

Faculty Consultative Committee (FCC)
September 20, 2018
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 reflect the views of, nor are they binding on, the senate, the administration, or the Board of Regents.

[**In these minutes:** Nominations for open faculty seats on other non-Senate groups; Interim Provost Search; Senate Docket Approval; Free Speech; Discussion with Provost Hanson]

PRESENT: Joseph Konstan (chair), Amy Pittenger (vice chair), Robert Blair, Sheri Breen, Phil Buhlmann, Sue Chu, Colleen Flaherty Manchester, Tabitha Grier-Reed, Lynn Lukkas, Ned Patterson, Les Drewes, Frank Gigler, Jennifer Goodnough, Peh Ng, Donna Spannaus-Martin, Wendy St. Peter, Philip Zelazo, Catherine French

REGRETS: Peggy Nelson, Jessica Larson

ABSENT: Michael Oakes

GUEST: Provost Karen Hanson

OTHERS ATTENDING: Vickie Courtney, Deb Cran, Bri Keeney

1. Nominations for open faculty seats on other non-Senate groups: Professor Konstan called the meeting to order and welcomed those present. Continuing the conversation from the September 13 FCC meeting, Professor Konstan reported that he and Renee Dempsey, Senate staff, received a couple nominations for the open faculty seat on the Benefits Advisory Committee (BAC) as well as the faculty seats that the Office of Conflict Resolution (OCR) needs filled (two hearing panelists and a Conflict Resolution Advisory Committee chair). He then asked members if they felt they could identify other nominees or whether these vacancies should be advertised broadly with the hope that people will either self-identify or nominate someone. The committee agreed that for the OCR vacancies it would like to solicit nominations through *The Brief*, and, because the committee already received two nominations for the one BAC vacancy, it voted to unanimously put forward the two BAC names to the BAC Committee of Selection, assuming each nominee agrees to accept their respective nomination.

2. Interim provost search: Professor Konstan said that a call for nominations has gone out to the University community to identify someone to fill the interim provost position. He encouraged members to think about who they would like to see nominated, but also asked the committee whether the FCC should nominate someone collectively. Professor Konstan then called for a motion to close the meeting, which was seconded, and unanimously approved by the committee. At the conclusion of the discussion, the committee decided against submitting a nomination on behalf of the FCC.

3. University/Faculty Senate docket approval: Professor Konstan turned members' attention to the October 4, 2018 concurrent meetings of the University/Faculty Senate docket, and walked members through it. The main agenda item for the October 4 meeting, said Professor Konstan, is the presidential search discussion. He then proposed that for the presidential search discussion that a special rule be instituted and that another rule that is commonly not enforced be enforced. The special rule, said Professor Konstan, would be a rule that would limit comments to two minutes rather than three minutes in an effort to give as many people an opportunity to speak as possible. Regarding the rule that is rarely enforced, this is the rule that allows each person to speak once until everyone else has had a chance to speak and this would include senators who yield their time to others to speak.

Professor French raised a concern in the docket about the wording of the University Senate constitution amendment, Article III, Section 2(a) and 2(b), about voting members of the University Senate. According to Professor French, these sections do not articulate how the vice chair, if not elected, could be a voting member. Professor Konstan said he would have to go back and review this language because as he recalls it came from the Senate parliamentarian. He added that he thought the intent was to have voting rights cascade to the vice chair and then on to the past chair.

Moving on, Professor Konstan introduced a motion to approve the current docket with 1) the addition of the special rule that would limit comments to two-minutes during the presidential search discussion, 2) enforcing the existing rule during the presidential search discussion that allows each person to speak once until everyone else has had a chance to speak, including senators who yield their time to others, and 3) provide him with the authority to tweak the language of the constitutional amendment to clarify that replacement voting membership in the Senate shall succeed from the FCC chair to the FCC vice chair and then the FCC past chair as was originally intended and previously adopted by the FCC. The motion was seconded and members unanimously voted to approve the docket.

4. Free speech discussion: Professor Konstan introduced the next agenda item, a discussion on free speech and provided some background information. He noted that Professor Dale Carpenter, a former Law School faculty member and FCC member, who since left the University, crafted three documents for discussion related to free speech 1) [Core Principles](#), 2) [Addendum](#), and 3) [Recommendations](#). (NOTE: It was occasionally incorrectly reported by the media that the FCC adopted/approved the Core Principles document, but, in fact, the FCC only provisionally approved the statement of principles pending consideration and consultation by the Senate Academic Freedom & Tenure Committee, the Office for Equity & Diversity, the Student Senate, and provost & president). The statement, said Professor Konstan, was a statement that was as much a "treatise on what the First Amendment requires" as it was a statement of the University's values and why the First Amendment is consistent with these values. That said, he noted that there was a free speech discussion at the April 2016 University Senate meeting, which was very educational. What came out of this discussion was a number of strong opinions. Professor Konstan said what he took away from that Senate discussion was that there was a conflict within the University community about the statement.

Since this statement was written, Professor Konstan said he regularly hears from people asking what the FCC plans to do with it because it only provisionally approved it pending consideration by other groups/people. Additionally, more recently, student senators have requested the University draft clear guidelines around free speech. With this as background, what should the FCC do about this issue and with this statement. In his opinion, because the University community values free speech and is committed to being a civil, welcoming, and open community, it will continue to wrestle with how these values come together. Hopefully, at some point, the community will be able to articulate in a statement how it will handle situations when these two values come in conflict with each other. He then welcomed members' thoughts on this issue.

Professor Grier-Reed said her initial reaction to the statement was that it seemed very one-sided. The document focused on the First Amendment, but failed to mention the Fourteenth Amendment, which has an equal protection clause. Diversity is not just a value, but about protected classes of people. Therefore, how can these two Amendments be brought into conversation with each other?

Professor Breen commented that it is inevitable that any document that tries to layout the University's position on its values and what it believes in will yield a particular understanding/concept of what it means to be democratic. Undoubtedly, such a document will favor some approaches to democratic theory and disfavor others. What it means to be democratic is a core debate that has been taking place for a very long time. Drafting a document that will satisfy everyone, will likely be impossible. That said, the alternative is to either 1) do nothing, or 2) do something that the FCC recognizes from the outset that will be inherently limited, and, as a result, will likely perpetuate the conflict. Professor Breen said while she does not want to move forward with something that the committee actually thinks will have some sort of resolution because it won't, she also does not like the alternative of doing nothing. Therefore, as the committee moves ahead with this discussion, members need to realize that whatever it decides to draft will by definition exclude some understandings of democracy and favor others. If the committee accepts this, she believes the discussion would be valuable.

In Professor Grier-Reed's opinion, laws in this society have not always extended to or been applied equally to protecting everyone. As society becomes more inclusive and people are more protected, there will likely be more debate. She reiterated her earlier comment about the need to have a conversation that will bring the First Amendment and the Fourteenth Amendment into conversation with each other.

Professor Pittenger agreed that the FCC should do something because this is an unaddressed, important issue on campus. Free speech may need to be an ongoing discussion that may never actually be resolved. Professor Grier-Reed rhetorically asked why there is a Fourteenth Amendment and why do people legally need to be protected. In thinking about this, it raises the issue of diversity to the same level as the First Amendment. In her opinion, while the First Amendment is given constitutional credence, the Fourteenth Amendment is simply viewed as being politically correct/nice. Professor Konstan added to the discussion and reminded members

that individuals in the University community have far greater autonomy and power than should be yielded to the institution as a whole.

Professor French agreed that having more discussions and forums about this issue would be beneficial so people can learn from these conversations. She said she would like there to be a venue where people are required to listen to views that are different from their own. As an institution of higher education, there should be a format to facilitate the exchange of ideas in a respectful way.

Professor Grier-Reed proposed drafting another document that brings the First and Fourteenth Amendments in conversation with each other. Professor Konstan asked members for their thoughts on next steps. He added that the point of pursuing this issue, which he thinks will be a multi-year issue, is not necessarily that there will be a statement in the end, but a process for getting a majority of the community to agree to basic principles. Professor Grier-Reed agreed that this issue is less about an educated answer and more about the process of engaging in a productive conversation about the issue.

Professor Konstan then asked for two or three volunteers who would be willing to work together to craft a document that addresses the points raised in today's discussion. He said if he does not get any volunteers that he will reach out to those who were active in today's discussion.

5. Discussion with Provost Hanson: Professor Konstan welcomed Provost Hanson and asked her to share what is on her mind and what is on her agenda. Provost Hanson began by providing a brief update on child care. She noted that while progress has been made related to this matter, there is still a long way to go.

Professor Flaherty Manchester thanked Provost Hanson for spearheading the child care effort, and asked her how she envisions this work continuing after she steps down at the end of the year. Provost Hanson said there have been a number of University offices involved in this initiative, and there will be continuity in these offices. She added that she does not believe her stepping down at the end of the year will have impact on this effort whatsoever. Given the [Provost's Child Care Advisory Committee report](#) is complete and public, and the fact the administration has made a commitment to this initiative, it will move forward. While this is a Twin Cities campus effort, going forward it will be important to think about this issue from a system campus perspective; clearly, the other campuses also have pressing issues related to child care.

Where will responsibility for the child care program as a whole reside within the University, asked Professor Konstan? Additionally, he asked about the recent announcement that talked about linking the current Child Development Center (CDC) to the Institute on Child Development and what was meant by that announcement. Will the College of Education and Human Development (CEHD) continue oversight of the CDC? Provost Hanson explained that the CDC has always operated fairly independently from CEHD although it has been in CEHD's budget line. The ultimate responsibility for child care eventually, said Provost Hanson, will likely reside with faculty, staff, student affairs and the Office of Human Resources. Professor

Konstan said wherever it ultimately resides, all child care and development options need to flow through a single office so that office can determine if the right balance of services exist.

Moving on, Provost Hanson mentioned the St. Paul Strategic Facilities Plan that recently was brought to the Board of Regents. While there has been some disquiet about certain aspects of the plan, there is broad agreement on other aspects. The plan that has been drawn up so far is giving public access, preserving green space, maintaining field operations, etc. prime consideration. There are, however, a number of issues around how best to serve students, e.g., student housing, student social life, that need much more discussion.

Professor Grier-Reed asked about the timeline for the St. Paul Strategic Facilities Plan. Provost Hanson said in some sense there have already been changes and cited the example of the Bell Museum of Natural History & Planetarium. She added, however, that there are a lot of buildings on the St. Paul campus that need attention and so this will be a long process.

How well is the administration doing in terms of letting faculty, staff and students on the St. Paul campus know about the plan and soliciting their input, asked Professor Konstan? Based on what he has heard from others and the reactions of FCC members housed on the St. Paul campus, this has not been widely communicated. He stressed the importance of communicating early and often. Provost Hanson acknowledged Professor Konstan's suggestion and agreed with him. Professor Gigler, chair, Senate Committee on Finance & Planning (SCFP), noted that Vice President for University Services Mike Berthelsen shared with SCFP that the current plan is nowhere near completion and is only in its early stages.

Next, Provost Hanson mentioned the health sciences restructuring that is underway. Professor St. Peter, chair, AHC FCC, reported that the AHC FCC will be sending a letter to President Kaler, Provost Hanson, the health science deans, and Vice President Tolar with their concerns and possible solutions as it relates to the restructuring of the health sciences. For example, the AHC FCC reached out to the directors of the various health science centers and institutes and learned that while some centers/institutes were consulted about the structure changes, others were not. Additionally, she noted that the AHC FCC has uncovered a number of instances where the structure does not fit the functions necessary to pull together didactic professional education and clinical education. The AHC FCC letter will outline some of the structural issues and provide possible solutions. Provost Hanson added that when she met with the AHC FCC earlier this week, one of the things they discussed was the need to facilitate and ensure cross school collaborations. Some of the other challenging issues that still need to be dealt with are the intertwining of the educational and clinical components as well as the issue of degree-granting programs and how to align them appropriately because they are not in a school. Provost Hanson agreed that there are a number of health science programs that do not have a "normal" academic structure supporting them.

Lastly, Provost Hanson mentioned free speech and the proposed gender identity/preferred pronoun policy and said she has spoken with Professor Konstan about co-hosting campus conversations on this topic. The goal, said Provost Hanson, will be to foster an inclusive campus, while simultaneously honoring free speech. Regarding preferred pronouns, Professor Konstan

mentioned a recent article in Inside Higher Education, [*The Problem With Pronouns*](#). The article argues against people introducing themselves by pronoun because doing so can actually hurt the people it is intended to help either because they have not decided what pronoun to use or because they feel pressured to lie or ‘out’ themselves before they are ready. Provost Hanson commented that norms cannot always be created by stipulating principles. This is an issue that needs deep reflection and further conversations.

Professor Konstan thanked Provost Hanson for a good conversation.

6. Adjournment: Hearing no further business, Professor Konstan adjourned the meeting, and reminded FCC members who are also SCC members that the SCC meeting will start at 3:05 p.m.

Renee Dempsey
University Senate Office