
The University Senate

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UNIVERSITY OF MINNESOTA

Senate Committee on Faculty Affairs (SCFA) December 6, 2022 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 and Introductions; Discussion with Provost Rachel Croson - Proposed Policy Updates; Term Faculty and Academic Professionals Subcommittee Updates; Academic Freedom and Tenure Task Force Updates and Q&A]

PRESENT: Clifford Steer (chair), Madison Ahmad, Sophie Beal, Alan Benson, Kate Bunner, Adolfo Carrillo Cabello, Shawn Curley, Bradley Deane, Ann Fallon, Marti Hope Gonzales, Ole Gram, Kelsey Johnson, Holley Locher, Jenifer McGuire, Victoria Osinski, Amy Pittenger, Terry Roe, Michael Silverman, Brandon Sullivan, Eric Van Wyk

REGRETS: Michelle Page

GUESTS: Provost Rachel Croson, Katherine Dowd, chair, Term Faculty and Academic Professionals Subcommittee

OTHERS ATTENDING: Brianna Menning, Marlo Welshons

1. Welcome and Introductions

Chair Clifford Steer welcomed committee members and guests and began the meeting.

2. Discussion with Provost Rachel Croson - Proposed Policy Updates

Provost Rachel Croson introduced two topics for discussion and noted that she had also consulted with the Academic Freedom and Tenure Committee (AF&T) regarding these topics at its November 18, 2022, meeting. The first topic, she said, is the awarding, evaluating, and possible removal of endowed chairs. Currently, these processes happen at the unit level and it should be specified by the unit that there will be periodic reviews as long as a faculty member holds an endowed chair position. Such reviews are usually largely based on research productivity.

Croson said there is currently a national discussion happening regarding the possible removal of endowed chair positions in cases where there has been a determination of serious violation policy, for example, sexual harassment or financial or research misconduct. Croson invited SCFA members to share their thoughts on the appropriateness of including a criteria in the endowed

chair evaluation that goes beyond research productivity, and addresses situations of serious policy violation. She noted that there is no intention to change the procedure for reviews, just the criteria, that findings could still be appealed, and decisions would *not* be unilaterally made by a department chair.

Croson noted that based on comments from today's discussion and last month's discussion with AF&T, the intention would be to draft a policy and consult again with the appropriate senate committees for continued feedback. She then invited discussion from the committee.

Steer asked Eric Van Wyk, chair, AF&T Committee if he would share that committee's feedback. Van Wyk said that AF&T's belief is that decisions regarding conduct and sanctions should be made by faculty, and that such determinations should not be vested in administrators or individual chairs of departments. These decisions should be made by the *entire* faculty of a college or department, not a selected few, he said. There is a perception by AF&T that decisions made outside the purview of the faculty may be attempts to work around what is stated in the Board of Regents Policy: *Faculty Tenure*, Van Wyk added.

Provost Croson responded that she is open to the idea of the faculty within a department or college making such decisions but to remember, in such cases, the confidentiality of the faculty member involved is then lost. Van Wyk agreed that navigating those conflicting interests may be very difficult. He added, however, that the possibility of the entire faculty of a department being aware of the situation could be a deterrent to engaging in misconduct.

Committee members had a robust discussion with the following concerns being raised:

- In faculty evaluations by students, there is a noted bias against minority faculty and women. There is also variability of standards for what is considered sexual harassment. Care must be taken that these same biases are not implicated in the removal of an endowed chair. Provost Croson noted that if an endowed chair status were to be removed, that would only happen in the case of a finding of misconduct, not triggered by a complaint or a suggestion.
- The financial consequences of the removal of an endowed chair for a department or college. Croson said that, generally, money that is allocated for an endowed chair would not be removed from a department; the department would be able to repurpose that money in the case of a policy violation finding that would result in the removal of the endowed chair.
- Is there bias in the review process, if the faculty in a department are the people who do the reviewing *and* are also in a position to receive the endowed chair if it is removed from a colleague?

Provost Croson said that her hope is to have a policy stating that periodic reviews of endowed chairs should happen (in the way that the college or department deems appropriate) and such reviews should include as criteria research output and review of possible policy violations. Provost Croson concluded by saying her plan is to develop policy around this topic, and return to SCFA for additional consultation and feedback as the policy is developed.

The second topic, Provost Croson said, regards public statements being made on behalf of an entire department. The Board of Regents Policy: *Academic Freedom and Responsibility* states that:

SECTION II. ACADEMIC FREEDOM. Academic freedom is the freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write on matters of public concern as well as on matters related to professional duties and the functioning of the University.

SECTION III. ACADEMIC RESPONSIBILITY. Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and *the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.* (italics hers)

Provost Croson stressed that individual faculty making statements regarding societal issues is not being questioned here; nor is a group of faculty signing on to a statement to express their views. What *is* being considered, she said, is the appropriateness of a unit making a statement “on behalf of the department (or college or school or other entity),” or “signing on to a statement” on behalf of an entire unit, and how that is consistent with the academic responsibility of making it clear that one is not speaking for the institution.

She said that some of the challenges to be considered include the following:

- Such a statement may butt up against a University-wide statement which has already been issued, sometimes in contradiction to it.
- Who makes the statements?
- What approvals are needed?
- How do we ensure that the statement represents the views of *all* members of the unit, not just the tenured/tenure-track faculty? How do we navigate the power differentials involved?
- Where are statements allowed to be posted (on University only platforms, personal platforms?)
- What guidelines would be appropriate for academic statements?

Steer asked Van Wyk if he would share AF&T's reactions to this topic. Van Wyk said he felt that AF&T pushed back harder on the proposal to create a new policy around this topic. He noted that the Board of Regents (BOR) Policy: *Academic Freedom and Responsibility* already contains the language “... and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution” and that AF&T felt that was sufficient. There was sympathy among AF&T members for the possibility of junior faculty members or non-tenure-track faculty or staff feeling pressured into signing on to something they don't agree with. He added that the AF&T would not support anything that would stifle the ability of a unit to make a statement with a collective voice. Van Wyk said that guidance around how to effectively make such statements would be useful.

SCFA members had a robust discussion around when and how an individual is speaking as an individual versus on behalf of the University. Provost Croson reiterated that she is not proposing a policy that regulates an individual faculty member's speech in any way, but rather guidance and policy around how statements “on behalf of a department” are made. Committee members concurred with the idea that guidance, training, and modeling around effective and appropriate statements would be helpful.

Provost Croson noted that she feels it is appropriate, and different from the types of issues she is talking about here, for a department to make a collective statement on its academic research (e.g. the data on global warming). Discussion continued regarding where the decision-making power lies within the University; with some saying that such power lies with the faculty, and others wondering, if that is true, how do the opinions of staff, post docs, and everyone who is *not* a tenured faculty member get recognized?

Provost Croson thanked the committee for the discussion and said that she looked forward to her next visit with the committee.

3. Term Faculty and Academic Professionals Subcommittee Updates

Katherine Dowd, chair, Term Faculty and Academic Professionals Subcommittee (TFAPS) shared updates on the activities of the subcommittee to date, including the following:

- The subcommittee's first meeting was held in November 2022
- Dowd has had significant consultation with colleagues and administrators across the University system
- It is fundamentally important to understand the terms being used in these discussions
- It is the purview of the subcommittee, according to its charge, to review and advocate for changes or improvements to appointment conditions, hiring, retention, promotion and professional development
- Many of the policies used in determining such things as hiring, retention, and promotion and professional development are determined by colleges/departments rather than by a unified system wide policy, resulting in widespread inconsistency of application
- Dowd shared a side by side comparison of contract faculty and academic professionals with teaching appointments including information on job codes, job names, defining documents, paths to promotions, etc.
- Next steps for the subcommittee include further defining these categories and reviewing BOR and administrative policies relevant to each group

Bradley Deane asked if the subcommittee might consider serving as a central location for many of these disparate policies and/or put forward some general principles that could be followed system wide. Dowd responded that she agrees such a central set of processes would be helpful. She said she imagines a parallel set of documents for contract faculty and academic professionals similar to the very clear administrative procedures that are in place for tenured/tenure-track faculty.

4. Academic Freedom and Tenure Task Force Updates and Q&A

Eric Van Wyk, chair, AF&T, updated SCFA members on the activities of its task force including the following:

- AF&T's [Resolution Concerning Academic Freedom and Term Appointments at the University of Minnesota](#) was approved at the November 2022 Faculty Senate meeting with two calls to action:
 - AF&T must be given the data for review of all positions that have remained in the contract faculty category for six years or more (as referenced in the BOR Policy: *Faculty Tenure*)

- Development of a task force to reconcile what the current state of hiring term and contract faculty actually is as opposed to what it should be as stated in the BOR Policy: *Faculty Tenure*
- Professor Gopalan Nadathur, former chair of AF&T, will chair the task force

Committee members had a robust discussion regarding whether or not any progress has been made regarding the long-term and ongoing issue of the University's relationship with contract and term faculty. Van Wyk said he feels the University is not yet making progress but that there does seem to be a unified effort around doing so. He said if in two years, it is determined that "no progress has been made" that will leave many people disillusioned. Adolfo Carrillo Cabello said that, as chair of the P&A Senate, he would welcome ongoing connection with the AF&T task force, and suggested that developing relationships with HR professionals to inform the work of the task force is critical.

Amy Pittenger noted that she and Dowd have met with Ken Horstman, vice president, Office of Human Resources (OHR), and that he welcomes work being done on clarifying categories, job codes, accompanying documents, etc. for those with term and academic professional appointments. There is variability and confusion around how the categories are being used, Pittenger said, and the process needs reviewing and correcting. Pittenger said her role in the Office of the Executive Vice President and Provost will allow her to be part of the work of not only TFAPS, but of the AF&T task force as well. She added that she hopes that these concentrated efforts will result in recommendations that can be put forth to the administration to better support faculty and staff in these types of positions.

Hearing no further business, Steer thanked committee members and adjourned the meeting.

Geanette Poole
University Senate Office