

Equity, Access, and Diversity Committee (EAD)
September 26, 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; Planning for the Year]

PRESENT: Jeremy Jenkins (chair), Caitlin Boucha, Solomon Gashaw, Joseph Gerteis, Kimberly Hewitt, Tami Jauert, Jefrina Jayaraj, Mina Kian, Naty Lopez, Cynthia Messer, Teddie Potter, Shailey Prasad, Sarah Sexton, Deena Wassenberg, Marcella Windmuller-Campione, Keisha Varma

REGRETS: Ann Burkhart, Jude Fom, Minsoo Kim

ABSENT: Katrice Albert, Priscilla Flynn

GUESTS: Vickie Courtney, director, University Senate Office

1. Welcome and Introductions

Chair Jeremy Jenkins welcomed the committee and thanked members for serving. He introduced himself and asked members to do the same.

2. Overview of Governance

Vickie Courtney, director, University Senate Office, gave an overview of senate governance at the University of Minnesota. She said that the University of Minnesota is considered to have one of the strongest and most active shared governance systems among large research universities, and that it is unique in that faculty, students, staff, and alumni are all involved in governance. The umbrella body is the University Senate, which 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, students, professional and administrative (P&A) staff, and civil service staff, for a total of 278 members when all seats are filled. Courtney explained that the University Senate contains within it four senates: the Faculty Senate, the Student Senate, the P&A Senate (comprised of professional and administrative staff) and the Civil Service Senate. Each senate has its own consultative committee, and under them there are 23 working committees and a variety of subcommittees. Much of the governance work is done through these committees. Some standing committees report to the Faculty Senate, some to the Student Senate, and some to the University Senate. Members of these committees may but need not be senators, and the Committee on Committees selects most committee members. The appropriate senior academic officers also serve as ex

officio, non-voting members of relevant committees, which ensures regular communication between the administration and governance. Courtney also noted that because of restrictions imposed by federal and state labor law, unionized staff and the faculties that have voted for collective bargaining do not participate in the governance system.

Courtney then enumerated the 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, she said, is that a resolution calls for some sort of action, whereas a statement simply gives the committee's opinion on a given matter. A statement follows the same route, but goes to the senate for information only, as no action is necessary. A letter is treated much the same as a statement.

Courtney emphasized the collaborative aspect of shared governance. She said that it is a best practice to consult with appropriate administrators before taking any action, and also to collaborate with other committees that may be working on the same issue.

3. Planning for the Year

First, Jenkins announced that the committee is up for review this year, and that members of the Committee on Committees will be present at the next meeting for discussion. Courtney added that the committee should prepare for this discussion by considering the charge and membership, as well as giving some thought to the questions that will be distributed by email prior to the next meeting. Jenkins noted that this would be a time to consider the committee both in terms of its work and in terms of its structure, and asked members to consider this issue prior to the next meeting.

Next, Jenkins told members about the Bias Response Team and shared that they will likely visit the committee in early spring.

Jenkins then shared that there are several issues that many committees plan to work on this year: finance and budget, mental health, and campus climate and free speech. If this committee wishes to address any of these topics, it will be important to coordinate with the other committees also looking at these issues. In particular, he said, he would like to look at mental health.

Regarding mental health, Jenkins explained that last year, the committee had worked on an issue related to privacy of student counseling records. This was prompted by an incident at the University of Oregon, in which a student sued the university for violation of her Title IX rights. In this case, the student had also received counseling services from the university, and those records were used in the preparation of the university's defense. Jenkins said that counseling records are covered by FERPA, not HIPAA, and are therefore owned by the university. Last year, the committee approached the Office of the General Counsel (OGC), asking for a written policy saying that the University of Minnesota would not use counseling records in such a manner. Jenkins reported that OGC said that they would not use counseling records in this way, but declined to put it in a written policy. The concern, said Jenkins, is that knowing their counseling records could potentially be used in this way could dissuade people from seeking

counseling when they need it. Jenkins believes that there is more to do on this issue, and plans to collaborate with other committees about it. He has reached out to Colin Campbell, the chair of the Faculty Consultative Committee, for advice on how to pursue this collaboration.

Another issue that has carried over from last year is parental leave, specifically in regard to researchers on grant funds, said Jenkins. He reported that they had a productive conversation with Vice President for Human Resources Kathy Brown last year, but that some issues-- such as leave for adoptive parents, leave differences between employee classes, and how leave applies in the case of stillbirth-- remain unresolved.

Other agenda items may include transgender issues; campus climate; the experience of Islamic students, faculty and staff on campus; and the future mandated reporting of sexual misconduct related to Title IX. Regarding the latter, Kim Hewitt, director, Equal Opportunity and Affirmative Action (EOAA), clarified that the current policy requires that people who advise or supervise students are required to report any incidents of sexual misconduct (when the accused is a member of the University community) that they hear about to EOAA. She said that the University is currently in the process of negotiating a resolution with the Office of Civil Rights (OCR), and the policy will likely be updated to require any employee who learns of sexual misconduct of a student to EOAA. They are waiting for OCR's response and then the policy will go through the internal process of approval. Naty Lopez asked whether the reporting was only mandatory with the victim's permission, and Hewitt clarified that employees are required to report regardless of the victim's wishes. Therefore, she said, it is important for employees to inform students that they are required to report. However, that does not necessarily mean that any action will be taken beyond talking to EOAA. EOAA would almost never pursue an investigation if the victim declines to take any action. If the accused is a faculty or staff member, they may be required to take action, depending on the situation, but she said that so far, the EOAA has not had to go against the victim's wishes.

Jenkins then solicited suggestions from committee members for other topics that the committee should address. Joseph Gerteis said that it would be nice to hear an update from the College of Liberal Arts' diversity committee, and Hewitt suggested inviting Virajita Singh, assistant vice provost, Office for Equity and Diversity, who oversees the Diversity Community of Practice, to a future meeting.

Hearing no further business, Jenkins adjourned the meeting.

Amber Bathke
University Senate Office