

Social Concerns Committee
December 5, 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:** Sanctuary Campus Discussion; Ban the Box; Discussion on the Title IX Training Resolution; Other Business]

PRESENT: Mark Pedelty (chair), Lindsey Budde, Randy Croce, Abigail Dayton, Laura Duckett, David Fuhs, Nicholas Goldsmith, Daniel Kelliher, Derek Kiewatt, Leah Peterson, Sarah Sexton, Megan Sweet, Boris Volkov

REGRETS: Zan Gao, Becca Gercken, Molly Schwartz,

ABSENT: Maria del Carmen Garcia de la Serrana Lozano, Deborah Hendricks, Meredith Horsch, Sandeep Kataria, Stuart Mason, Alex Oftelie, Kendra Okposo, Rachel Schurman

GUESTS: Bob McMaster, vice provost and dean, Undergraduate Education

OTHERS: Vickie Courtney, director, University Senate Office; Chuck Turchick, student

1. Sanctuary Campus Discussion

Chair Mark Pedelty called the meeting to order and turned over the floor to Nicholas Goldsmith, who brought to the committee's attention [a petition for the University to declare itself a sanctuary campus](#). This petition read, in part:

We request support for UMN community members -- especially, people of color, Muslims, international students, immigrants, refugees, and undocumented people -- who may be increasingly vulnerable to changes in policies (such as the repeal of Deferred Action for Childhood Arrivals or DACA program) and the violence targeting immigrants and refugees.

This includes:

- *Unequivocally reaffirming our commitment to nondiscrimination based on national origin*
- *Protecting the students on campus under the Minnesota DREAM Act*
- *Extending legal counsel to community members under threat of detention and/or deportation*
- *Protecting undocumented community members' access to aid and loans*
- *Protecting undocumented community members from threats to loss of health insurance*
- *Preventing the University of Minnesota Police Department from collaborating with Immigration Customs Enforcement (ICE) Agents*

- *Shielding community members' records from law enforcement*
- *Committing to finding work opportunities for students if DACA were to be revoked*
- *Protecting international community members by providing no more information or data than is currently legal. This includes not revealing information that identifies students by religious affiliation or through citizenship.*

It is an ethical and moral obligation to do everything in our power to protect our institution from any infringement on anyone's right to seek higher education. We are responsible not only for protecting the values of this institution and higher education, but also responsible to our communities. As both Minneapolis and St. Paul are sanctuary cities, designating the University of Minnesota Twin Cities as a sanctuary would align us with our two resident cities.

Goldsmith said that since the topic was added to the Social Concerns Committee's agenda, President Eric Kaler had issued a statement regarding the sanctuary campus question, which is available on the [Office of the President's website](#). He said that although we do not know what policies might change once Donald Trump takes office, it is important to look at the current policies to see if there are failings that could be corrected, as well as to determine how best to support undocumented students within the current policies. Pedelty asked what the action item might be from this discussion, and Goldsmith said that if the committee determines that there are failings in the current policies, making a statement to legislators could be a way to proceed.

David Fuhs asked whether the University even knows which students are undocumented, and Megan Sweet said that was a good question for Admissions. She did not know how or whether that information is collected. Fuhs commented that not knowing would not necessarily be a bad thing. He then asked whether the University can help undocumented students get student visas. Sweet responded that if a student has no intent to return to their home country, they will not be issued a student visa.

Randy Croce asked whether the committee found President Kaler's statement adequate, and Deborah Hendricks observed that Kaler had not used the word "sanctuary" in his statement, although it was in the original petition. Croce wondered what the University can legally do to protect undocumented students, observing that it would not be responsible to advocate for something illegal. Goldsmith clarified that Minneapolis and St. Paul are sanctuary cities, which means that the local police departments will not volunteer information on undocumented individuals to Immigration and Customs Enforcement (ICE). He said it is his understanding that the federal government cannot require local law enforcement to enforce federal law. Fuhs pointed out that the federal government could take the approach of denying federal funding to cities that do not cooperate with ICE, and for that reason suggested leaving the word "sanctuary" out of any statements or resolutions. Abigail Dayton commented that students at Harvard University were upset that the administration had not used the "sanctuary" wording, and cautioned that students at the University of Minnesota might react similarly.

Pedely suggested it might be good to get more information from those who study policy around this issue. Sweet also mentioned that University Student Legal Services can assist students on a case by case basis, although none of their attorneys are immigration lawyers, and suggested hearing from them, as well as International Student and Scholar Services (ISSS) about existing support for non-citizens. With no further discussion, the topic was tabled until a subsequent meeting.

2. Ban the Box

Vice Provost and Dean of Undergraduate Education Bob McMaster joined the committee to talk about the Ban the Box issue. The committee informed McMaster of their concerns, as detailed in previous minutes; mainly, the potential dampening effect of the criminal background questions on applications, the disproportionate effect on minority applicants, and the lack of evidence for the questions' effectiveness in increasing campus safety.

McMaster said that over the summer 2016, the decision was made to remove the felony question, beginning for the Fall 2018 application cycle. The questions on academic dishonesty and sexual assault will remain, and the applicant is given the chance to explain, if they check "Yes" on one of these questions, why their history is not a threat to campus safety. McMaster also said that there is wording on the application stating that failure to answer these questions honestly can result in a revocation of an offer of admission. McMaster went on to add that the University has recently signed on to the Common Application, which allows students to fill out one application to apply for several different institutions, and which does ask the felony question. Institutions can, however, ask for that information not to be forwarded to them, and the University will utilize this option. He also said that starting Fall 2018, students will also be able to apply to the University via an application offered by the [Coalition for Access, Affordability, and Success](#), which does not ask the criminal background questions. Daniel Kelliher pointed out that the University electing not to receive criminal background data from the Common Application does not address the problem of the dampening effect, and McMaster acknowledged that it will be important to think about messaging to applicants, to ensure they are aware of the University's policies around that information. Several members asked whether the University can advocate for the felony question to be removed completely from the Common Application. McMaster said that if enough institutions advocate for this change, the Common Application administrators could perhaps agree to remove it.

Kelliher asked McMaster to clarify whether the sexual assault question referred to criminal history only, as opposed to including incidents that may have occurred in which criminal charges were not filed. McMaster confirmed that this is the case. Kelliher pointed out that individuals who get expelled from other institutions for sexual misconduct can apply to other schools without disclosing that information, and reoffend at the new school. Goldsmith asked whether these individuals would be on the sexual offenders registry, and McMaster said that if the individual was not convicted in a legal setting, they would not be on the registry. Sweet commented that the evidentiary standard used for academic probation and behavioral issues is much lower than for the legal system, so that a student can be found "guilty" by the institution but not in a court of law. Fuhs pointed out that the fact that the sexual assault question is based on self-reporting is problematic, given that those individuals likely to reoffend are not likely to disclose past offenses. McMaster agreed in theory, but said that in practice, there is no way to

systematically check all applicants. Fuhs acknowledged the challenges, but said that if it is important, the University should attempt to create a way to check. Kelliher asked whether Universities can share information about students expelled for sexual misconduct. McMaster said that the Family Educational Rights and Privacy Act (FERPA) protects much of this information, but Sweet said that sometimes the “need to know” clause in FERPA can allow data sharing.

Hendricks then asked how the criminal background information is used, and McMaster outlined the process that happens when an applicant checks “Yes”:

- First, a committee within Admissions review the application. This committee is made up of representatives from Admissions, the colleges, and the University police, and can require a background check if it wishes. The University does about 12 background checks per year under this process.
- The application then goes to the director of Admissions.
- The Office of Undergraduate Education makes the final decision.

With no further discussion, Pedelty thanked McMaster, and McMaster left.

Pedelty then asked members what next steps they would like to take on this issue. Goldsmith said that the sexual assault question should be reframed to ask about incidents at past universities, and Pedelty asked Goldsmith to create some suggested wording. Sweet suggested addressing in some way the difference in evidentiary standard between academic misconduct and sexual misconduct. Leah Peterson asked whether Title IX training is mandatory for students, and Sweet said that it is.

3. Title IX Training

The discussion segued into the next topic, the resolution to require Title IX training of all faculty and staff. Croce reported that the resolution now incorporated all suggestions from the May 16, 2016 meeting, and that Kendra Okposo and Kimberly Hewitt, the former director of the Equal Opportunity and Affirmative Action office, had made edits as well. Pedelty said he would follow up on what the next step should be to get the resolution up to the University Senate.

4. Other Business

Pedelty then opened the floor for other business.

Croce reported on the progress of the Parental Leave issue. He said that significant progress was made for Civil Service and Bargaining Unit employees, and that the Equity, Access and Diversity committee was writing a letter to Vice President for Human Resources Kathy Brown in order to advocate for central funding of parental leave.

Duckett suggested addressing how the University handles waste, citing the need for more organics recycling receptacles and better signage on how to use them. Lindsey Budde said that there are receptacles in all of the food courts, and that increased education on organics recycling has been proposed. Leah Peterson suggested inviting Dana Donatucci, recycling supervisor, Facilities Management Central Services, to a subsequent meeting to discuss this issue. She also informed the committee that all trash and recycling is sorted downstream to ensure proper disposal.

Pedely said that Beyond Coal might come up next semester, and added that the University steam plant still burns fossil fuels.

With no further discussion, Pedely adjourned the meeting.

Amber Bathke
University Senate Office