
The University Senate

FACULTY • STUDENT • P&A • CIVIL SERVICE

2024-25 UNIVERSITY OF MINNESOTA

Faculty Senate Minutes: No. 1

Thursday, September 26, 2024

4:00 - 5:30

The first meeting of the Faculty Senate for 2024-25 was convened on September 26, 2024, online via Zoom. The recording has been posted to [YouTube](#). At the time of this meeting, there were 140 voting members of the Faculty Senate. 109 were present.

1. Faculty Senate Call to Order

President Rebecca Cunningham

President Rebecca Cunningham called the meeting to order at 4:00 p.m.

2. Administrative Responses to Senate Actions (*Information for the Faculty Senate*)

- [Resolution on the Use of Police Force Against Student Protestors](#) (passed May 6, 2024)
 - [Administrative Response](#)

3. Approval of Minutes (*Action by the Faculty Senate*)

Professor Ned Patterson, clerk, Faculty Senate

Motion: To approve the minutes from the Faculty Senate meetings on May 6, 2024 and June 26, 2024.

Approved.

4. Faculty Consultative Committee Report

Professor Jennifer Goodnough, chair, Faculty Consultative Committee

Professor Jennifer Goodnough, chair, Faculty Consultative Committee (FCC), provided an overview of past, present, and future items relevant to her role:

- Following the Faculty Senate's vote of no confidence in Interim President Jeff Ettinger and Executive Vice President and Provost Rachel Croson, FCC leadership met with President Cunningham to discuss the implications. Cunningham shared her plans for addressing issues of academic freedom and administrative hiring.
- Last spring, the U.S. Department of Education issued new Title IX regulations with a required implementation date of August 1, 2024. The FCC approved [changes](#) to Board of Regents Policy: *Faculty Tenure* on behalf of the Faculty Senate, due to the minor nature

of the changes and time constraints. She emphasized that the only change to *Faculty Tenure* was to update the name of the administrative policy referenced in section 10.4, from *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence* to *Sexual Harassment, Sexual Assault, and Other Forms of Sex Discrimination*.

- At its August retreat, the FCC discussed strategic planning, academic freedom, workforce issues, and met with President Cunningham to review her goals for the academic year.
- The FCC is involved in discussions on how to manage protests while balancing free expression and campus safety. Recent meetings with Provost Croson focused on developing protocols for upcoming protests.
- The FCC welcomed its new faculty legislative liaison, Professor Mark Bee, and anticipates future updates on legislative engagement.
- The FCC will address an endorsement of the Academic Freedom and Tenure Committee (AF&T)'s report and updates from the President's Task Force on Institutional Speech. The FCC plans to engage in discussions and voting on potential policies by December 2024.
- December will also include updates on the core curriculum, with discussions and voting planned for early 2025.

5. Questions to the FCC Chair

Professor Jennifer Goodnough, chair, Faculty Consultative Committee

Goodnough responded as follows to questions from the floor:

- Marie Culhane, faculty senator from the College of Veterinary Medicine, asked whether it is appropriate for the provost and president to create separate task forces that duplicate the work of existing senate committees. Goodnough responded by noting that AF&T's charge does not include policy development, which is within the purview of the newly established task forces. She emphasized that these task forces are presidential initiatives, implying that they are under the jurisdiction of the president and not the Faculty Senate.
- Kat Hayes, faculty senator from the College of Liberal Arts (CLA), inquired about the FCC's discussions over the summer regarding the vote of no confidence in Ettinger and Croson, to which Goodnough replied that the FCC's discussions with President Cunningham involved sharing context and information regarding the vote.
- Stacy Maher, chair of the Civil Service Consultative Committee, expressed concerns about unprofessional behavior by some faculty toward staff, and highlighted the importance of a framework for positive workplace culture. She asked how the FCC might collaborate on this initiative. Goodnough admitted her lack of knowledge about previous efforts but offered to discuss the issue further to better understand how the FCC could support it.
- Culhane followed up on her earlier question, asking for Professor Eric Van Wyk, AF&T chair, to be allowed to speak regarding AF&T's involvement in the President's Task Force on Institutional Speech. Cunningham noted that Van Wyk would be presenting momentarily and could speak to those questions at that time.

Hearing no further questions for Goodnough, Cunningham moved on to the next agenda item.

6. AF&T Unit Statement Recommendations (*Discussion and Action by the Faculty Senate*)

Professor Eric Van Wyk, chair, Academic Freedom & Tenure Committee

Professor Eric Van Wyk, chair, Academic Freedom & Tenure Committee (AF&T), provided a [detailed overview](#) of the committee's report on [Academic Freedom and Unit Statements Report and Policy Recommendations on Academic Units Issuing Statements on Matters of Public Concern](#).

Background and Process

- AF&T was tasked with investigating the relationship between academic freedom and the issuance of unit statements on public issues. Van Wyk highlighted the diverse composition of the committee, which included tenure-track faculty, librarians, students, and postdoctoral researchers. The committee aimed to address how unit statements fit into the broader framework of academic freedom and institutional responsibilities.
- The committee's work was informed by Board of Regents Policy: *Academic Freedom and Responsibility*. This policy asserts that academic freedom allows individuals to conduct their work without institutional restrictions, while also stressing the accompanying responsibility to use that freedom judiciously.
- The report includes an analysis of the legitimacy of unit statements regarding matters of public concern. The committee found that there should not be a ban on these statements, as a ban would be an overly simplistic approach to address the complex issues that arise. They recognized the importance of allowing units to express their positions on relevant topics.
- A central question addressed was whether University units possess academic freedom, especially concerning the creation of unit statements. The committee concluded affirmatively on both counts: units do have a practical sense of academic freedom, allowing them autonomy in their missions, including research direction, curriculum development, and hiring practices.
- Within the committee, there was some dissent regarding the nature of units' academic freedom. Some members viewed units as "conglomerate collectives," with a distinct identity preserved over time, while others saw them as "aggregate collectives," where group rights stem from individual members' rights. Despite these differing views, the majority supported the idea that units have academic freedom.
- The committee affirmed that if units possess academic freedom, it logically extends to writing statements on public concerns. They referenced the University's mission, which promotes engagement with the community, suggesting that there is no clear justification for excluding unit statements from this framework. However, the dissenting view within the committee regarded unit statements as separate from scholarly work, indicating a division in how members perceive the relationship between academic freedom and public engagement.

Policy Recommendations

The committee proposed several recommendations for policy development, emphasizing that units should retain the right to issue statements on public matters. This stance is aligned with the

belief that academic freedom should encompass not only scholarly and teaching activities but also engagement with public issues. Key recommendations include:

- A ban on such statements is too blunt; however, notions of responsibility still apply.
- Using disclaimers on unit statements is considered appropriate.
- It is important that statements are written with respect for differing views.
- Statements should stem from scholarly perspectives.
- Units should establish clear processes for creating statements and decide whether to engage in such writing.
- There should be clear procedures for disseminating unit statements while respecting individual and unit freedoms.
- Conflicts between individual opinions and unit statements are inevitable; navigation strategies are necessary.
- Recommendations emphasize clear representation of who the statement speaks for and the importance of not requiring signatures to avoid compelled speech.
- Units should manage their own websites and have the autonomy to decide how to present statements.
- Ownership of University resources does not diminish academic freedom.
- Branding policies should not supersede academic freedom concerns.
- The university should not impose institutional neutrality on faculty.
- Good practices should be suggested but not enforced through policy.
- Academic freedom should not be used as a justification for problematic statements.
- The Faculty Senate may be the least bad option for evaluating controversial statements, although this is not a universally accepted view.

The following points were made and questions raised during discussion:

- Ruth Shaw, faculty senator from the College of Biological Sciences (CBS), expressed strong support for the report. She raised the report as an excellent piece of work that ties academic freedom to the University's mission. She noted that the report clearly explains the concept of academic freedom for units beyond individual faculty and emphasizes that a blanket ban on unit statements would violate academic freedom and undermine the University's mission. She also noted that the report makes important recommendations to protect minority viewpoints and untenured employees when public statements are made. Shaw said that the report deserves full support for providing a clear basis for unit academic freedom and guidance on its application.
- Elisia Cohen, faculty senator from CLA, said that she was pleased with the report's approach to preserving academic freedom with minimal restrictions. She asked if the report considered requiring or recommending that units publish minority opinions alongside unanimous statements. She also inquired about the recommendation for publishing procedures related to unit statements for public clarity. Van Wyk confirmed that University policy does not require signatures, leaving it to the discretion of individual units. He acknowledged the importance of publishing unit procedures, but said that it fell outside the report's timeline. He said that the committee did not specifically discuss the idea of publishing minority opinions—units have the discretion to decide whether to post minority opinions alongside majority statements. He added that there are apprehensions about opening unit websites as public forums for debate, which could

complicate the communication of a unified message, and emphasized that if a unit votes, the policy or statement reflects the majority opinion, ideally representing a strong consensus.

- David Morse, faculty senator from the College of Science and Engineering (CSE), expressed general agreement with the report's findings, but disagreed on some aspects regarding unit and institutional neutrality, preferring that neutrality be the default unless action is required. He suggested two criteria for issuing opinions on public matters: Near unanimity among unit members to avoid significant disagreement, and that statements should be based on scholarly expertise. He also disagreed with the report's dismissal of signed letters, seeing them as a legitimate way for individuals to express opinions without coercion. Finally, Morse raised a concern about using a simple majority for statements, suggesting the consideration of a supermajority instead.
- Eric Schwartz, faculty senator from the Humphrey School of Public Affairs, asked for clarification on the definition of "units" as used in the report; the implication regarding administrative access to websites for statements; and whether both majority and minority opinions would have access to websites if there was a 60% to 40% split in opinions.
- Tim Beebe, faculty senator from the School of Public Health, asked if the group discussed the motivations behind unit-level statements and how they align with the unit's vision or mission.
- In response to several preceding comments, Van Wyk clarified that the committee did not discuss the relevance of motivations or intended purposes in detail and emphasized that decisions about issuing statements are left to the autonomy of the units. He suggested that units consider having a clear process and criteria for issuing statements, recommending that units might choose not to issue statements with a narrow vote margin (e.g., 60-40).

In the interest of time, the body proceeded to a vote on the motion on the floor.

Motion: To endorse the AF&T Unit Statement Report.

Approved (60 ayes, 16 nays).

7. President's Task Force on Institutional Speech

Professor Phil Buhlmann, chair, President's Task Force on Institutional Speech

Professor Phil Buhlmann, chair, President's Task Force on Institutional Speech, provided the following updates to senators on the task force's work so far. He expressed relief that a majority of senators endorsed the AF&T report, which eases the task force's job. Buhlmann reassured senators that the task force's forthcoming policy will closely resemble AF&T's recommendations and explained that while there may be differences, the general essence will remain similar.

Buhlmann enumerated key areas of agreement:

- Academic units should be allowed to make public statements on matters of concern.
- Statements must be crafted carefully to avoid harm, emphasizing the importance of academic freedom and expression.
- Academic units are encouraged to develop their own policies for public statements before issuing them.

- A requirement for signatures on statements is not necessary.
- Statements should indicate whose viewpoints it represents.

He then spoke to the task force's composition and scope, as well as challenges it faces and its process:

- The task force is composed mainly of faculty members with governance experience, alongside staff and student representatives. It includes a diverse range of disciplines and perspectives.
- The task force's charge is broader than the AF&T report, focusing on institutional speech across the entire University.
- **Challenges faced** include time constraints, as the task force aims to have a policy ready by the legislative session in January; as well as the need to define what constitutes an academic unit, considering diverse University settings such as museums and libraries.
- Extensive consultations with students from various organizations and professionals from the University of Minnesota healthcare to gather input on concerns related to statements made by the University.

Buhlmann emphasized the importance of inclusivity in policy considerations and expressed a commitment to addressing concerns raised by diverse stakeholders.

8. Faculty Senate Old Business

None.

9. Faculty Senate New Business

None.

10. Faculty Senate Adjournment

Cunningham adjourned the meeting at 4:50 p.m.

Amber Bathke

University Senate Office