

Social Concerns Committee
February 27, 2017
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:** Support for Undocumented Students; Counseling Privacy Resolution; Recycling Program; Report on Title IX Training Resolution; Other Business]

PRESENT: Mark Pedelty (chair), Randy Croce, Abigail Dayton, Laura Duckett, Prashant Earath, David Fuhs, Zan Gao, Becca Gercken, Nicholas Goldsmith, Daniel Kelliher, Gabriella Kraus, Alex LaValley, Leah Peterson, Rachel Schurmann, Molly Schwartz, Boris Volkov

REGRETS: Lindsey Budde, Derek Kiewatt, Alex Oftelie, Kendra Okposo, Sarah Sexton, Megan Sweet,

ABSENT: Deborah Hendricks, Sandeep Kataria, Stuart Mason, Alex Oftelie, Kendra Okposo

GUESTS: Linda Aaker, attorney, University Student Legal Services; Dana Donatucci, supervisor, Recycling Services; Chelsea Flaherty, attorney, University Student Legal Services; Jeremy Jenkins, chair, Equity, Access and Diversity Committee

1. Support for Undocumented Students

Chair Mark Pedelty called the meeting to order and introduced Linda Aaker and Chelsea Flaherty, who are immigration attorneys at University Student Legal Services (USLS). Flaherty explained that USLS is funded by student service fees and therefore serves students only. There are seven attorneys on staff. They handle all types of cases, but the most common type is landlord-tenant disputes.

Aaker and Flaherty are the two attorneys who handle immigration cases, including assisting undocumented students who came to the U.S. as children with Delayed Action for Childhood Arrivals (DACA). Flaherty explained that DACA allows the holder to live, work and study in the U.S. and protects them from deportation. She explained that DACA status must be renewed every two years, and that it costs about \$500 to renew it each time. There are other requirements as well:

- The applicant must have been under 31 years old as of June 15, 2012;
- The applicant must have first come to the United States before their 16th birthday;
- The applicant must have lived continuously in the United States from June 15, 2007 until the present;
- The applicant must have been physically present in the United States on June 15, 2012 and at the time they apply;
- The applicant must have come to the United States without documents before June 15, 2012, or their lawful status expired as of June 15, 2012;

- The applicant must be currently studying, or have graduated from high school or earned a certificate of completion of high school or GED, or have been honorably discharged from the Coast Guard or military (technical and trade school completion also qualifies); and
- The applicant must not have been convicted of a felony, certain significant misdemeanors (including a single DUI), or three or more misdemeanors of any kind.

Aaker said that there is concern that DACA may be rescinded under the current administration, as President Trump promised during his campaign that he would do so, and this has changed the way USLS counsels students. USLS currently advises students on DACA not to travel abroad, and also advises new applicants not to apply for DACA at all, as doing so gives information to the federal government that may be used against the student should DACA be rescinded. USLS also advises students not to apply for DACA renewal if they have been convicted of any criminal offenses.

The status of the 2011 Sensitive Location Memorandum, which disallows Immigration and Customs Enforcement (ICE) to conduct raids at sensitive locations such as churches, schools, and hospitals, is also uncertain.

Aaker and Flaherty noted that prior to 2013, not many undocumented students attended the University, because no financial aid was available to them and cost was prohibitive. In 2013, the Minnesota Dream Act was passed, making Minnesota one of only five states that allow undocumented students to access state funding and qualify for in-state tuition. Now, they said, there are many more undocumented students at the University, although it is not possible to quantify how many, as students do not always disclose this status.

Pedely asked what action the committee could take to assist undocumented students or USLS, and Aaker and Flaherty replied that sending the message that undocumented students are welcome and supported, advocating for scholarships that do not require a social security number to apply, and referring students to USLS would all be helpful.

With no further discussion, Pedely thanked Flaherty and Aaker, and they departed.

2. Counseling Privacy Resolution

Next, Pedely introduced Jeremy Jenkins, chair, Equity, Access, and Diversity Committee (EAD). Jenkins referred members to the resolution that EAD had passed regarding the privacy of students' counseling and medical records. He explained the resolution 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 added 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. Therefore, the resolution asks the University, as OGC's client, to make a statement promising not to use counseling records in this

way. The concern, clarified Jenkins, is not that a situation similar to the incident at the University of Oregon is likely to occur, but rather that knowing their counseling records could theoretically be used in this way could dissuade students from seeking counseling when they need it.

Rachel Schurmann asked why these records are not covered by HIPAA, and Jenkins answered that unlike Boynton Health Services, which is a separate legal entity, Student Counseling Services (SCS) and the Aurora Center are part of the University. Fuhs suggested that students could therefore just be referred to Boynton. Jenkins explained that this poses a different privacy issue, as Boynton bills insurance, which parents will see if their student is on their insurance, and students may not want their parents to know they are seeing a counselor. SCS and the Aurora Center are covered by student service fees and do not bill insurance.

Because there was limited time for this agenda item, Pedelty asked Jenkins if the committee could discuss the resolution further at its March meeting, and Jenkins agreed.

3. Recycling Program

Pedelty welcomed Dana Donatucci, supervisor, Recycling Services. Donatucci gave an overview of Recycling Services. He informed the committee that the University generates about 9,100 tons of municipal solid waste per year, of which about 3,800 tons are recyclable. This is about a 42% recovery rate, and the goal is 50% (and ultimately zero-waste, which is defined as above 90%). He explained that at University of Minnesota, the custodial program collects trash from the desk, but requires individuals to bring their recyclables to centralized recycling collection containers. These centralized collection containers are known as the “Quad System” and are set up in all University buildings. The Quad System consists of containers for the collection of office paper, newspaper plus, cans and bottles, and trash. In some buildings, the paper bins have been combined and the fourth designated for organic recyclables. The current collection process used by the custodial programs favors disposal over recycling by offering desk-side waste collection and not desk-side recycling collection. In order to increase recovery, Donatucci proposes a system known as “centralized collection,” wherein individuals are responsible for depositing trash and recyclables they generate at their desk or work station directly into the Quad System containers at their convenience. He told members that a pilot study of the centralized collection model was conducted in the 90s in five buildings on campus, which yielded recovery rates greater than 90% and an 86% satisfaction rate among building participants.

Donatucci also explained that currently, Aramark, the University’s contracted food service vendor, has made the conversion from disposable food service ware to compostable service ware, but many other food service vendors with presences on campus have not made this switch. This makes composting confusing for the University community. He said that if outside vendors were required to use compostable food service wares on campus, the process would be easier, and disposal would be more economical as well-- the University saves \$47 for each ton composted (\$25 per ton) instead of disposed as trash (\$72 per ton).

Members asked what the committee could do to support these goals, and Donatucci replied that advocating for centralized collection and requiring compostable food service wares would be helpful. He believes that Facilities Management has been reluctant to dictate to the University

community how the University should handle its waste, but if the interest came from the campus community itself, the idea might get more traction.

Pedely thanked Donatucci and Donatucci left.

4. Report on Title IX Training and Aramark Resolutions

Randy Croce reported that he had visited the Senate Committee on Faculty Affairs (SCFA) regarding the resolution to require Title IX training for all University employees, and that SCFA had unanimously endorsed the resolution.

5. Other Business

Pedely directed the committee's attention to an email from Dr. Christopher Lehman, St. Cloud State University, dated December 1, 2016. Lehman had visited the committee in fall 2016 to discuss his findings related to Governor William Aiken Jr's contribution to the University in the mid-1800s. The committee had decided not to take any action regarding Lehman's findings. An abridged version of Lehman's email is as follows:

Greetings:

I am the author of the article "Brought to Light," which discusses the loan made by slaveholder William Aiken to the University of Minnesota in 1857. On October 24, 2016, I attended the University's Social Concerns Committee to discuss my research. I am addressing some of the statements made about my work. The comments are a matter of University record now that they are official minutes, and this letter addresses statements that I consider questionable.

Regarding Ms. Pflaum's statement that I implied that Aiken has been intentionally left out of the University's history, that is an opinion. It is true that Aiken's name has not been mentioned in monographs written after 1869 about the University. I say nothing in my article about why that is, nor do I accuse anyone in particular for his name's absence for the past 150 years. I do not even accuse the University. It could be that after the first writings of the 1870s neglected to include him, he just became a "forgotten" figure in the University's history ever since. That is understandable; after all, he was only one of many investors in the University, which Associate Vice President Mason later mentioned at the meeting. My point is that 150 years is a long time for someone whose loan was appreciated at the time to not receive even a passing mention in writings about the university's history.

Regarding Ms. Pflaum's statement about the Fuller Hotel, the citation for that information is in endnote #4. That endnote does not contain, as Ms. Pflaum mentioned, a book about the Fuller Hotel. The book I cited, A Peculiar Imbalance, has information about slaveholders staying at the hotel. Moreover, my source that specifically mentions Aiken staying at the Fuller is in the article listed in endnote #4. That article is "Our Minnesota Correspondence," written on June 24, 1857 and published on July 4, 1857 by the New York Herald. The next-to-last sentence of that article mentions Aiken among a number of people who "are stopping here at the Fuller House."

Regarding Ms. Pflaum's statement that some of my assertions were a stretch, I would like a clarification in the context of her alleging of an implication and her statement about my endnote.

Regarding Mr. Lapiska's statement that supports Ms. Pflaum's "stretch" comment, I again ask for a clarification in the same context as well as Mr. Lapiska's admitting that he is not "a historian or academic."

Regarding Associate Vice President Mason's statement that there was nothing unusual about Aiken's investment, it is again true that Aiken was just one of several investors of the late 1850s. That, however, is not the point of my article. My point is that Aiken was a slaveholder and that the money he earned from his 700 captured, unfree African Americans funded his loan. If Associate Vice President Mason is suggesting that even that point is not unusual, then does that mean that there were other slaveholders who invested in the University? If so, it would be interesting for the University to know just how much of the \$125,000 in bonds mentioned by Associate Vice President Mason came from the blood and sweat of African American slaves.

Regarding Associate Vice President Mason's point about Aiken contributing only \$13,000 of the \$125,000, I would argue that any amount of money that the University received from slaveholders taints the University with slavery, no matter how large or small the loan. One-tenth of the total is still \$13,000 more than zero.

Regarding Associate Vice President Mason's remarks about my "donation" comment, the law that Minnesota passed in 1862 prohibited Aiken from pursuing any of his loaned money. However, after the law was repealed in 1863, Aiken did not go to court in Minnesota. That is important, because at least one slaveholder actually did go to court in Minnesota to seek mortgage money from a tenant on land the slaveholder owned in Minnesota. His name was F. A. W. Davis of Mississippi, and he vigorously challenged the 1862 law. My point is that Aiken easily could have done the same, but he did not. Thus, the 1862 law turned Aiken's loan into a de facto "donation."

I am disappointed that the committee voted not to discuss the University's ties to slavery further. I applaud Dr. Pedelty for supporting ideas I had for the University to officially acknowledge its ties to slavery, and I thank him for pointing out that none of the comments made in the October 24 meeting actually disputed any of the facts in my article. I also thank Mr. Goldsmith for supporting the idea of "preferred admission to the descendants of slaves."

Regarding Mr. Goldsmith's mentioning that the University's acknowledgment of its slavery connection will be in the committee minutes, what will the University do to let its students, faculty and staff know this—students especially? As a professor, I teach my students to pursue the truth and present it with thoughtful and careful analysis, even if that truth is unpleasant and painful to read and is contrary to traditional narratives. The fact that the

University is not discussing this matter further only highlights how much the University community at large needs to know what the University refuses to discuss.

I wrote the article as a matter of course. For over a year, I have written about Minnesota's monetary ties to African American slavery. In addition to the Aiken piece, I have written and published articles about how money from slaveholders funded St. Paul's Payne-Phalen neighborhood, northern St. Cloud, and a mill in Sauk Centre. At my own workplace (St. Cloud State University), I work in a campus building just outside where a riot over a fugitive slave took place in 1857. After I pointed this fact out at SCSU, the University Archives made a point of mentioning the riot whenever their campus tour brings tourists to that particular part of campus. It's an official acknowledgement that SCSU has some ties to slavery, even though the university itself was not established until twelve years after the riot took place and four years after legal slavery ended nationwide.

Finally, I wrote the Aiken article with the hope that the University would pursue some kind of dialogue with the Aiken estate, which still exists, as my article points out. If nothing else, I hope you will look at [a database I created](#) about slaves belonging to Minnesota's slaveholding investors. Please read the names of Aiken's slaves, and know that real people worked without freedom to make Aiken's fortune that funded his loan. Please read the names with the understanding that I still have at least 700 more names yet to find for Aiken's slaves.

Thank you.

*Best regards,
Christopher P. Lehman
Professor of Ethnic Studies
St. Cloud State University*

Pedelty told members that since this email, the African and African American Studies Department and the Race, Indigeneity, Gender and Sexuality Initiative (RIGS) had invited Lehman to speak at Northrop Auditorium. He said that although Lehman's visit to the Social Concerns Committee had not prompted any direct action by the committee, it had served as a conversation starter.

With no further discussion, Pedelty adjourned the meeting.

Amber Bathke
University Senate Office