

Minutes\*

**Senate Consultative Committee  
Thursday, May 6, 1993  
1:30 - 3:00  
Room 238 Morrill Hall**

- Present: Mario Bognanno (chair), John Adams, David Dahlgren, Sonja Hoheisel, Paul Holm, Tom Lopez, Toni McNaron, Harvey Peterson, Irwin Rubenstein, Anne Sales, Tess Sheir, Denise Tolbert, James Tracy, James VanAlstine, Shirley Zimmerman
- Regrets: Lester Drewes, Judith Garrard, Robert Jones, Karen Seashore Louis
- Absent: Paul Carrier, Amos Deinard, Love Goel, Benjamin Liu, Dan Sinclair
- Guests: Marjorie Cowmeadow (Chair, Select Committee on Gay, Lesbian, and Bisexual Concerns), June Nobbe (Office of Student Affairs), Frank Wood (Chair, Senate Committee on Social Concerns)
- Others: Patricia Mullen (Director, Office of Equal Opportunity)

[In these minutes: domestic partner benefits for gays, lesbians, and bisexuals; other recommendations of the Select Committee on Gay, Lesbian, and Bisexual Concerns]

**1. Report from the Social Concerns Committee on the Report of the Select Committee**

Professor Bognanno convened the meeting at 1:30 and welcomed Professor Wood, Associate Dean Cowmeadow, and Ms. Nobbe to the meeting. He recalled that the recommendations of the Select Committee on Gay, Lesbian, and Bisexual Concerns were partitioned into groups and distributed to three Senate Committees: an educational proposal to SCEP, a benefits question to the Committee on Faculty Affairs, and three others to the Committee on Social Concerns. SCEP reviewed the proposal about an addition to the curriculum of courses, or a center, on gay and lesbian issues, and concluded that such a proposal should be in the hands of college curriculum committees, NOT the Senate and its committees and NOT the administration. The question of dependent benefits for gays and lesbians is being deliberated by the Committee on Faculty Affairs, in part later today. The other three issues are to be reported on today.

Professor Wood recalled for the Committee that the Select Committee was appointed by Warren Ibele at the request of President Hasselmo as a subcommittee of the Committee on Social Concerns. The interim report issued earlier this year was sought by the President due to concerns about harassment of gays and lesbians on campus and contained the five recommendations to which

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Professor Bognanno referred; the final report will be issued in the fall. The role of Senate committees is to comment on the recommendations, Professor Wood observed; implementation is an administrative matter, not something mandated by the Senate.

The three recommendations reviewed and supported by the Committee on Social Concerns were 1) the establishment of an office to deal with gay, lesbian, and bisexual concerns, 2) inclusion of gay, lesbian, bisexual, and transgender [hereinafter GLBT] concerns in training programs, and 3) revision of printed materials to reflect the diversity of the University community. There are more details to these proposals that have been presented to Vice President Hughes; they have been discussed within the Office of Student Affairs and will be part of the total budget package. Final decisions about them await Regents' action on the budget. All of these programs are high priority but are not now in the budget, so will require additional funding.

Dean Cowmeadow then explained the status of the other two recommendations. She said this proposal for fringe benefits for domestic (gay or lesbian) partners went to the Committee on Faculty Affairs (SCFA) in March for information and in April for action. She thought SCFA had endorsed the recommendation to provide benefits to domestic partners, but there are minor issues that have not been resolved. In terms of a GLBT studies center/program, after the SCEP recommendation she met with Associate Vice President Kvavik and has since had letters from the deans of CLA and Human Ecology expressing interest in the possibility of a center. At this point faculty who have taught and are conducting research in the GLBT experience are being identified. Meetings will be held Spring Quarter to get a sense of faculty interest in developing a center. A proposal is anticipated late fall of 1993 or early Winter Quarter 1994.

A concern, Dr. Cowmeadow told the Committee, is the timeline of the benefits issue. It was first presented as an issue to SCFA in January of 1991; it was the hope that the recommendation could be presented to the Board of Regents in June. If so, it must be acted on by the Senate at its May 20 meeting (the docket deadline for which was the day of meeting). Professor Bognanno noted, however, that the benefits measure was first presented to SCFA in March of 1993.

One Committee member said she could introduce a motion to the effect that since the SCFA meeting follows this one, and since SCFA unanimously accepted the recommendation earlier subject to the minor unresolved issues, that if SCFA is satisfied with the resolution of the issues at the end of their meeting today, the item will be placed on the docket of the Senate. This would mean that SCC would not obstruct the progress of the recommendation.

The recommendation, Dr. Cowmeadow said, is that domestic partners be treated the same way as married couples, using a similar form from Employee Benefits. It would include an affidavit that an individual has a domestic partner, but would only be for the use of the University.

Professor Bognanno reported that Professor Adams, chair of SCFA, had sent a letter to Associate General Counsel Barbara Shiels asking for a legal opinion on benefits coverage for domestic partners. The letter indicates that SCFA favors extension of benefits, subject to these conditions: the individuals must be homosexual in their basic orientation and must be in a relationship as close to marriage as possible. Questions that need answering are these: Can the University legally ask questions about the sexual orientation of an employee and his or her partner? Is there a joint

responsibility to the partner that has legal status equivalent to marriage (e.g., liability for debts, same claim to assets)? Given the urgency of the matter, the letter asked for a response by May 27.

One Committee member expressed amusement about the question of whether or not the University can inquire about sexual orientation--virtually every form one fills out for the University inquires about marital status.

Professor Bognanno said the answer was not clear; at one point, one member of the Select Committee thought the question was illegal. These are technical and complicated questions that need to be answered and the issue should not be moved through the governance system before they are.

Dr. Cowmeadow pointed out that the affidavit had been drafted by the General Counsel's office and they had signed off on it. The affidavit, she has been told, is a legal document, and if one falsifies information on it, one has committed perjury. It is unclear whether or not the question about sexual orientation will be legal under the Minnesota Human Rights Act as recently amended by the legislature to include gays and lesbians; the Associate General Counsel said it is not certain how the statute will read--but it may not be necessary to ask the question at all.

One concern expressed at SCFA was that same-sex roommates would sign up for fringe benefits, Dr. Cowmeadow told the Committee; the language of the recommendation specifically precludes the eligibility of roommates, and the affidavit is intended to forestall the abuse. The question of opposite-sex committed relationships outside of marriage was discussed, Dr. Cowmeadow said in response to a question. A decision was made not to extend benefits to opposite-sex domestic partners. There are faculty in such relationships who receive benefits, one Committee member pointed out; no one has asked if they are married. This is a questionable conclusion, another Committee member observed. Under University rules, Dr. Cowmeadow agreed, the individuals must be married.

Asked why the exclusion of blood relatives from the benefits question, Dr. Cowmeadow said the language of the recommendation parallels that for marriage in the State of Minnesota and covers only a PARTNER.

It was pointed out by Professor Bognanno that there were three issues before the Social Concerns Committee, none of which have been addressed yet at this meeting. This is the Steering Committee, it was pointed out, and SCFA is currently considering an issue, domestic partner benefits, that it was asked to consider. SCFA is raising questions, as it should, and there is a problem when one "hopscoches" over committees in advancing issues through the governance system. The issue of benefits should be permitted to go through the system, it was argued. SCC has neither received SCFA's recommendations nor the proposed affidavit. Questions about the three recommendations dealt with by the Social Concerns Committee should be addressed to the Committee guests. One question is whether or not they should be brought to the Senate.

One Committee member nonetheless expressed concern that the benefits question was not being dealt with by SCFA as it should have been. Professor Bognanno defended SCFA, noting that while the issue has been on the agenda of the Select Committee for some time, it is a new and difficult issue to SCFA. SCFA established a subcommittee to examine the issue, which it did, and supported the recommendation subject to conditions and the answer to questions now being explored. SCFA had a

heavy workload this spring, he pointed out, and has NOT been dragging its feet on the matter; it has acted responsibly and is proceeding in a deliberate way.

Discussion continued for some while about the wisdom and desirability of even discussing this issue, when it had not come out of SCFA, when SCFA's chair was not available for comment, and whether or not it should be placed conditionally on the Senate docket. The strongest objection to proceeding in that fashion was that SCC was voting in a vacuum, SCFA only meets every other week, and only received the Select Committee's recommendations in March, so could not have brought the issue forward. Those who favored acting noted that the issue has been in the governance system long enough and the residual issues should have been addressed before this meeting.

One Committee member, who agreed with those who objected to acting outside of normal procedure, said that there are questions that need to be answered and it is a mistake to act without a formal committee report and a lot of discussion. For example, one would want to hear why benefits should not be extended to unmarried heterosexual couples who might be committee but opposed the concept of marriage.

Another question that can be raised is about the recommendation to include sensitivity to GLBT concerns in training programs. The premise, presumably, is that if one has a training program, there are attitudes one wants people to adopt. It can be suggested that most people in the University community are heterosexual and believe that heterosexuality represents the fullest expression of human relationships--and that homosexuality is eccentric or abnormal. Is the purpose of the training program to recruit and promote? Is the purpose so that people tolerate eccentricity, or is it to persuade them that all these forms of human sexual expression are equally fulfilling? There is a fundamental difference between the two objectives. If the latter is the objective, the training program is intrusive and inappropriate--and this recommendation requires discussion. Is the purpose so people can live together in society or to reorient the values of the whole society?

There are two reasons for the training, Ms. Nobbe told the Committee. One is to educate the heterosexual community about the issues that exist on the campus for the homosexual community--what happens when there are hate crimes. The other thrust is that diversity is at the top of the University's agenda and wants to be sure that sexual orientation is included.

Professor Wood reported that the Committee on Social Concerns asked similar questions and read the materials from the Select Committee. This question about training, however, did not arise. In his view, the issue is appreciation of diversity and tolerance. He came from a very straight-laced background, and if he were to apply his own standards to everyone else on the campus, he could discriminate against a LOT of people. He and the Social Concerns Committee recognize that diversity must exist and that people must be trained so they are aware people have suffered severe harassment and discrimination.

Dr. Cowmeadow then responded that she does not view herself as abnormal or eccentric, that she was heterosexual for 28 years--that she lived the first 28 years of her life as an heterosexual. She did not wake up one morning and say "this country treats lesbians so well, I think I'll be one." It was a very long journey of discovery, she related, which was followed by another very long journey of self-acceptance. The purpose of training is not to change attitudes but to end discriminating behaviors.

According to the University's own non-discrimination policy one may not discriminate against someone because of their sexual orientation. The University's job is to educate the community to existing diversity. Training involves diverse sexual orientation issues, and employees need to understand that while most people are heterosexual, one cannot assume everyone in every class and office is. The point is education, that people should not make false assumptions or discriminate on the basis of sexual orientation.

The University has a policy that precludes discrimination on the basis of sexual orientation, which says there is a legal obligation not to discriminate in hiring, promotion, tenure, and salary decisions based on sexual preference but on performance and merit. That standard is the absolutely correct one, it was argued, and no one should have any problem with it. When one goes from the individual to the group, however, problems arise; so also do they when training and education programs are being considered. Is the purpose education of the University community on prohibited discrimination and evaluation of employees? Or is the purpose something else? Is the training in the legal sense or in the broader sense alluded to earlier?

There are two different elements, Ms. Nobbe explained. One is education of the broader community to increase awareness; the GLBT movement is recent, and doesn't have the same history as the Afro-American community--so much education is necessary. There DOES need to be training (e.g., police department response to hate crimes or harassment requires appropriate actions; they need very special training and expertise). The training is adapted to the audience. Training in Coffman Union, for example has the purpose of raising awareness (there is a GLBT student organization as a tenant), and in a public building, all staff must be sensitive so they don't offend people.

Asked what happens during the training, Professor Wood said it is only now being developed so he cannot respond now. How much of the effort, inquired one Committee member, will this be an attempt to tolerate versus promote what one group sees as acceptable behavior? It will have nothing to do with converting anyone, Ms. Nobbe said; it will have to do with teaching people that the terms they used as kids, for example, create a very negative image of GLBTs, and so they understand the hate that is inbred in the culture. It will be so people understand, not that they change.

The confusion, observed one Committee member, arises because of the way people use words, specifically "education" versus "training," which mean different things to different people. They are being used interchangeably here, and that confuses people about the goals. There needs to be a distinction between educating the community and training professionals about what they need to do.

The Committee discussed briefly, without reaching a conclusion, whether or not to send the three recommendations dealt with by the Social Concerns Committee to the Senate. Ms. Nobbe noted that they have already been forwarded to the President and Senior Vice Presidents for action; they took on a life of their own once the President requested the interim report from the Select Committee. This process has been convoluted, observed one Committee member--that the group was set up outside the governance system has not made dealing with its recommendations easy. Dr. Cowmeadow responded that Professor Ibele appointed the Select Committee as a subcommittee of the Social Concerns Committee in the fall of 1990 at the request of President Hasselmo.

It appears that these recommendations are already part of budgets, it was said, so they are a fait

accompli. Ms. Nobbe said that was not so; the President's office has referred them out to various offices for consideration of their feasibility and they will be considered in the budget cycle. It was his understanding, Professor Wood related, that the issues were referred to the governance system for discussion and comment, not action; the Social Concerns Committee does not see that there is anything for Senate action. Dr. Cowmeadow said it had been felt that the domestic partner benefits issue should clearly go to the Senate; it was less clear, with the other four recommendations, that Senate involvement would be necessary.

One Committee member said that with reports such as this, there is always a tendency to want to set up an office or center. Given the difficult budgetary times of the University, is there a need for a new piece of bureaucracy? Can the training and updating of materials be done within the existing machinery? Or is there a need for a new "head of" and new staff support for an office? What is needed, Professor Wood said, is an identifiable spot in the University where people can go; right now there is only a student office served partly by volunteers. There is nothing visible in the administrative structure of the University. What is important is visibility and support from the University.

The discussion has been helpful, said one Committee member, but it remains ambiguous whether the training will be implement University policy or to change attitudes alleged to be the basis of behavior. If training occurs out of the office also charged with advocacy, it seems likely the training could tilt toward the latter objective.

There is an urgency about this issue, maintained one Committee member; this is not theoretic. It involves human beings, some of whom have worked on the issue since before 1991. They made formal requests to the right people, without making end runs--and got the runaround. The system is VERY close to a recommendation on benefits for domestic partners: SCFA voted unanimously to bring it to SCC with a request that it be forwarded to the Senate. Because the SCFA chair has a problem with legal questions that could be settled in two hours (i.e., at the SCFA meeting immediately following this one), the issue could be delayed until December. This may not matter to some people, but it makes a tremendous difference to others.

It was moved that the Committee support putting the domestic partner benefits resolution on the Senate docket pending resolution of the legal issues by SCFA. On vote taken, SCC approved the motion 8 - 2 with 2 abstentions.

Professor Bognanno queried whether the issue should be brought to the Faculty Senate, not the University Senate; he had expected it would be on the agenda for a June meeting of FCC. If SCFA had been permitted to bring the issue forward, it would have been brought to FCC, not SCC. Asked why, then, it had been placed on this agenda, Professor Bognanno pointed out that the issue had NOT been on the agenda of this meeting. It was pointed out by a Committee member that the benefits recommendation has an impact on undergraduate and graduate students and is not just a faculty and staff issue.

Professor Wood concluded the discussion by noting that the Select Committee will keep the Social Concerns Committee informed about its work; his committee, in turn, will keep SCC informed.

Professor Bognanno thanked Dr. Cowmeadow, Ms. Nobbe, and Professor Wood for joining the

meeting.

**2. Changes in Senate Bylaws**

The Committee approved without discussion or objection two proposed changes to Senate bylaws to bring them into conformity with state law concerning privacy of information.

The meeting was adjourned at 3:00.

-- Gary Engstrand