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# The University Senate

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## UNIVERSITY OF MINNESOTA

### Academic Freedom and Tenure Committee (AF&T) February 23, 2024 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: Welcome; Discussion on Administrative Policy: *Indigenous Research*; Discussion on the Resolution on Unit Statements and Next Steps; Discussion on Post Tenure Review and Possible Recommendations]

**PRESENT:** Eric Van Wyk (chair), Carolyn Bishoff, Upendra Chalise, Sumanth Gopinath, Ole Gram, Rachel Johnson, Margaret Kelly, Ron Krebs, Chase Krug, Rebecca Krug, Danya Leebaw, Beth Lewis, Kelsey Metzger, Madeline Rowe, Clifford Steer, Christophe Wall-Romana, George Weiblen

**REGRETS:** Bruno Chaouat, Michael Kyba

**GUESTS:** Karen Diver, Senior Advisor to the President for Native American Affairs.

**OTHERS ATTENDING:** Nora Livesay, Brianna Menning

#### 1. Welcome

Eric Van Wyk, chair, welcomed members and began the meeting.

#### 2. Discussion on Administrative Policy: *Indigenous Research*

Karen Diver, Senior Advisor to the President for Native American Affairs, provided the draft Administrative Policy: [Indigenous Research](#) to committee members for review prior to the meeting. Materials were also provided by committee member, Chase Krug, in [this document](#).

Diver shared a bit about her position at the University and the work she is engaged in. She said the reason for the development of this new policy is to establish research relationships between the University's researchers and native tribes. Diver developed the [Indigenous Research Guidelines](#) to help researchers prepare for community-engaged research and understand how tribes might look at requests for research. She said the intention was also to provide support to researchers to learn good practices for successful community engagement. She shared practices to consider to build strong relationships when engaging in research with tribes:

- Learn about and respect the rights of indigenous folks

- Respect tribal sovereignty
- Ask permission
- Is the researcher publishing without the knowledge of the tribe? Tribes have the right to their own narratives.
- Build relationships, do no harm, expand your worldview of community-engaged research

Diver noted that The Truth Report is not cited in the proposed administrative policy; it was an exercise for the benefit of the tribes to tell their own version of their relationship with the University of Minnesota.

Diver said that training is available through the University's training hub for people just beginning to develop tribal relationships, where researchers can learn foundational knowledge about tribal governments, the scope of their authority, their worldview, and their version of their history with the University of Minnesota.

Diver then invited questions and feedback from committee members and guests. Nora Livesay asked what would fall under these guidelines besides land, tangible resources, individuals, and communities. She noted she did not hear mention of cultural objects, cultural heritage, language, and cultural practices. Diver said she considers those things to be covered under the broad category of cultural patrimony. Livesay recommended that more such examples be included in the policy. Diver said over the next couple years, continuing consultation will be taking place as the University considers the [Native American Graves Protection and Repatriation Act](#).

Committee members had a robust discussion with Diver regarding the words must and shall in the draft policy, and asked for more clarification. Diver said she does not find the language inconsistent; there are things a researcher *must* do (such as obtain tribal consent) and there are things *to consider* once tribal consent is obtained. For example, Diver said, researchers *should consider* what type of relationship/partnership they wish to preserve for themselves, their fellow researchers, and the institution as they engage with tribes. Tribal consents will cover many of the details being asked about today; the policy is intended to give guidance once researchers are engaged with tribes. The main point is, Diver said, if research is taking place on tribal lands, consent from the tribe is a must. If there is a question on the part of a researcher regarding the patrimony of the indigenous culture, language, spirituality, people, it is best practice to ask; ask the tribe, ask Diver, ask the tribal liaison within the college.

Diver also noted it is important that the proposed administrative policy provide guidance, not give an exhaustive list of what *not* to do. She noted that tribes will want to have discussions regarding 1) how they will be informed when research material is published and 2) their involvement in reviewing material to ensure it is being presented in a culturally competent manner, among other things.

Sumanth Gopinath asked for Diver's thoughts on occasions when secrecy surrounding research may be needed, or at least requested, and that may contravene what a tribal council would prefer. Diver said in some cases, tribes may wish to have access to the research but not make it public, so conversations *before* any research project begins is the best practice. Requiring tribal consent and data agreements is increasing under the Biden administration, Diver added. Obtaining tribal consent and being very clear about research objectives with the tribes a researcher wishes to work with could positively impact funding streams such as the National Institutes of Health

(NIH) and the National Science Foundation (NSF). Funding streams, regulatory streams, political streams are affected by the integrity with which research projects are undertaken, Divers said.

Hearing no further questions, Van Wyk thanked Divers and moved to the next agenda item.

### **3. Discussion on the Resolution on Unit Statements and Next Steps**

Van Wyk shared [this update](#) from the University of California system and [this article](#) on scholarly societies making statements to committee members prior to the meeting.

Van Wyk said that, if the committee agreed, he would like to call an executive session for agenda item #3. A motion to close the meeting was made, seconded, and voted on. Non-voting members of AF&T were asked to leave the meeting at this time.

The committee discussed its resolution on unit statements and drafting recommendations for what to include in proposed policy regarding academic freedom. Van Wyk said he hopes to have preliminary recommendations ready for discussion at the May 2024 AF&T meeting.

### **4. Discussion on Post Tenure Review and Possible Recommendations**

Van Wyk invited the committee to brainstorm ideas regarding what it would like to do following the work that was done to collect data in 7.12 statements. Suggestions included writing a document or statement that includes what has been learned through this process; what has gone wrong in some instances of Post Tenure Review (PTR); and what AF&T's recommendations are for implementing more consistent application of the PTR process.

Van Wyk said perhaps now is the time the committee can begin collecting ideas about what would make the process better. He noted that in past meetings the following ideas had been mentioned:

- Put in place a unit-level committee that would do a “sanity check” on when a Personal Improvement Plan (PIP) is recommended.
- Establish required information that must be given to people for whom a PIP is recommended, outlining what the process is, what their rights are, and what recommended best practices are.
- Recommendations for how departments implement these procedures, so the person involved is not surprised by the prospect of a plan being implemented. For example, 7.12 statements must have explicit language indicating the length of time a person's performance will be observed before the decision is made to implement (or not) a PIP.

Committee members asked about clarity on whether or not people undergoing these types of plans may request an advocate. Ole Gram said if a case is referred to a special peer review, it is typical that the person can request an advocate to work with them, as is stated in the Board of Regents Policy: *Faculty Tenure*. For PIPs which are integral to the annual review process, Gram said, it is not suggested that someone can have an advocate. However probationary faculty members may ask that someone attend meetings with them.

Ron Krebs noted that one group that the AF&T has not heard from yet is department chairs who are confronting underperforming colleagues. It would be valuable, Krebs said, to hear from both chairs who think the process is working well and chairs who think the process has not worked

well from their vantage point.

George Weiblen said he finds the data from the [7.12 worksheet](#) is valuable and recognizes a good deal of work has gone into it. Weiblen said he would put time into drafting a statement for the full committee to look at before the end of this year. Weiblen said he feels its very important to address the concern that people have about the potential for abuse of the process - really at the departmental level. The variance among the statements from department to department is troubling, he added. Weiblen said there are valuable ideas in some of the 7.12 statements that he feels are worth sharing.

After further discussion, committee members decided that moving forward with the information that has been provided thus far in the 7.12 worksheet would be valuable. Van Wyk invited committee members to review their calendars, look at Fridays for additional working times to finish up the work on the 7.12 statements, and to email him with their availability.

Hearing no further business, Van Wyk thanked committee members and guests and adjourned the meeting.

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University Senate Office