

EQUITY, ACCESS & DIVERSITY
MINUTES OF MEETING
SEPTEMBER 27, 2004

[In these minutes: Overview of Committee Charge, Request for Volunteers to Monitor Minutes of Other Senate Committees, Agendas and Minutes, Board of Regents, Policy Review Update, Maranatha Christian Student Fellowship Lawsuit, Brainstorm Agenda Items for 2004 - 2005, Office for University Women Update]

[These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Assembly; none of the comments, conclusions or actions reported in these minutes represent the views of, nor are they binding on, the Senate or Assembly, the Administration or the Board of Regents.]

PRESENT: Mary Schuster, chair, Hawona Sullivan Janzen, Audrey Boyle, Don Cavalier, B. David Galt, Avelino Mills Novoa, Julie Sweitzer, Claire Walter-Marchetti, Andrew Hostetler, Margaret Moss, Joanna O'Connell, Naomi Scheman, Roxanne Beauclair, Jillian Hoover

REGRETS: Eric Burgess, Benjamin Clarke, Jennifer Gunn

ABSENT: Lisa Jordan, Jeffrey Roberts

OTHER(S): Marcia Walker, Carrie Koplin

I). Professor Mary Schuster called the meeting to order and asked those present to introduce themselves.

II). Professor Schuster provided members with an overview of the Committee's charge.

III). Rather than waiting for other committees to bring issues forward to EAD, Professor Schuster asked members to volunteer to monitor other Senate committees' agendas and minutes. The long-term goal of this initiative, which was instituted last year, is to have other committees automatically think of EAD when issues of diversity intertwine with the

topics they are debating. Eventually, EAD would like to create an on-line heuristic related to diversity issues, which other committees could use as policies are conceived. Professor Schuster will come back to this item later in the meeting to give members an opportunity to think about which committee(s) they would be interested in volunteering for.

IV). IV). Julie Sweitzer reported that the Board of Regents is currently reviewing all of its policies. As Director of the Office of Equal Opportunity there are four policies, which Ms. Sweitzer's office will be specifically involved in as part of this review process:

- * Nepotism and Consensual Relationships
- * Sexual Harassment
- * Equal Opportunity
- * Diversity, Equal Employment Opportunity and Affirmative Action

In conversations with Sr. Vice President for System Administration Robert Jones related to the Sexual Harassment Policy, Ms. Sweitzer has recommended that this policy be changed to a broader, non-discriminatory harassment policy.

With respect to the Diversity, Equal Employment Opportunity and Affirmative Action Policy, Ms. Sweitzer has proposed expanding the definition of sexual orientation in the current policy to include gender identity and gender expression.

Ms. Sweitzer will have a better idea of the direction each of these policies will take after the Board of Regents work session in December.

It was agreed that at the October 25th EAD meeting, Ms. Sweitzer will lead a more in depth discussion on proposed changes to the Sexual Harassment Policy and talk more about gender identity and gender expression.

V). Crookston Diversity Coordinator Marcia Walker reported that there will be a Diversity Workshop on the Crookston campus on Tuesday, October 26th from noon to 5:00 p.m. The workshop is open to faculty, staff and students and its goal is to improve diversity awareness on campus. Topics that will be covered include:

- Creating an Inclusive, Multicultural Environment
- Creating Universally-Designed Learning Environments
- Multicultural Center for Academic Excellence; New Directions and Making Connections
- Diversity, Facilitation and the Strategic Planning Process

It was also noted that requests have been submitted to the Crookston administration to make the Diversity Coordinator position a full-time position (currently this position is 75% time) and to allocate more space for the program. Professor Schuster reminded members that last year the full Committee set up a Subcommittee to address diversity across the campuses, and requested that if there is an on-going need for this Subcommittee that EAD should think about making it an official standing Subcommittee.

Associate Vice President for Multicultural and Academic Affairs Avelino Mills-Novoa reported that in response to a proposal from OMAA, the Emerging Leaders Program will be conducting a system-wide needs assessment relative to multicultural issues. He also noted as a way to show support for the Crookston Diversity Program, OMAA has helped bring together resources from the various campuses for this workshop. It makes much more sense for all the campuses to work collectively rather than having each campus invent its own programs.

Professor Schuster requested that at the November 22nd meeting, the Committee receive a report on the successes and challenges of this workshop.

A member asked if there was an incident or incidents that were a catalyst for this workshop. It was noted that a survey of Crookston students identified the need for diversity training, particularly for its faculty.

VI). To preface the Maranatha Christian Student Fellowship lawsuit discussion, GLBT Director B. David Galt provided members with background information on the two types of student organizations at the University and the rationale for setting up this current structure:

1. Campus Life Organizations, which are affiliated with the University.
2. Registered Student Organizations, which do not have an official University connection and are not part of the University. A vast majority of student organizations fall into this category.

The current structure stemmed from lawsuits dating back to 1993/1994 when the University was sued because of actions and activities of student organizations. The University was found liable and was forced to pay a significant amount in damages. These lawsuits provided the catalyst for the University to evaluate its risk management relative to the over 600 student organizations on the Twin Cities campus. This evaluation resulted in the current two-tier student organization structure noted above. Currently, if a Registered Student Organization, which is viewed as a private organization by the University, does something to incur a liability they are responsible and not the University.

Moving on, B. David Galt noted that last fall, Maranatha Christian Student Fellowship with the support of the Alliance Defense Fund sued the University stating that their constitutional rights were being violated because as a Registered Student Organization they were being required to sign a non-discrimination policy. The non-discrimination policy according to Maranatha Christian Student Fellowship would require them to admit members, including homosexuals, into their organization, which was against their beliefs.

This lawsuit was settled out of court in favor of Maranatha Christian Student Fellowship. As part of the settlement, the University agreed to amend its student organization policy to allow religious student organizations to require their officers and voting membership to sign a statement of faith, which would be consistent with their organizations' principles and beliefs. The Office of the General Counsel cited *Boy Scouts of America v Dale* in its decision to settle the case, which takes the position that private organizations can discriminate with respect to their membership. Based on the University's student organization structure, Registered Student Organizations are defined by the University as private student organizations, which are not part of the University.

In early summer 2004, OMAA's Associate Vice President Avelino Mills-Novoa convened a working group to look into the Maranatha matter. Vice President Mills-Novoa stated the goals of the working group are to:

- Devise a better process for alerting the University community to important issues when they arise on campus as opposed to finding out about them after decisions with long-lasting implications have already been made.
- Discuss what type of relationship the University should have with its various student organizations.
- Discuss whether there should be a programmatic response to the issues raised by this case.

While the working group understands the current political and legal climate which led to the decision made by the Office of the General Counsel to settle this case, they view it as an opportunity to re-examine student organizations and the University's relationships to these organizations. It is perfectly legitimate that the University questions its relationships with the various student groups on campus. The University's official position on this issue is represented in a statement drafted by Executive Vice President and Provost Tom Sullivan and Sr. Vice President for System Administration Robert Jones and can be found at the following URL: <http://www.mndaily.com/articles/2004/09/20/10264>.

This is not a unique issue according to B. David Galt; there are several universities struggling with similar issues e.g. Ohio State. Under the recently revamped Ohio State model, student organizations that seek to be private organizations first and foremost are viewed as such and are granted only limited resources by the institution. The University may wish to consider a similar model or one that is specific to our own situation. For example, private student organizations would be listed as a student organization and given the right to post flyers on campus. but not allowed to use the abundant indirect financial benefits offered by the University e.g. facilities, computer connections, etc.

B. David Galt noted that the *Boy Scouts of America v Dale* is not a religious based argument, but rather focuses on the rights of private organizations. If the University adheres firmly to its current stance, any student organization could technically use the argument that it is a private organization in order to discriminate in its membership.

Members voiced concerns about the University's decision to make exceptions for religious organizations. Arguably, with respect to the First Amendment, this actually seems unconstitutional. It was noted that Maranatha's original lawsuit advocated on behalf of all student organizations and it was the University that narrowed the scope of the lawsuit down to religious student organizations. The article in the *Minnesota Daily* by Maranatha about the Maranatha lawsuit settlement is a call to action, inviting all student organizations to advocate for their rights to discriminate in their membership. This is really an issue of public institutions' policies versus private organizations' policies.

Members were also concerned that there was virtually no consultation whatsoever with governance or other parties with a vested interest in the outcome of this case. Associate Vice President Avelino Mills-Novoa stated it would be helpful if EAD would join the working group in making a recommendation to Executive Vice President and Provost Tom Sullivan and Sr. Vice President for System Administration Robert Jones concerning this issue. It was suggested that a statement be worked on over email, with the possibility of endorsing it at the Committee's October 25th meeting.

Professor Schuster requested the minutes reflect:

- Members of EAD were very appreciative of Associate Vice President Avelino Mills-Novoa's forthright decision to set up a working group to deal with this issue.
- EAD's disappointment with the lack of consultation around this issue. EAD, among other entities on campus, would have been a perfect venue to discuss this case.

Lastly, it was noted that although Maranatha Christian Student Fellowship does not receive direct student fees, it still raises the question regarding the appropriate use of indirect student fees and/or tuition dollars to support student organizations on campus. Every year student organizations that some students do not believe in get funded through either student fees and/or tuition dollars.

VII). Professor Schuster reopened item III on today's agenda and asked for volunteers to follow the business of other Senate committees as a way

to bring issues back to EAD. Members were asked to email Renee Dempsey, Senate staff, with the committee(s) they are interested in monitoring.

VIII). Members brainstormed on 2004 - 2005 agenda items. The following item was mentioned:

- Consider forming standing augmented subcommittees, which would pay attention to issues related to various identity groups on campus e.g. women, etc. Professor Schuster noted that there was discussion last year around setting up a subcommittee to deal with women's issue, but it was postponed to allow the newly appointed Director of University Women, Claire Walter Marchetti, to settle into her new job. Professor Schuster asked members to come to the October 25th meeting with nominations and ideas for a charge for establishing a subcommittee on women's issues.

IX). Director of the Office for University Women Claire Walter Marchetti provided members with an Office for University Women (OUW) update.

She highlighted the following:

- The Office for University Women has moved Morrill.
- The Office is focusing on women faculty and staff issues.
- A written request has been submitted to the administration seeking funding for a variety of women faculty initiatives as well as support for the formation of a women's faculty cabinet. Professor Schuster requested Ms. Walter-Marchetti be prepared to share more information on her ideas around a women's faculty cabinet at the October meeting.

X). Hearing no further business, Professor Schuster adjourned the meeting.

Renee Dempsey
University Senate