

FACULTY CONSULTATIVE COMMITTEE (FCC)

November 5, 2015

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: Proposed Academic Freedom Statement; Mental Health Support for Graduate Students; Revised *Responsibilities of Faculty Senators*; Announcements; Issues for the FCC and Possible Agenda Items; FCC Membership Update]

PRESENT: Colin Campbell (chair), Catherine French, Linda Bearinger, Dan Feeney, Gary Gardner, Kathleen Krichbaum, Scott Lanyon, LaDora Thompson, Susan Wick, Dale Carpenter, Janet Ericksen, Greta Friedemann-Sanchez, Karen Mesce, Chris Uggen, Jean Wyman

REGRETS: Jigna Desai (vice chair), Rebecca Ropers-Huilman, Joseph Konstan

ABSENT: None

GUESTS: Lauren Mitchell, Council of Graduate Students (COGS) vice president of University Relations, and Jonathan Borowsky, COGS Mental Health Committee co-chair

1. **Call to order:** Professor Campbell convened the meeting and welcomed those present.

2. **Proposed academic freedom statement:** Professor Campbell asked Professor Carpenter to talk about the freedom of expression/academic freedom statement he volunteered to draft. Professor Carpenter said that because the University has a longstanding commitment to both academic freedom and freedom of expression it should have an updated statement to that effect. The University is committed to the idea that students and other community members should be allowed to speak on a variety of topics, including controversial topics, and that diverse opinions should be heard, encouraged and protected. It is not the role of the University to censor views or prohibit people from speaking on the basis of content or the fact that the University disagrees with the views being expressed. The University of Minnesota, as a public institution, has a legal obligation to follow this principle under the First Amendment. While the First Amendment has a commitment to speech and academic freedom, any statement that is drafted should also have a normative component that goes beyond the bare requirements outlined in the First Amendment to include verbiage encouraging the exchange of ideas at the University.

Recognizing the University has a Board of Regents' Academic Freedom and Responsibility policy (http://regents.umn.edu/sites/regents.umn.edu/files/policies/Academic_Freedom.pdf), Professor Carpenter does not believe there needs to be a total restatement of this commitment, but a modernization of the statement. The justifications for censorship or suppression of speech are remarkably "ameba-like," which means they change over time, said Professor Carpenter. Today, there are new perceived justifications for prohibiting or discouraging speech and this is why he believes there needs to be an update to the University's free speech commitment. He then characterized the range of issues the statement will address such as the challenges before

speech can occur, the challenges while speech is occurring, and the challenges after a speech has occurred. Before a speech occurs nowadays, there is the issue of “dis-invitations,” which is the pressure to dis-invite people who have been asked to speak on campus whose views are controversial, e.g., Condoleezza Rice. In Professor Carpenter’s opinion, simply because people such as Dr. Rice, who are well within the mainstream of thought and who have been a major figure in American politics and policies, are controversial does not mean they should be uninvited. Then, during speech, there are challenges as well, said Professor Carpenter. As an example, he cited the recent event at the Law School where protestors attempted to shout down law Professor Moshe Halbertal who had been invited to speak on “Protecting Civilians: Moral Challenges of Asymmetric Warfare (<http://www.mndaily.com/news/campus/2015/11/04/law-speaker-spurs-protest>). Finally, an example of an after speech challenge, said Professor Carpenter, is the Charlie Hebdo controversy when people complained that they were offended by a speech, and said it created a hostile climate for them. In this situation, panel organizers were subjected to months of investigation by the Office of Equal Opportunity and Affirmative Action (EOAA) with apparently no procedural rights given to them. Then, when it was found that the panelists did not violate any University policies, EOAA nevertheless recommended that CLA Dean John Coleman publically condemn them for the panel and promotional materials associated with it. In Professor Carpenter’s opinion, considerations of climate (the Charlie Hebdo controversy) seem to be the latest way speech is being challenged on university campuses today.

Professor Carpenter said he sees the climate issue in particular as problematic because complaints can be lodged by anyone for any reason. He said he believes speech has to be heard even if it is offensive to people, and he will be including language to this effect in the updated freedom of expression statement he writes. Professor Carpenter then went on to mention Dean Coleman’s blog post (<http://colemanjohn-cla.blogspot.com/>) on *Intellectual Diversity and the University*, which talks about the University’s Campus Climate Report. According to this report, said Professor Carpenter, the University scored the worst when it came to acceptance of political diversity. The updated statement will also include verbiage that there is not a necessary conflict between creating a positive environment for people in which to learn and a commitment to freedom of expression. Part of creating an appropriate climate at a public university is to protect a diversity of ideas, protect expression, protect debate, including ideas that people strongly object to. Professor Carpenter said he feels strongly that there are a number of reasons why the University needs an updated statement, particularly in light of what has happened at the University of late. He noted that he plans to draft an updated statement and bring it back to the FCC for consideration.

Professor Uggen commented that disempowered groups are likely to be more disruptive than empowered groups. With that said, he noted that a neutral statement could serve to perpetuate some of these inequalities. He added that while he likes the University of Chicago’s new free speech statement (<http://provost.uchicago.edu/FOECommitteeReport.pdf>), he was happy to hear Professor Carpenter say that he planned to include language about creating an inclusive community and how speech interests can help make this happen into the statement he plans to draft. Professor Carpenter said that he too believes the Chicago statement contains some good ideas, but he believes the University of Minnesota needs its own statement.

What is the route this policy will take, asked Professor Lanyon? Will it be put in the University Policy Library? He added that Professor Carpenter makes a good point about the need to modernize the current statement, which would mean that the policy should be revisited on a regular basis. Professor Campbell reminded the committee that the plan is to draft an updated statement in collaboration with the Office of the Senior Vice President for Academic Affairs and Provost and the Senate Committee on Academic Freedom and Tenure (AF&T). Professor Carpenter said he would prefer to get out in front of any action the Board of Regents may take on this matter. He said he plans to draft a statement that takes into account a number of interests and reflects the University's commitment to freedom of expression; acknowledging that freedom of expression is part of what creates the climate necessary for learning at a university. Another thing that should be included in this statement, said Professor Carpenter, is that in a world where people feel free to shout down those they disagree with, the people who are most disadvantaged are those with minority and unpopular points of view because majorities are good at forming large mobs. Freedom of expression for controversial ideas has been critical to the advancement of causes by unpopular groups.

Professor Lanyon said if the University is doing its job well, those in the community should be able to say they heard something recently that was disturbing and made them feel uncomfortable. This is precisely what the University should want to celebrate. According to Professor Carpenter, Dr. Clark Kerr, the first chancellor of the University of California, Berkeley, and 12th president of the University of California said "The University is not engaged in making ideas safe for students. It is engaged in making students safe for ideas..." (http://www.berkeley.edu/news/media/releases/2003/12/02_kerr.shtml). Students need to be accustomed to the idea that they will be going out into a world of diverse opinions. Updating the University's statement, noted Professor Campbell, is a proactive measure and puts the University in a desirable and enviable position. He agreed with Professor Carpenter that drafting this statement now based on principles rather than reacting to yesterday's news is a good idea. Professor Campbell said that at the appropriate time, it would also be important to consult with the students on this statement as well.

Before moving on to the next agenda item, Professor Campbell thanked Professor Carpenter for agreeing to draft a statement for the FCC's consideration.

3. Mental health support for graduate students: Professor Campbell welcomed Lauren Mitchell, Council of Graduate Students (COGS) vice president of University Relations, and Jonathan Borowsky, COGS Mental Health Committee co-chair. He then asked members to introduce themselves.

Ms. Mitchell began by saying that COGS is assessing the state of mental health resources for graduate students at the University. She asked members what experiences, if any, they have had with graduate students' mental health, what resources they found to be helpful and ideas for other resources.

Professor Lanyon said he recently had an experience with a graduate student dealing with a mental health issue, and it was unclear what was appropriate and what was not appropriate to do.

He would like a key or guidelines of sort that would help walk faculty through what do to under certain scenarios/circumstances, a list of offices to contact, etc.

What resources are currently available, asked Professor Gardner? Ms. Mitchell said it is her understanding that Boynton Health Service (BHS) offers mental health services as well as Student Counseling Services (SCS). She added that she gets the sense, however, that a number of graduate students do not know about or how to access available services. Regarding BHS, she noted that there is approximately a 3-week wait for an appointment. Mr. Borowsky added that there also is a lack of information, e.g., best practices. COGS is interested in having a conversation that will eventually lead to the development and communication of best practices. In Mr. Borowsky's opinion, the University is deficient in terms of the mental health services it offers and mentioned the long waits to get appointments at BHS and SCS as an example.

Professor Thompson said in her program, Physical Therapy, the associate director works closely with students who are having mental health issues. She also noted that Physical Therapy has a designated individual at BHS that works with that program. While the program has resources for its students, said Professor Thompson, many students do not take advantage of these services, which is frustrating. She said she could use help in figuring out approaches to use for getting students to take advantage of the services offered.

Professor Mesce said a problem she has encountered when students who come to her and are having difficulty in navigating their program, is that the students swear her to secrecy. There needs to be discussions about how to help students when faculty are asked not to say anything. She suggested having different case studies with different scenarios. While she respects the fact that students want confidentiality, it makes it difficult to help them. Mr. Borowsky acknowledged this concern, and said it will be important to have conversations about shared expectations so people know how to ask for help and for others to be able to help them.

The 3-week wait at BHS, said Professor Wyman, is very concerning. Usually by the time a student comes to a faculty member and indicates that are having problems, the problems likely started some time ago. The University may need more mental health resources.

Professor Friedemann-Sanchez asked about legal ramifications and whom faculty members are able to communicate with without violating privacy laws. If a student comes to a faculty member it means the student trusts them. She mentioned the idea of a mobile counselor, which HHH students have suggested to the school. In situations where students are very depressed, they cannot wait for 3-weeks to get an appointment.

Professor Gardner said another issue has to do with the unequal power relationships. Many students, whether real or perceived, do not feel they can talk with their adviser because he/she could think less of them when it comes to writing a recommendation, etc. Professor Gardner then noted that he thinks program assistants for the various graduate programs would be a good resource for graduate students.

Stigmatization is a big issue, said Professor Uggen. The onset of a number of psychiatric disorders coincides with where students are in life's course, graduate students in particular. Part

of the stigma is that faculty are closeted too about their mental health problems so there are no good role models; people tend not to share this information about themselves. The reason this is important is because a number of faculty over time have learned management strategies that could be useful for students experiencing problems. He suggested trying to recruit faculty who have had problems themselves to come forward and discuss management strategies with graduate students that helped them navigate the academic world. In his opinion, academia is at the same place with mental health as the National Football League was with concussions a few years back.

Professor Campbell said he is hearing that mental health resources are under-resourced at the University. He believes this is an important issue that needs to continue to be addressed. Ms. Mitchell said she and Mr. Borowsky came looking for perspectives and thoughts, and did not expect answers.

Professor Friedemann-Sanchez offered up the idea of creating unit mental health groups, which are comprised of faculty, staff and students with the purpose of de-stigmatizing mental health and raising awareness. She noted that the Humphrey Graduate School of Public Affairs has done this.

Along these lines, Professor Mesce, a member of the Society For Neuroscience (SFN), said SFN has been working on de-stigmatizing mental illness for years and could also be a resource, e.g., <http://www.brainfacts.org/Diseases-Disorders/Psychiatric-Disorders/Articles/2010/Fighting-the-Stigma-of-Mental-Illness>.

Professor Thompson noted that on NIH training grants her program has students fill out Individual Development Plans (IDP) along with the faculty. She mentioned including a question in the IDP that could help facilitate communication between the adviser and student. Similarly, noted Professor Wyman, maybe a question(s) could be developed for advisers to check in with their advisees.

Ms. Mitchell thanked members for their time and input, and said she and Mr. Borowsky will report back periodically on their progress.

After Ms. Mitchell and Mr. Borowsky left, members took a few minutes to reflect on the conversation it just had with them. Based on what was heard today, the committee agreed that student mental health resources are under-resourced. Regarding letters of recommendation, added Professor Lanyon, faculty should be educated about what is appropriate to include in letters of recommendation for graduate students. Professor Campbell said he would be raising the mental health issue with Chief of Staff Phenix, President Kaler and Provost Hanson.

4. Revised *Responsibilities of Faculty Senators* document: Copies of the revised *Responsibilities of Faculty Senators* had been sent out along with the agenda, noted Professor Campbell. The only feedback he received had to do with the rules of decorum, which he said are spelled out in Robert's Rules of Order (<http://www.rulesonline.com/rror-07.htm#43>).

Members went on to talk about the Senate meetings in general and how they are run. Professor Campbell reported that he and members of the Senate staff, the vice chair of the Senate, and the parliamentarian met recently to talk about how Senate meetings have been run and what might be done differently to make the meetings more effective, efficient and engaging. Ideas that came up included, but were not limited to, use of consent agendas for items that can be bundled, use of clickers, put voting items on the agenda earlier in the meeting rather than later.

Getting back to the revised *Responsibilities of Faculty Senators* document, Professor Bearinger suggested emphasizing the responsibilities senators have when it comes to bringing information from Senate meetings back to their respective schools. She also suggested ordering the responsibilities listed in the document more logically, which she volunteered to do. Professor Campbell thanked Professor Bearinger for the suggestions and noted that he does not plan to read the entire document at today's Senate meeting, but that he is going to highlight quorum, decorum, and the importance of senators communicating regularly with faculty in their units.

Professor Friedemann-Sanchez recommended that units do a quick overview at the beginning of every academic year about governance and how it works. Doing this would remind faculty about governance and how issues go through the pipeline, etc. Professor Campbell admitted that getting the collegiate units to organize their governing bodies with the Senate would be a challenge. Professor Thompson suggested informing/reminding junior faculty who have been promoted about governance and encourage participation rather than only providing the information at New Faculty Orientation when most junior faculty are focused on their scholarship. Professor Wyman agreed that providing newly promoted faculty with a governance orientation would be a good idea.

Members then voted to approve the revised document below. Professor Campbell said the reordered document would be approved again at a future meeting or via email.

Responsibilities of Faculty Senators

In order to ensure that the faculty governance system operates effectively to represent faculty concerns and perspectives, individuals serving as Faculty Senators should:

1. Attend all University and Faculty Senate meetings in their entirety or arrange for an alternate to attend.
2. Review docket materials prior to Senate meetings and be prepared to discuss and vote on issues presented. In order to conduct business at a meeting, a quorum is required. The requirement of quorum is a protection against unrepresentative action by a smaller number of senators.
3. Share draft policies and policy amendments with colleagues for discussion before Senate action.
4. Distribute to colleagues in their college information on significant matters before the Senate and solicit faculty views on such issues.
5. Bring to the Senate, or one of its committees, issues of concern from their colleagues.

6. Communicate regularly with faculty and governance bodies in their academic unit.
7. Consider serving on a Senate committee.
8. Remember that, while they are elected as a delegate from their academic unit, “[e]ach member of the University Senate shall represent the University as a whole.”
9. Standard rules of decorum apply at all Senate meetings; be respectful of other senators, University administrators and guests.
10. Senators need to stay on the topic being discussed. If a senator goes off topic, he/she will be called out of order.

Adopted unanimously by the Faculty Consultative Committee on 8/17/06 and revised on 11/05/15.

5. **Announcements:**

- Professor Campbell said President Kaler will announce at today’s Senate meeting that the former chair of the FCC will have a seat on the Senior Leadership Group (SLG). Regrettably, Professor Ropers-Huilman will not be able to serve as the FCC representative given her new position as Vice Provost of Faculty and Academic Affairs, but Professor Durfee will fill in for the remainder of this academic year in her stead. Professor Durfee has agreed to regularly attend FCC meetings to report issues being discussed at the SLG meetings. Professor Campbell requested members who are aware of other groups that do not have faculty representation but that should to contact Renee Dempsey, Senate staff, and let her know.
- Professor Campbell also reported that he spoke with President Kaler about the fetal tissue issue.

6. **Issues for the FCC and possible agenda items:** Professor Campbell asked members for issues of concern and/or possible agenda items for future FCC meetings. Suggestions included:

- Professor Gardner asked Professor Feeney, chair, Senate Committee on Finance and Planning (SCFP), if the SCFP is asked to weigh in on the University’s Capital Request or if it is just presented to the committee for information after it is complete. Professor Feeney said it is more or less presented to SCFP for information. Professor Gardner also asked if there is still a Capital Improvements Advisory Committee. Professor Feeney answered by saying he is not aware of any such committee, but if it exists it is likely an administrative committee. In Professor Gardner’s opinion, there should be faculty input in the discussions about the University’s capital investment projects and he believes if the Capital Improvements Advisory Committee has been disbanded then it needs to be resurrected.
- Professor Friedemann-Sanchez said she has concerns regarding Institutional Review Board (IRB) delays and the impact it is having on a class she teaches. Professor Uggan said the IRBs are under a great deal of scrutiny now and that they are being cautious to make sure errors do not occur. Professor Campbell commented that when President

Kaler first arrived at the University he talked about the University's risk-adverse climate. The research described by Professor Friedemann-Sanchez, said Professor Campbell, seems like less than minimal risk research. He added that the external review uncovered that some research at the University was not being scrutinized enough and other research was being over scrutinized. Professor Campbell said he believes that the FCC needs to continue to push the fact that a significant number of faculty are being overburdened by regulatory oversight groups who are overly cautious.

- Professor Bearinger suggested the FCC continue to monitor the long-term implications of the Job Family Study. Professor Campbell said given the study is complete, the next step should be to figure out how to move forward. Professor French said she is concerned about a number of issues related to the Job Family Study, e.g., timeline for appeal process. She said she thinks the FCC has a responsibility to support employees impacted by the study.

Professor Campbell said if members have other issues for the FCC to send them to Ms. Dempsey.

7. **FCC membership update:** Professor Campbell announced that Professor Heidi Barajas was elected to replace Professor Marlene Zuk on the FCC for the remainder of the year. In addition, the seat of Professor Ropers-Huilman will go unfilled for the remainder of the year after she assumes her administrative appointment as Vice Provost for Faculty and Academic Affairs because the seat is specifically earmarked for the outgoing chair.

On a semi-related note, said Professor Campbell, Professor Konstan has raised the issue of if a FCC member is unable to attend a Senate meeting should that person be able to send an alternate in his/her stead. This is an issue because senators represent their colleges, but FCC members do not. Professor Campbell said he plans to look into this further. It was noted by Professor Gardner that maybe it would be possible for ex-officio members on the FCC who are not senators to be alternates for elected FCC members who are unable to attend Senate meetings.

Professor Krichbaum asked about the open Duluth seat on the FCC. Professor Campbell said he continues to work on getting this seat filled.

8. **Adjournment:** Hearing no further business, Professor Campbell adjourned the meeting.

Renee Dempsey
University Senate