

Minutes*

Academic Freedom and Tenure Committee
Friday, December 4, 2009
9:30 – 11:30
300 Morrill Hall

Present: Barbara Elliott, Karen Miksch (co-chairs), Yusuf Abul-Hajj, Tracey Anderson, Arlene Carney, William Craig, Linda McLoon, Christine Marran, Gary Peter, Paul Porter, Carol Wells

Absent: Joseph Gaugler, Barbara Loken, Paula O'Loughlin, Terry Simon

Guests: Dean Jean Quam (College of Education and Human Development)

[In these minutes: (1) teacher-education curriculum notes and publicity; (2) syllabus statement on academic freedom; (3) faculty data]

1. Teacher-Education Curriculum Notes and Publicity

Professor Elliott convened the meeting at 9:30 and noted several items provided to Committee members: a column by Katherine Kersten in the Star-Tribune about teacher-training proposals in the College of Education and Human Development (CEHD), a response by Dean Quam, and a letter to President Bruininks from FIRE [Foundation for Individual Rights in Education, <http://www.thefire.org/>]. "The mission of FIRE is to defend and sustain individual rights at America's colleges and universities. These rights include freedom of speech, legal equality, due process, religious liberty, and sanctity of conscience — the essential qualities of individual liberty and dignity. FIRE's core mission is to protect the unprotected and to educate the public and communities of concerned Americans about the threats to these rights on our campuses and about the means to preserve them." Professor Elliott pointed out that the issue has not come to the Committee from the President or the General Counsel; it is a public matter, not one in which the Committee has been invited in. She suggested that Professor Miksch, a faculty member in CEHD, introduce the issue.

Professor Miksch said that the letter from FIRE was sent to the President and forwarded to the Committee for discussion by a faculty member. It reads like a demand letter, she said, sent to the University by an attorney asking for a response. The Committee has not been asked to weigh in on it.

Where would the Committee's response go, Professor Abul-Hajj asked? It has not yet been determined if there will be a response, Professor Elliott said; the discussion will continue on December 18 and the Committee can decide at that time what it wishes to do. This is clearly an academic-freedom issue, Professor McLoon said; why was the issue not sent to the Committee? Because the Committee does not adjudicate cases, Professor Miksch said; this letter is about a specific case. But it still involves the broad issue of academic freedom, Professor McLoon maintained.

* 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 represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

Professor Elliott at this point welcomed Dean Quam to the meeting and asked her to describe where things stand and what the role of the Committee might be, if any.

Dean Quam told the Committee that there was a request from the Bush Foundation to select colleges in Minnesota and the Dakotas that train teachers asking if they had any interest in redesigning their teacher-training curriculum (because the Bush Foundation is worried about an upcoming shortage of teachers). The research shows that the teacher is critical to student success. CEHD applied for the funding, and divided the faculty into seven task forces to look at different parts of the curriculum. The task forces worked with school districts around the state about what they thought was needed in future teachers. They had workshops and a two-day retreat where each task force provided ideas to facilitate discussion. The notes from the task forces were put on the college intranet so that everyone could read them.

She was contacted by Mitch Pearlstein, an alumnus of the college and chief executive of the Center for the American Experiment, who informed her that someone had sent the notes from the task forces to a number of people, including some at the Bush Foundation, President Bruininks, the Minnesota Board of Teaching, the Center for the American Experiment, and columnist Kersten. The senders identified themselves as a group of concerned alumni. The Bush Foundation and the Minnesota Board of Teaching both dismissed the message because it was anonymous. She invited Mr. Pearlstein to talk with the faculty who served on the task forces; he did so, for two hours, and understood the ideas they had been discussing. She then learned that Ms. Kersten was writing a column, so she (Dean Quam) provided her all the information she had and the names of people to interview. Ms. Kersten then wrote a column. She (Dean Quam) wrote an op-ed piece responding.

Dean Quam related that she has been stunned by the viciousness of the attacks on her, the faculty, the college, and the President. Most of them have been offensive name-calling, not substantive criticisms. The low point was a podcast that referred to the college as the Adolf Hitler College of Education that is leading students to the gas chambers and that made offensive comments about faculty without knowing them (and referring to them as "chicks" and "guys").

Where are the recommendations now, Professor Elliott asked? They are not recommendations, they are notes, Dean Quam said. CEHD has received the Bush grant, \$5 million over ten years, to help with teacher-education redesign. The Teacher Education Redesign Initiative (TERI) will look at the notes, but this will be a long process. The goal is to have the curriculum change recommendations done by the summer of 2010 and the new curriculum in place for the fall of 2011. The process takes a long time because the changes need to be vetted with teachers, principals, superintendents, and other college partners.

Professor Elliott asked if Dean Quam had any insights about a response to the FIRE letter. Dean Quam said it is her understanding that the Office of the General Counsel will respond on behalf of the University; attorney Tracy Smith has been provided the information from CEHD. The letter assumes that the notes are requirement for the teacher-education program; they are not, they are just ideas expressed by faculty members. They have no closed meetings. She has read all of the notes several times and finds nothing to disagree with; some faculty members expressed their views in strong terms, but people do that in this kind of process to ensure that their voices are heard as the process moves forward.

Professor McLoon asked what "dispositions . . . of candidates" means. Dean Quam said she does not know about the specifics, and they do not talk about "dispositions" any longer, so the term probably should not be used. Will teacher candidates go through pre-screening, Professor McLoon asked? Dean Quam related that she had served for a number of years as Director of the School of Social Work, and pointed out that they are careful about their admissions—as are all professional schools. She said she was unaware of any litmus test at the end of the teacher-training process to determine if someone should be allowed to work with children.

CEHD offers the Masters in Education, Dean Quam said, while many programs in the state funded by the Bush Foundation are undergraduate programs. About 20 years ago, CEHD went with a Masters program, admitting students who came with a baccalaureate degree in a substantive field who then learn pedagogy. Principals and superintendents believe in the CEHD program because it admits more mature students who are committed to the profession.

Professor McLoon asked if all students are required to take the Intercultural Development Inventory (IDI). Dean Quam said she did not know if all must; that was one suggestion. The FIRE letter indicates the recommendation is that all students must take it, Professor Abul-Hajj said. That is their interpretation, Dean Quam said, and the letter is full of inaccuracies. Professor Abul-Hajj asked if the University intends to address the issues raised in the letter without bringing them to this Committee. Dean Quam said she did not know if Mr. Rotenberg intended to bring them to the Committee.

Professor Elliott asked if there are questions or issues on which the Committee could be a resource. Dean Quam said the experience has been eye-opening for her, on a number of levels. It is remarkable how quickly information gets out on the new social media, and if someone says the wrong thing, it can be very damaging. She said she has a student who is working on cyber-bullying; these comments in the social media are a strange form of attack on the faculty. Academic freedom means faculty should be able to say what they want, and to defend what they say, without offensive comments in response. The discourse should be civil, and a scholar should have research to support what he or she says. She said she worries that these kinds of attacks will make faculty fear to talk to each other because someone will tape the conversations or prepare notes and pass them along. She related that while she does not read blogs, she has a niece who does and who has sent her a great deal of what has been written about the controversy. Dean Quam commented that it appears that not being required to identify oneself gives a license to be highly offensive and say things that have no basis in fact.

In the field of Social Work they have talked about "cultural competency" for 40 years; business, medicine, and law all talk about it as well. Fields need to pay attention to the way the world is changing; there are 70 languages/dialects represented in the St. Paul schools alone. "Teachers are going to classrooms that we have never seen," Dean Quam commented, and they need to understand that not everyone learns the way they do when the students come from very different backgrounds.

Professor McLoon commented that academic freedom does not mean that one can presume everyone will be nice and civil; that is the point of academic freedom. Academic freedom and free speech is only as free as the worst examples. She went on to note that "cultural competence" appears a lot; what does it mean when they say that they want teachers to have it? It must be deeper than what appears in the materials provided to the Committee. If the IDI is a benchmark used to measure cultural competency, she said she has not seen data demonstrating that cultural competency helps to address the achievement gap in the schools between different groups of students—which is what this is all about.

Dean Quam said there are such data. The data need to be presented, Professor McLoon said, demonstrating that cultural competency reduces the achievement gap.

Dean Quam said that Professor Michael Goh, chair of the task force, responded with a long list of research articles. There is ample evidence that teachers who are sensitive to cultural differences help improve student achievement. There is a body of empirical research, Professor Miksch agreed, on the impact of a highly-qualified teacher on the achievement gap, and cultural competency is a part of that effect. The question is what that means, but there has been a lot of work in the sociology of education that has improved teacher practices. Professor McLoon said she was interested in the link between cultural competence and achievement, not whether everyone was happy. Professor Miksch said there is a great deal of research demonstrating links between the cultural competence of the teacher and reductions in the achievement gap.

What is cultural competency defined as, Professor McLoon asked? Professor Miksch said in research on "highly qualified teachers," how to define cultural competence is part of the discussion and how it assists student, teacher, and parent interaction. One example of research in this area is an ethnography conducted by a Sociologist of Education (Valdes, 1996) who interviewed teachers and parents regarding their views of education. The teachers mistakenly thought that the parents were not interested in education whereas the parents had learned to have so much respect for teachers that they thought it was rude to ask questions. The crux to her, Professor McLoon said, is how cultural competency is defined and the link between it and achievement. Aside from that, the problems with the way that children are educated arise because the school day and year have not been changed and there is insufficient focus on school readiness. It is not just the teacher that is the issue. But the teacher is one piece, Professor Miksch responded.

Dean Quam agreed and noted that the Bush Foundation press conference announcing the awards pointed out that the most critical factor in the child's education is the teacher. She said she agreed with Professor McLoon about the need for other changes in the schools. When a child has a teacher who is sub-par, the student loses a year of school and can fall behind. Professor McLoon said she has seen data suggesting that the effects of one year of bad teaching can last for three years.

In terms of academic freedom, Professor McLoon said she does not see clarity in the definition of cultural competency. The definitional issues are not only in education curricula, Professor Elliott responded; they come in law and medicine, and other fields as well. When one tries to create a curriculum that addresses cultural competency as part of it, what does that mean? She has, for example, talked with tribal elders about what it means for Native Americans.

Dr. Craig reported that he and his wife read the Kersten column Sunday morning and had a conversation about it. His wife is a CEHD graduate and worked in the Minneapolis Public Schools for 20 years; she believes that inadequate cultural competency is a problem for many teachers. What bothered them in the article was the indoctrination of University students — what about their academic freedom? Dean Quam said she did not believe it was the intent of any faculty member to narrow the perspective or beliefs of any student, but to expand them ("have you thought about . . .?"). The intent is to broaden views, not restrict them. The translation in the Kersten column and FIRE letter, however, was "we will tell students what to believe," rather than asking students to explore a full range of views.

These are notes by faculty members, Vice Provost Carney said; academic freedom includes faculty members composing notes without harassment. They were not intended to be released and they are not recommendations. Everyone has been on groups where people changed their mind, but it is important to protect the right to express preliminary ideas that may not ever come out in a report. Everyone has been involved in meetings where the early discussions were not released, and if they all will be, people will not be bold. She reported that she serves on the TERI advisory board and said it is doing very interesting work. One can disagree with a final report that comes out and it was unfortunate these notes were identified as a final product. She said that as a board member she has read all the notes from all the task forces—but she read them as NOTES. Some of them are bold and exciting and she looks forward to seeing how they appear in the final recommendations. But she said she believed the institution should protect the academic freedom of faculty who engage to do this kind of work.

Professor McLoon said she was not sure that supporting faculty having opinions negates the ability to disagree, because that opens up more dialogue, even if some go too far. These notes talk about students recognizing white privilege and all taking the IDI.

Professor Anderson said she was upset because this is a flash in the pan about something that is not final. What this controversy argues for is the need to create a safe environment in which to pursue discussions. One can say strong things while brainstorming. Things should be taken public at a certain time, and these notes were perhaps contributed prematurely. The notes were available to task force members and forwarded by someone to the press and others, Professor Elliott said. Which violated the understanding of those doing the work, Dr. Carney added. Professor McLoon asked if she could not look at the notes. They have made them all open, Dean Quam said, and it is healthy for everyone to look at them. As a dean, she has found this a teachable moment for the faculty: the worst thing that could happen is that faculty could influence policy but will be inhibited from seeking to do so because of the risk that would be involved. As the person responsible for the college, she would expect it and the University to support the right of faculty members to express their views.

Professor Abul-Hajj said that he agreed with Vice Provost Carney and Dr. Anderson but now that the notes are available publicly, the committee needs to think seriously about the use of cultural competence and by making it an obligatory goal of teacher education. In retrospect, the fact that this issue has surfaced at this time before any final decisions are implemented may not be as bad as one would expect. This should provide the committee with the necessary ingredients to address before they make their final recommendations. Dean Quam agreed but said that two or three faculty of color who served on TERI have said to her "why are you surprised?" because they feel at risk every time they talk about cultural competency. It is regrettable that faculty members feel fear at expressing their concerns.

Professor Elliott said that Dean Quam's point goes to the discrepancy in students' academic achievement, which is part of Minnesota's reality: "we have not been able to work to address the consequences of racial differences because the conversations and efforts are routinely averted." The culture in Minnesota does a good job of keeping people invisibly in their place. The issues raised by this curriculum debate need to be acknowledged and discussed.

There is a difference between supporting faculty and saying things that people disagree with, Professor McLoon said. If one does not have data to back up what one says, one should re-think what is said. She said she has experienced criticism of what she wrote; one needs thick skin and that is why

tenure is important, so people can say what needs to be said. Dean Quam said that some of the faculty members on the task force are probationary faculty, so more vulnerable.

Professor Wells said she came to the meeting thinking this would be a different discussion, about the merits of the policy, assuming a policy had been adopted. Now she sees that these were informal notes. The reality of the world is that one puts nothing in an email that one does not want the world to know about in five minutes. That is reality of cyberspace; if faculty members want to communicate, they need a password-protected website. This was password-protected, Dr. Carney pointed out; someone released the information from the website. One has to rely on the integrity of the individuals participating in the discussions. Professor McLoon said that if she were confronted with something that violated her basic values, she would respond. But one should respond to the task force and talk right back, Dr. Carney objected, not distribute materials to the media. Professor McLoon agreed.

Professor Elliott commented that she was intrigued by the issue of transparency and its relationship to academic freedom in this case; it makes these issues and the creative process even more complex

What can the Committee do to assist, Professor Elliott asked? Be quiet? Noisy? Dean Quam said she did not know what Ms. Smith in the General Counsel's office will do, but a statement affirming the right of faculty to express their opinions could help. This is about transparency. New, young, smart faculty use stronger language than she would have, she related; she would suggest to them that they should say what they believe but that they may need to do so carefully. Academic freedom is under attack and this is the group to address it.

Professor Elliott thanked Dean Quam for joining the meeting.

Professor McLoon said that she worried that it would be difficult for dissenting faculty members in an environment supporting one type of test of cultural competency, but with her school-district experience, where all had to take the IDI and read and discuss "White Privilege," there was no ability for someone who criticized the fallacies in the IDI measurement or its interpretation to say one opposed the viewpoint of these items, and there was no room for the flip side, no room to question assumptions. It is an environment promoting a point of view and people are uncomfortable expressing doubt or concerns. If this were established policy that this is part of the curriculum, that would be a different question, Professor Elliott said. These were notes, think-tank kind of work.

Every health profession has statements with specific cultural-competency criteria, Dr. Carney said, and it is left to the institution to document its achievement. She said she is very quantitative, and wants data, but the first time one suggests something it is an hypothesis and there are no data (e.g., increasing cultural competency to help close the achievement gap—at some point one is the first to propose it—and one does not always need data. But eventually one must have them.)

Professor Wells said it would be more worthwhile to discuss the policy, if a policy existed; she said there was not much more that needed to be said about the notes from a preliminary discussion. That is a no-brainer. Discussions could lead to policy, Professor Abul-Hajj said, and Dean Quam said there will be recommendations in the future. Does the Committee want to be involved then? Professor Wells said the Committee could deal with the facts when there is a policy to consider. Professor Anderson

urged that the Committee not deal with decisions by individual colleges; what else will it start evaluating, she asked?

Companies face this all the time, Dr. Craig said, and they have people who watch social media who put in comments to calm the waters. He said he did not know how far this has gone and surmised that the University as an organization did not, either. It is not just email; people want everything open.

No one should be surprised that others object to what they say, Professor McLoon said. Dr. Carney said Dean Quam was not surprised, but was taken aback that the comments became so vituperative so quickly about notes that are not a policy.

Professor Miksch distributed copies of an article from Inside Higher Ed reporting on the case of a graduate student at the University of Minnesota who is being investigated by federal officials for withholding information about animal-rights activists that he gathered in the course of his research. It was agreed that the Committee would like to hear from Mr. Rotenberg about that case as well when he joins the meeting on December 18.

2. Syllabus Statement on Academic Freedom

Committee members turned next to a draft syllabus statement on academic freedom that faculty could use if they wished. Committee members edited it in several ways and agreed on the following language as a draft:

Academic Freedom: Academic freedom is a cornerstone of the University. It includes the freedom to discuss all relevant matters in the classroom. Along with this freedom comes responsibility. At the University of Minnesota, students and instructors should expect their views to be challenged and where we all have a responsibility to respectfully discuss divergent points of view. Reports of concerns about academic freedom are taken seriously, and there are individuals and offices available for help. Contact the Department Chair, your adviser, the associate dean of the college, or the Vice Provost for Faculty and Academic Affairs in the Office of the Provost.

One modified version included this language at the end of the second sentence: "and to conduct relevant research in all fields without institutional restraint, assuming all appropriate institutional approvals have been obtained and the research is consistent with University policies." The Committee concluded it would be more appropriate to have two separate statements, one for undergraduate lecture/discussion classes and one for advanced upper division and graduate courses, where research is more likely to be a part of the coursework. Professor Anderson said that getting students to learn to have thoughtful, open discussion is a victory; to get into research issues when research is not a part of the course would confuse the discussion.

Professor Wells said that faculty members conduct research with research subjects; students do not. Students come up with ideas for research that they are not permitted to carry out. Professor Abul-Hajj agreed that students come with good ideas; in some cases, he has been asked to help. There are undergraduate students (e.g., through UROP) who do not require a syllabus but have a good idea and want to work on it; he agrees to help out when he can.

3. Faculty Data

The Committee turned its attention next to the draft of an op-ed article that would respond to an editorial in *The Chronicle of Higher Education* about declining numbers of instructional staff who are tenured and tenure-track faculty and the need to re-think tenure. The discussion turned quickly to the data that were made available to the Committee, what they meant, and what additional data might be available.

The data included in the draft were these:

| | 1997 | 2007 | % Change |
|------------------------------|------|------|----------|
| U of Minnesota | | | |
| --tenured/tenure-track (TTT) | 21.7 | 27.0 | 5.3 |
| --non-tenure-track | 3.2 | 5.5 | 2.3 |
| --part-time faculty | 4.0 | 5.5 | 1.5 |
| --graduate assistants | 71.1 | 62.0 | -9.1 |
| All institutions TTT | 32.6 | 27.4 | -5.8 |
| Very High Res Activity TTT | 30.6 | 26.8 | -3.8 |
| AAU (61) TTT | 29.4 | 26.4 | -3.0 |
| Top 30 research TTT | 29.3 | 26.3 | -3.0 |
| Big Ten TTT | 29.2 | 25.6 | -3.6 |

Dr. Craig noted that between 1997 and 2007 the University of Minnesota simply caught up to the other research universities. Dr. Carney said parallel data on non-tenured faculty, part-time faculty, and graduate assistants are needed for the other groups as well in order to make good comparisons. Professor McLoon said that the presence of a large number of graduate assistants skews the data. Dr. Carney pointed out that the University of Minnesota has a much larger number of graduate and professional students than its peers.

The Committee agreed that it wished to have a discussion with Ms. Lorenz in Institutional Research, who had kindly prepared the data for the Committee. It was agreed the agenda item would be brought back later.

Professor Elliott adjourned the meeting at 11:30.

-- Gary Engstrand

University of Minnesota