In addition to general concerns, which he felt were reflected in students’ comments at the Senate meeting, he thought specific comments addressing the wording in the current document would be valuable.

Buhlmann’s first concern was usage of the term “uncivil” which, as Scheman had previously noted, was problematic. He also wondered about the word “hateful.” It works in the last paragraph, he thought, but not under point two. Ropers-Huilman asked if point two could be edited to state “Free speech includes protection for speech that some find offensive.” Scheman added that she finds the term “offensive” problematic, that a better word would be “oppressive.” She expressed concern that the University is becoming the poster child for a national narrative of “wimpy, coddled students,” and that the University must pay attention to what it is students are trying to say. Scheman felt that the University must purposefully create a context in which those who are overly privileged get to be made uncomfortable by those who have not been traditionally at the center. The margins and the center must be shaken up, she said, not to protect students, but to allow them to be heard and to know that the University had their back. She thought the document out in the world, buttressing a narrative that demonizes students, was not a good thing.

Cohen felt that it was important to provide opportunities for people with opposing views to have a stage so they do not feel the need to disrupt. He acknowledged this can often be difficult, but was concerned that the administration spent more time tamping down disruptive behavior than asking what the causes of disruptive behavior were. He said there is an enthusiasm in disruption that should not be tamped down. He too was worried about some of the language in the document.

Professor Nathan Shippee said that the document focused primarily on students. Instead of focusing on students, he thought it should address the entire community. For instance, in point two, Shippee suggested removing “students” and replacing it with “people” or “individuals,” and doing so throughout the document. Buhlmann added that the end of that same point (two) should be strengthened by adding “The right to speak must prevail unless it is used to harass or threaten individuals.”

Scheman said that in regard to point three, the document’s author, Professor Dale Carpenter, stated that if an institution gives support to student groups, legally that must be done in a content-neutral way. But if a University is acting on its own behalf - administratively or academically - then it can act in a way that is not content-neutral. The committee agreed with her suggested addition to point three: After the sentence “The University may. . . differing viewpoints” to add “The University, both administratively and through academic units, may and should also actively provide access and support for critical engagement with the perspectives of groups traditionally under-represented in this university and others.”

Locher thought that the statement could be tied in some way back to the mission of the University to emphasize this point. Geoff Dubrow said that harassment is subject to interpretation and a clearer definition of what that means would help the document.

Rabinowitz asked what the purpose of point three was. Was it about the University using their resources to bring in powerful speakers? Maybe it made sense to change the ‘may’ to ‘should’ in the following statement: “The University ‘should’ use its resources to ensure that community members have space and access to present differing viewpoints” She added that perhaps going through the document and changing all “mays” to “shoulds” would strengthen this point.

Buhlmann said that he would share the committee’s comments and suggested edits with FCC chair Colin Campbell.

**3. Promotion and Tenure Procedures:** Buhlmann reported that this topic came up in his monthly meeting with Ropers-Huilman and Professor Scott Lanyon, chair, SCFA. He said that the discussion revolved around the question of whether assistant professors should be allowed to attend faculty meetings where individual decisions of tenure are being discussed. Assistant professors would not be present when their own case was being discussed, he clarified, but rather when others in their department were being discussed. Additionally, they would be held to the same standard as everyone else in regard to assuring the privacy of the candidate. Buhlmann said that the intent behind the proposal was to provide a professional development opportunity. He added that other universities have this system. What he had heard was that sitting in these meetings really helps those up for tenure understand what might be discussed and was necessary in order for their file to be recommended for tenure. He clarified that those who suggested this procedure did not propose it to be a requirement, but rather as an option for individual departments. Buhlmann said these individuals would not be granted voting power, but would be able to witness the discussions.

Ropers-Huilman said this was an idea that was brought to her attention; she stressed that it was a very preliminary discussion at this point, and there was no formal proposal yet. She added that

the intention behind the idea, as she understood it, is to ensure that individuals who are moving through promotion and tenure fully understand that process. It also helps keep discussions objective and elevated, she said.

Cohen expressed favor of the idea. He said that the University should provide mentoring at every step of an individual's career. Buhlmann added that in a good department there is mentoring already in process, but this option would allow a redundancy to be certain an individual knows what to expect.

Rabinowitz said she is all for openness. However, she said, it is premised on a belief in respectful, honest administration throughout all departments. She said the idea would need to be talked and thought about thoroughly in consideration of those units that are not so "well-behaved."

Shippee said that he is currently on the tenure track in the School of Public Health, which is unique in its strongly designed mentoring program. If things are open and transparent, he said, it is clear what is expected of assistant professors. For departments that do not have that mentoring in place, he felt the opportunity would not be that helpful. But he also thought it might promote a culture of transparency across the University. Locher added that, given the fact that implicit bias can occur in the process of reviewing colleagues for tenure, as much transparency as possible in the system would prove valuable. Cohen added that other universities have a less functional process than what the University has, so he thought it would work just fine here.

Miksch said she had taken an informal poll among her colleagues and there was some apprehension among the assistant professors. She said that if this is enacted at the University, it must be made very clear that this is an optional opportunity. She thought that transcripts of tenure meetings with names redacted would also provide opportunities for learning.

Ole Gram, assistant vice provost, Faculty and Academic Affairs, wondered what problem the change was trying to address. He was concerned that it opened up the door to a number of issues. At what point, he asked, will the discussions be opened to an assistant professor? In their first year? Second year? The statutory issues are large, he said. Cohen replied that just because the University rates high in transparency, that is not a reason to not strive for better. Buhlmann added that it might even help in hiring new faculty.

Buhlmann concluded by stating that there was obvious interest in exploring the idea, and Ropers-Huilman said she would think more about the idea over the summer. Shippee added that in lieu of this process, if it is deemed not possible, more feedback in year one and year two would be valuable to those on the tenure track.

**4. Agenda Items for 2016-2017:** Buhlmann said that the unionization effort will have an effect on the upcoming agendas. The personnel plan review will continue, as will freedom of speech discussions, and P&T procedures. Discussions with EOAA will also continue, he added. He asked the committee if they had other issues to be considered for the upcoming year. Upton said that he would like to have the committee take a look at the way the Disability Resource Center

sometimes attacks syllabus issues and how they handle extrajudicial meetings with department chairs. Buhlmann said he would make that part of the EOAA discussions.

Miksch said she has been thinking about the language of the academic freedom policy, which she thinks is strong, and the enacting of that policy. She thought it might be helpful to sponsor some listening sessions or workshops around campus, that maybe a series of events could help facilitate conversation with various constituents. They could be educational and a proactive approach to the discussion, Miksch said.

Cohen asked to keep the status of post-doctoral associates in the discussion as it relates to academic freedom.

Hearing no further business, the meeting was adjourned.

Patricia Straub  
University Senate Office