

## **Academic Freedom and Tenure Committee (AF&T)**

**September 16, 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 represent the views of, nor are they binding on, the Senate, the Administration or the Board of Regents.*

[**In these minutes:** Welcome and Introductions; Overview of Governance; Review of the Committee Charge; Bias Response Team; Review of Last Year; Other Business]

**PRESENT:** Phil Buhlmann (co-chair), Teresa Kimberley (co-chair), Anne Barnes, Jerry Cohen, Marti Hope Gonzales, Ben Intoy, Deborah John, Jessica Larson, Holley Locher, Karen Miksch Gopalan Nadathur, Yuichiro Onishi, Gary Peter, Rebecca Ropers-Huilman, Nathan Shippee, George Trachte

**REGRETS:** None

**ABSENT:** Geoff Dubrow

**GUESTS:** Renee Dempsey, deputy director, University Senate Office; Ole Gram, assistant vice provost; Eva von Dassow, president, American Association of University Professors, University of Minnesota-Twin Cities Chapter

#### **1. Welcome and introductions**

Co-chairs Professors Phil Buhlmann and Teresa Kimberley welcomed members and thanked them for serving. They introduced themselves and asked members to do the same.

#### **2. Overview of Governance**

Renee Dempsey, University Senate Office, provided an overview of University Senate governance:

- The University Senate was established in 1912 and consisted only of faculty members until 1969, when students were given representation. In 2004, the University Senate was expanded again, when professional and academic staff and civil service staff were granted representation. The University Senate now has representatives from faculty (168, including the president), students (60), professional and administrative staff (25), and civil service staff (25), for a total of 278 members when all seats are filled.
- The University Senate contains within it four senates: the Faculty Senate, the Student Senate, the Academic Professionals and Administrators (P&A) Senate, and the Civil Service Senate.

- Much of the work of the senates is conducted through its committees. Each Senate has an executive committee: the Senate Consultative Committee (SCC), the Faculty Consultative Committee, (FCC), the Student Senate Consultative Committee (SSCC), the P&A Consultative Committee (PACC), and the Civil Service Consultative Committee (CSCC).
- There are three ways that a committee can take action: passing a resolution, issuing a statement, or writing a letter to the appropriate administrator(s). The difference between a statement and a resolution is that a resolution calls for some sort of action, whereas a statement simply gives the committee's opinion on a given matter.
- The University of Minnesota is considered to have one of the strongest and most active shared governance systems among large research universities, and it is unique in that faculty, students, staff, and alumni are all involved in governance.

### **3. Review of the Charge**

Kimberley reviewed the charge and added that the role of the AF&T committee is not to deal with individual cases, but to provide input on overall policy and issues. Buhlmann gave some examples of the committee's work during the past few years, such as contributing to procedures around disability access for faculty, information for faculty moving tenure homes, clarifying the procedure for EOAA investigations, and the International Travel Risk Assessment Advisory Committee (ITRAAC) procedure.

### **4. Bias Response Team**

Ole Gram, assistant vice provost, discussed the background and formation of the Bias Response Team (BRT). He said it was initiated by the president, in order to facilitate a coordinated response to incidents of bias that do not clearly fall under the jurisdiction of one particular office or department. Kimberley explained that she and Buhlmann were among several chairs and co-chairs that met with the Bias Response Team over the summer in order to give feedback, and that at this stage, the BRT seeks feedback from the larger committees. At this point, the following members of the BRT arrived:

- Teddie Potter, director, Inclusivity and Diversity, School of Nursing
- Tina Marisam, assistant director, Equal Opportunity and Affirmative Action
- Laura Knudson, assistant vice provost, Office for Student Affairs
- Kris Lockhart, associate vice president, Office for Equity and Diversity

Knudson, referencing the handout that was circulated with the agenda [attached], gave some background on the BRT. She said that it grew out of a grassroots effort by several members, who created a proposal and brought it to the Campus Climate Work Group. The proposal was approved, and the BRT got their charge last spring. Although the University has always had mechanisms to respond to bias, the goal of this group is really to bridge any gaps in jurisdiction, and to facilitate a timely, coordinated response when an incident falls under the purview of

several entities. She said they have been described as a backstop or triage unit for incidents of bias, and that their role is not investigatory or disciplinary, but rather to provide resources, referrals, and support. During their consultations over the summer, she said, it was suggested that the team should also play an educational and preventative role, and the team has now incorporated that into their goals. She said one of the areas of education they can provide is around how academic freedom and freedom of speech intersect with the desire to create a safe and welcoming environment for all students, faculty and staff at the University. She added that many colleges and universities across the country have instituted bias response teams, and emphasized that based on what they have observed about these teams across the country, the University of Minnesota's BRT is thinking especially carefully about how to work with the concepts of free speech and academic freedom, not against them.

The team plans to launch a website within the next month or so, and plans to accept continual feedback and keep lines of communication open with faculty, staff and students.

Marisam shared the three following major messages that they received during their consultations with governance leaders over the summer:

- More faculty involvement: One idea was to put together a more formal team of faculty, and perhaps students, that could provide regular feedback to the team.
- Supporting freedom of expression and academic freedom must be a guiding principle of the team's work. The team will participate in a training this fall around these concepts, and have structured the team to support academic freedom. She distributed a handout of the team's protocol and pointed out that one of the first issues they consider when a bias incident is reported is whether there are implications for freedom of expression. Where appropriate, she said, they will provide coaching to individuals who have experienced bias about how to stand up for themselves in these situations. One of the team's key roles, she said, is to encourage open dialogue on campus around bias. There will also be a section on their website about academic freedom and freedom of expression.
- The team is a needed and positive addition to the University, and should be educational and proactive instead of just reactive.

Potter reviewed some of the incidents that the team has addressed. She started out by sharing a quote from Aristotle, which says "the mark of an educated man is to be able to entertain a thought without accepting it." This is one of her core values of educating, she said, which the Bias Response Team also uses as a guiding principle. The team is deeply concerned with campus climate, she said, but also recognizes that some incidents may be cases of differing opinions, and students need to learn how to engage, in a constructive manner, with ideas with which they do not agree. Likewise, students need to learn how to voice their opinions in a way that is not harmful to others. The team aims to encourage an open dialogue around bias in hopes of creating an end-bias culture.

Potter shared that the team has responded to at least 24 incidents thus far. Seven incidents, she said, involved biased speech action; only five resulted in some sort of communication, and only two involved faculty members or instructors. She then related three different incidents and how the team responded to them:

- Outside the Rec Center, someone wrote, “Build the Wall” in chalk on the sidewalk. The team consulted with Student Unions and Activities and Facilities Management, and discovered that there is a chalking policy on campus. Chalking is only allowed for University of Minnesota groups and the chalking must deal with an activity or event of interest to members of the University community; and the sponsoring group must sign it. The team was able to use this existing policy to support a welcoming and inclusive campus.
- A call came in to the Office of Equity and Diversity concerning offensive tweets by a student who had been admitted to the University. In this incident, the Equal Opportunity and Affirmative Action (EOAA) office took the lead in responding. They talked to the concerned student to provide support, as well as education about the concept of free speech on a social media platform, as well as reaffirming the University’s values of tolerance and inclusivity.
- A student wrote to the team by email at [endbias@umn.edu](mailto:endbias@umn.edu) and expressed frustration and anger about a particular instructor whom she felt inappropriately called attention to her and other students of diverse backgrounds. The team reached out to her and offered to talk with the TA about the language used, but the student did not feel that action was necessary. Rather, she just wanted someone to be aware that this was happening.

Some examples of how the BRT can take action are acting as a mediator between the parties involved, passing on a concern to the offending party, referring the reporting party to the appropriate office for investigation or action.

Potter then invited further feedback from the committee.

Jerry Cohen noted that none of the examples involved acts of bias by University administration, incidents of which he has personally witnessed before. He expressed concern that based on the composition of the BRT; it will not address issues that may occur at the administration level.

Marisam responded that EOAA has an investigative role and that that office would handle such complaints. The BRT, she said, would focus more on the impact to the students. Other members of the BRT clarified that the BRT is made up mostly of staff, who might work frequently with administrators, but who represent many different levels. Knudson assured members of the committee that any incidents of bias in the administration would be handled appropriately, if reported to the BRT. She also added that part of the impetus for creating the BRT was to send a message to the campus community that the University recognizes that bias exists and can impact

people's experience at the U, and that the University supports the values of diversity and inclusion.

Anne Barnes said she understood the value of sending this type of message, but seconded Cohen's concerns, adding that some actions taken by administration seem to be in direct opposition to this message. For example, she said, there are students who were arrested and are facing charges for protesting the tuition increase at the June Board of Regents meeting. This action, she said, seems to be in conflict with students' right to exercise their freedom of expression and their right to protest. Knudson agreed that that response did not help anyone in the long run, and that her office is looking at other ways to deal with such situations. Potter said that campus climate involves many different aspects, but that the BRT is concerned specifically with incidents of bias. She said, however, that the point was well taken and illustrates the need for a safe place where any campus community member can voice concerns.

Eva von Dassow, president, American Association of University Professors, University of Minnesota Twin Cities Chapter (AAUP), commented on the lack of faculty and student representation on the team. Potter said that students are engaged in an advisory capacity and that they have consulted with student government, but that students do not serve on the team due to privacy concerns. In terms of faculty involvement, there are several members of the team with faculty roles in addition to their staff roles, and they are also looking at having an advisory committee that provides regular feedback, but that they are open to other ideas. Kimberley said that they had suggested that AF&T have a liaison to the BRT, to represent the perspective of academic freedom.

Von Dassow then added that she, too, only recently learned about the chalking policy, and wondered what the difference is between chalking and talking, from a legal standpoint. Marisam responded that they were not sure, but that Shelley Carthen Watson, who is a staff attorney in the Office of General Counsel (OGC), is a staff lead on the team and was involved in this decision. Von Dassow recommended seeking consultation outside OGC, as well; specifically, she urged the BRT to consult with faculty who have specific expertise in the first amendment and freedom of speech.

Karen Miksch commented that there is a lot of expertise on campus, and that making use of University experts would be a good idea. She also said that having faculty in an advisory capacity and on the team is desirable, in order to facilitate timely response.

Nathan Shippee suggested having experts that could be consulted based on the type of issue, but who wouldn't necessarily have to attend every meeting, as it can be difficult to gather that many people together at once. Marisam said that that is very similar to how the team currently

functions. One of the team's goals, she said, is to make sure they get the right people in the room.

Kimberley asked what would have happened in the third example, where the student had a complaint against her instructor, if the student had wanted to go forward in that situation. Marisam responded that it would have been referred to the Equal Opportunity and Affirmative Action (EOAA) Office. Kimberley asked whether they would counsel the student to have a conversation with their instructor before referring to EOAA, and the team responded that they probably would, and that in fact, that is what they had done in the situation described. The BRT, Marisam said, wants incidents to be addressed without escalation where possible, but they also recognize that in some situations, the person making the complaint may not be comfortable addressing the incident with the offender directly. The student in this case did talk to her instructor, and nothing came of it; at that point she decided not to do anything further.

Kimberley then asked members of the BRT what they think is the biggest risk of the team. Marisam commented that getting the word out about the team and earning the trust of the campus community is a challenge for any new group, and that is why we are meeting and consulting with faculty governance and student groups. Lockhart said that institutionally, she thinks the biggest risk is that people think that because we have a BRT, others do not have responsibility for addressing bias. Therefore, she said, continued engagement is crucial.

Gopalan Nadathur commented that defining bias is difficult, as there is not an official standard definition. Marisam said that the purpose of the team is not to decide what is or is not bias. If someone comes to the BRT and reports an incident of what they perceive to be bias, the team does not evaluate whether or not the incident did constitute bias, but will rather focus on the impact.

Holley Locher suggested that one way to involve students would be to mentor them on how to respond to bias through educational efforts.

Cohen said that the idea of the BRT is good, but that there is a need to think about the potential for suppression of free speech. There need to be spaces where ideas can be discussed, as this is part of the essence of a university. Marisam agreed, saying that free speech is one of the tools that is going to help rid the University of bias.

Onishi added that it important to listen to people who are skeptical of the institution, rather than stifling them.

Hearing no further questions or comments, Buhlmann and Kimberley thanked the members of the BRT and the BRT left.

## **5. Review of Last Year**

Buhlmann informed the committee that as a result of the committee's concerns and recommendations, EOAA has updated some information regarding procedures on their website. He said that overall, the co-chairs are satisfied, but there are two concerns that have not been addressed: the timeline of investigations remains unclear, and if specific time periods cannot be given then they would like examples on the website. Buhlmann said that Kim Hewitt, director, EOAA, was investigating these concerns.

Kimberley then recapped the ITRAAC issue. In summary, she said that the committee feels that the University rules that govern the travel warning countries for University purposes should not apply to someone completing a dissertation. She commented people reported that the ITRAAC application process is cumbersome and onerous, and was impairing people's ability to travel to conflict zones. She said that the process has improved somewhat, after recent changes. They are following a case of student who has attempted travel in the Democratic Republic of Congo. The committee had also wanted the International Health, Safety and Compliance (IHSC) Office to send out a survey about the process, but this had not been done. Buhlmann said that he has met with Kevin Dostal Dauer, the new director of the IHSC, in September, and Buhlmann said that Dostal Dauer was receptive to the idea of the survey. Buhlmann also said that actually only one student, who had petitioned to go to North Korea, had been denied, and another student's travel was delayed. However, he said, if the process is so onerous as to deter students from pursuing it, that is a problem as well. Therefore, he would like the committee to investigate how difficult the process really is.

## **6. Other Business**

Kimberley explained the personnel plan issue, which refers to the *Academic Appointments with Teaching Functions* policy, of which the 25% rule is a key component. This rule stipulates that within a unit, the rule is that there should not be more than 25% contract (non-tenure track) faculty, and if there is, the unit must have a plan justifying why this is appropriate or how the situation will be remedied. This process is in place; Vice Provost Rebecca Ropers-Huilman's office has now been able to access data that had previously been inaccessible. Ropers-Huilman specified that her office had requested academic personnel plans from the colleges. The due date for this is October 17th; they have already received one, and some other colleges have reached out asking for an extension on the deadline so that they can consult with their faculty. The AF&T committee will be tasked with consulting on these plans as they are being approved by the provost. Kimberley clarified that the concern is whether a shift away from tenure-track academicians is underway, and if so, what are the implications of that change.

Buhlmann asked when the committee could expect to look at these plans, and Ropers-Huilman suggested that it is possible that they could begin reviewing one or two per month starting in

November, but she is not certain when they will all be submitted. Kimberley said that a good agenda item for October would be to talk about how to review the plans and how to provide feedback to the provost.

Shippee inquired as to what the other components of the *Academic Appointments with Teaching Functions* policy are, and whether these personnel plans are meant to address these components as well. Ropers-Huilman said that some other things covered in the policy are the balance of academic responsibilities, process of insuring proper credentials, how colleges and departments decide who should be in the non-tenure track positions, mentoring, professional development, and career advancement. These aspects will be addressed in the personnel plans as well, she said, adding that she hopes this policy will not be viewed as punitive, but rather communicative.

Miksch suggested collaborating with the Senate Committee on Faculty Affairs (SCFA), as many aspects of this policy fall under their purview. Ropers-Huilman agreed, and said that she has scheduled meetings with Buhlmann, Kimberley and the chair of SCFA over the course of the semester in order to coordinate.

Kimberley then asked about the promotion and tenure procedures, specifically around whether to allow non-tenure track instructors to be present when tenure discussions are happening. Ropers-Huilman said that this will require thought and discussion before making any decisions.

Kimberley then informed the committee on the status of the memo on free speech that the committee had discussed last year. At the current time, the letter is not going forward. Buhlmann explained that Colin Campbell, chair of the Faculty Consultative Committee (FCC), planned to organize a forum for further discussion of the issue.

The committee then discussed the idea of adding ex-officio representation from the American Association of University Professors (AAUP). For the past year, Kimberley explained, the committee had extended a formal invitation to the president of that organization to attend committee meetings, but that person was not actually a member of the committee. Members agreed that a formal AAUP representative would be a valuable addition to the committee. Kimberley proposed that formal language be brought to the next meeting for a vote.

In the interest of time, Kimberley adjourned the meeting.

Amber Bathke  
University Senate Office