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**Tenure Committee  
Monday, April 18, 2005  
1:30 - 3:00  
300 Morrill Hall**

Present: F. R. P. Akehurst (chair), Tracey Anderson, Tom Clayton, William Durfee, Jennifer Westendorf

Absent: Dale Carpenter, Carol Carrier, Nancy Ehlke, Carston Wagner

Guests: Professor Raymond Duvall (chair, Task Force on Academic Freedom)

[In these minutes: (1) report from the academic freedom task force; (2) change in committee responsibilities/change in the bylaw; (3) new members]

**1. Report from the Academic Freedom Task Force**

Professor Akehurst convened the meeting at 1:35 and welcomed Professor Raymond Duvall, chair of the task force on academic freedom, to the meeting.

-- To his knowledge, nothing has (yet) come of the suggestions made in the task force report. But the report will likely have some legs. The Board of Regents endorsed it enthusiastically in 2004, as did the Faculty Consultative Committee. He has met three times with Provost Sullivan about the report and brought to his attention the Ford Foundation grants that are being made for academic freedom. The Provost indicated the University would seek one of the grants and also said his office would commit funds to carry out some of the recommendations of the task force. Professor Duvall said that members of the task force enthusiastically expressed willingness to assist Provost Sullivan's office in determining what the foundation funds would be sought for.

-- The task force met its commission and does not assume it will exist in perpetuity, Professor Duvall said. While they do want to do what they can to help carry out the recommendations, it is important that responsibility be located in an enduring institutional location.

-- Professor Akehurst reported he had suggested to the Faculty Consultative Committee that this Committee expand its charge to include academic freedom. There has not been a lot of tenure business in recent years, which is fine, so this Committee could take on academic freedom. The Tenure Committee is charged to safeguard the tenure code, rewrite parts of the code if needed, and to guard the regulations that are in place. There are not often calls for changes in the code, but the Committee does not view the code as written in stone; if the faculty believe something would be desirable, this Committee would not stand in the way.

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-- Tenure and academic freedom are inextricably mixed, Professor Akehurst said, and academic freedom goes well beyond tenured faculty. No one else is looking after academic freedom at the University after the task force completed its work, but at the same time one sees items in the news several times a week that bear on academic freedom. Professor Duvall agreed that the University should look at events as they are occurring and not wait for a crisis. The task force report articulated changes in the University that are potential challenges to academic freedom, challenges that are more subtle but that are looming on the horizon and which the University must prepare for. As the task force did its work, it realized that academic freedom is not only individual protection for faculty members but that there is also an institutional commitment and there needs also to be an institutional locus. The University should have in place a site that is prepared to deal with and responsible for how academic freedom and intellectual vibrancy plays out in decision-making and to be sure that the institution does not slip into forms of intellectual closure that can be caused by such things as disciplinary orthodoxy, corporate funding, and outside pressures (e.g., the "academic bill of rights" legislation). The University must have on the table how decisions will affect that most fundamental element of the institution, academic freedom.

-- The Committee discussed secrecy in research and how there can be a tension between the academic freedom of the individual and the academic freedom embraced by the institution (e.g., the refusal to accept classified research or research that carries publication restrictions on the results); Professor Duvall said that sometimes the affirmative academic freedom of the institution may come at the expense of the academic freedom of the individual faculty member (although, for example, no one now contests the restrictions on faculty who use human subjects in research, which restrictions could be said to restrain academic freedom). It is important to see the increasing complexity of relationships, Professor Duvall said, and having a mechanism to deal with them thoughtfully rather than on an ad-hoc basis.

-- If there is no existing committee looking at academic freedom, Professor Durfee said, and it is essential that there be some place in the University that considers academic freedom issues, this one should.

-- Professor Akehurst commented that apropos academic freedom and tenure, they contain one another rather than exist in parallel. Academic freedom is the more fundamental principle, Professor Duvall said, and tenure is necessary for it, so they are linked together. Without academic freedom the University is just another commercialized knowledge production site and it moves away from the goals of liberal education. Tenure exists to protect academic freedom, not to guarantee a livelihood for life, Professor Clayton said. But the question of academic freedom to do research one likes is sometimes misunderstood; a French professor is free to write articles about fishing—but they may not advance his or her career. People may not value what you do, Professor Clayton added, but you are free to do it. In some fields, heavily dependent on external funding, some may not be able to get funding for the research they want to do, but he does not see that as an infringement of academic freedom, Professor Akehurst said.

In a subtle way it can be, Professor Duvall said. Given increasing dependence for research funding on sources that want something profitable, there is pressure not to look at the whole array of research questions that people should consider. Moreover, post-tenure review, where authority is potentially centralized, can lead to demands that part of a faculty member's role is to obtain external research funds or that faculty do research that is fundable. When the funding profiles change, that could have noxious effects on academic freedom. The task force calls for the University to be aware of these issues; the Committee should be aware of them. Should the University be responsible for providing funds for scholars who made their reputation on the basis of tenurable work but whose work is now not of

interest to funding agencies? This is not unrelated to academic freedom. His fear for the modern American university is that with the intensification of knowledge production, there can be a subtle but very real narrowing of the range of research questions that the faculty can address. Economics and ideology are constraints, Professor Clayton agreed. Professor Westendorf observed that the University does have a mechanism to make available small amounts of money if a faculty member wishes to change directions in research or is between external funding sources.

Professor Duvall noted explicitly that he is NOT making doomsday statements about the University of Minnesota, which has many important strengths in academic freedom. The task force report says the University must remain vigilant and there needs to be broad consideration of issues in order that the institution does not become what it does not want to be. This is especially important in the context of aspiring to be among the top three public research universities in the world, a goal that has a potential effect on the funding bases for the University. If the faculty do not think these issues through, there are potential problems. It is not just a matter of hiring more Nobel laureates or increasing the University's performance on the factors that affect ranking.

-- There are parts of the University that seem to be under-educated about these matters, Professor Akehurst observed. If the Committee could develop a statement on academic freedom for the Senate, that could have some educational value.

-- There are major changes proposed in the strategic planning documents, Professor Durfee observed, such as closing units and reconfiguring others. It is possible that some individuals or groups will make a case against the changes on the basis of the report of the task force on academic freedom. Has that happened? If this Committee takes on academic freedom, it could have issues before it very quickly. Professor Duvall said that Professor Hampl (who served on both the academic freedom and the strategic planning task forces) reported she tried to steer the strategic planning discussions toward academic freedom; he said he believes that Provost Sullivan sees them as connected. Academic freedom is not reflected in the documents but what has been issued thus far presents only the broadest contours; there will be about 15 task forces to figure out the repositioning of the University. The process has only begun and will now move along at a good clip; it will be important to build on considerations of tenure and academic freedom.

Professor Akehurst thanked Professor Duvall for joining the meeting.

## **2. Revision of Committee Bylaw**

Committee members reviewed the bylaw creating and charging the Committee and agreed to modifications to it in light of the earlier conversation and the endorsement by the Faculty Consultative Committee when Professor Akehurst spoke to it about expanding the Committee's charge.

The Committee agreed on the following bylaw proposal for the Senate: (new language is underlined; language to be deleted is ~~struck out~~):

### **ACADEMIC FREEDOM AND TENURE COMMITTEE**

The Academic Freedom and Tenure Committee is responsible for all matters of policy related to academic freedom and faculty tenure, ~~and including~~ the Regents' policy, "Faculty Tenure." The

Academic Freedom and Tenure Committee reports to the Faculty Senate and does not deal with individual disputes.

### **Membership**

The Academic Freedom and Tenure Committee shall consist of no fewer than 7 members of the faculty, of whom at least 5 must be tenured and at least one must come from a campus other than the Twin Cities. Committee members shall be nominated by the Committee on Committees and appointed with the approval of the Senate.

### **Duties and Responsibilities**

- a. review periodically the University's policies on academic freedom, its underlying principles, and the tenure regulations.
- b. review periodically the tenure-and-promotion system for faculty appointments, and any related policies, and make recommendations to the Faculty Senate and to the appropriate senior academic administrators.
- c. review proposals from any source for amendment of the Regents Policy on Faculty Tenure and report its views to the Faculty Senate within the time limits provided by the Regents' Policy.
- d. review annually the use of contract and non-faculty instructional appointments in all departments and colleges, and make recommendations to the Faculty Senate and the appropriate senior academic administrators.
- e. provide Interpretations of the tenure policies in accordance with the Regents' Policy.
- ~~g.~~ f. monitor the post-tenure review process.
- ~~g.~~ review and monitor issues of academic freedom arising in, pertinent to, or affecting the University of Minnesota.
- ~~h.~~ promote understanding of the concepts and exercise of academic freedom across the University.
- ~~f.~~ i. advise senior academic administrators concerning issues of academic freedom, and of academic tenure and rank.
- ~~j.~~ make recommendations it deems appropriate to the Faculty Consultative Committee or other committees of the Faculty Senate.

### **3. New Members**

Professor Akehurst welcomed Professor Anderson to the Committee, and welcomed Professor Durfee as the incoming chair.

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He adjourned the meeting at 2:50.

-- Gary Engstrand

University of Minnesota