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**Academic Freedom and Tenure Committee  
Friday, December 9, 2005  
9:00 – 10:30  
238 Morrill Hall**

Present: William Durfee (chair), Tracey Anderson, Tom Clayton, Nancy Ehlke, John Mowitt, G. Edward Schuh, Ronald Siegel, Jennifer Westendorf

Absent: Arlene Carney, Carol Carrier, Jianyi Zhang

Guests: none

**Senate Judicial Committee Chair**

The Committee voted unanimously to approve adding the Senate Judicial Committee chair as an ex officio member of the Committee. An amendment to the Senate Rules will be forwarded to the Senate. In the meantime, Professor Farr will be added informally as a member of the Committee.

**Academic Freedom**

The Committee discussed academic freedom, following up on its discussion at the November meeting. Professor Durfee provided a list of possible actions the Committee could take with respect to academic freedom, drawing on the comments at the previous meeting.

The Committee agreed it wished to send an all-faculty email about academic freedom to communicate about things that are happening around the country, things that the Committee is examining. The message would be informational, to increase awareness of issues, not something in "battle mode," and would assure the faculty there is no issue at hand at the University of Minnesota. One event of considerable concern is the lawsuit against Oregon; the University of Oregon declined to defend a faculty member who was threatened with a lawsuit because of an article she had proposed to publish (the article can be found at <http://insidehighered.com/news/2005/11/30/liability>), even though there was no question about the quality of the article.

The Committee reviewed the existing language of the Regents' Policy on Academic Freedom and Responsibility (which is also incorporated in the tenure code). One question was whether the word "relevant" could be a source of trouble and requires further interpretation; should the Committee develop alternative language that might anticipate the quarreling that can go on in lawsuits? [The policy reads as follows:

The Board of Regents (Board) of the University of Minnesota (University) reaffirms the principles of academic freedom and responsibility. These are rooted in the belief that the mind is ennobled by the pursuit of understanding and the search for truth, and the state well served when instruction is available to all at an institution dedicated to the advancement of learning. These principles are also refreshed by the recollection that there is *commune vinculum omnibus artibus*, a common bond through all the arts.

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\* 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 represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

Academic freedom is the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write as a public citizen without institutional discipline or restraint. Academic responsibility implies the faithful performance of academic duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that the individual is not speaking for the institution in matters of public interest.

It was agreed the Committee would invite a representative of the General Counsel's office to talk about the language of the policy and whether or not it should be rewritten. One point of view was that there needs to be another way to articulate academic freedom because Mr. Horowitz and his "Academic Bill of Rights" have borrowed the language of academic freedom in order to gut it. It may be more difficult in humanities classes to keep things out of the discussion, and things slip into the classroom that Mr. Horowitz wants kept out. Another point of view was that this is a statement of principle and that there is an advantage to keeping "relevant" ambiguous because there are not elections in each classroom about what is relevant; relevance must be decided in each case. The question is whether by trying to define "relevant," one begins to constrain discussion in humanities classes as well as classes in other disciplines. Another possibility was to refer to the authority of the disciplines, their ability to insist on standards, and the responsibility of faculty to respect the disciplinary understandings. (Another suggestion was to change "discuss" to "address.")

It was agreed that Professor Farr should be asked as a subcommittee of one to draft a clarification of procedure and process for faculty who believe their academic freedom has been violated. A similar statement is needed for students, but the Committee was uncertain whether the Regents' policy, and the purview of this Committee, extended to students. It was agreed that the Regents' office would be asked about the intent of the Regents' policy, and that at some appropriate time student leadership should be invited to join the discussions about academic freedom as it applies to students. Students should be informed of their rights, one Committee member said, because, like faculty, many do not know their rights. Students should be asked to look at the Regents' policy language, it was agreed.

There was brief discussion of the need for students to be able to find out their rights and responsibilities in the classroom. It could be that students feel one way but do not write a paper expressing those views because they worry about their grade. This, said one Committee member, "opens a can of worms." How can students be assured they did not receive a bad grade on a paper because they took a contrary view? This speaks to the authority of the instructor: students must be assured they can take a contrary view, but if they do not do the appropriate research and defend their position well, they will not receive a good grade, as would equally be the case if they did not take a contrary view.

Professor Schuh said that providing materials for an intelligent discussion of academic freedom at the proposed 3-day orientation for new faculty is important. It was suggested that perhaps Vice Provost Carney could take a hand at drafting something for the Committee to review.

The Committee agreed it would not serve any useful purpose to survey the faculty about their understanding of academic freedom. Instead, comments would be invited when an all-faculty email is distributed.

Professor Durfee adjourned the meeting at 10:15.

-- Gary Engstrand

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