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# The University Senate

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## UNIVERSITY OF MINNESOTA

### Academic Freedom and Tenure Committee (AF&T) January 28, 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: FAQ on Free Speech, Academic Freedom, and Discriminatory Harassment; Discussion: Ensuring Academic Freedom for University of Minnesota Graduate Students; Discussion: Topics for Remaining 2022 Meetings]

**PRESENT:** Gopalan Nadathur (chair), Teri Caraway, Bruno Chaouat, Cameron Cook, Danya Leebaw, Kelsey Metzger, Yuichiro Onishi, Chinomso Onuoha, Gary Peter, Lisiane Pruinelli, Karin Quick, Rebecca Ropers, Rachna Shah, Clifford Steer, Eric Van Wyk, George Weiblen

**REGRETS:** Becky Yust

**GUESTS:** Phil Buhlmann, professor, College of Science and Engineering; Tina Marisam, director and Title IX coordinator, Equal Opportunity and Affirmative Action

#### 1. Welcome and Introductions

Gopalan Nadathur, chair, welcomed members and guests and began the meeting by briefly outlining the agenda. Nadathur welcomed new committee member Lisiane Pruinelli and asked for a round of introductions.

#### 2. Discussion: FAQ on Free Speech, Academic Freedom, and Discriminatory Harassment

Tina Marisam, director and Title IX coordinator, Equal Opportunity and Affirmative Action (EOAA), shared a draft of [Frequently Asked Questions](#) (FAQs) associated with Administrative Policy: [Discrimination](#), currently in its 30-day review period. The new policy will go into effect at the University the week of January 31, 2022.

Marisam asked for the the committee’s feedback on the draft, especially Item 8: “*When does the use of epithets or slurs in the classroom constitute prohibited discriminatory harassment?*” Marisam noted that the EOAA, over the last few years, has received several reports from students of faculty members using slurs in the classroom.

Committee members had a lengthy discussion around “using” an epithet or slur and “quoting” an epithet or slur in the classroom.

- Nadathur noted that the decision about how to approach the use of such words in a classroom should be the purview of the faculty member, not the administration.
- Bruno Chaouat said it would be important to include language in the FAQ document that distinguishes between “using” and “mentioning” an epithet or slur. There are instances, Chaouat added, when it is pedagogically important to cite the use of a slur or epithet.
- Clifford Steer suggested two additions:
  - A definition of the word slur
  - Examples of discriminatory harassment

Marisam said that are two ways that behavior can be considered discriminatory harassment:

- A single instance of very severe, egregious conduct.
- A pattern or discriminatory conduct that reduces someone’s access to their work or educational environment.

Marisam added that types of discriminatory harassment include comments about stereotypes, offensive jokes based on protected identities, making it difficult for someone of a protected identity to succeed in their work, and targeting someone over whom one has power.

Nadathur noted that Marisam’s explanations in the meeting were very helpful and that they should be present in the FAQ document as well. He noted the phrase, “...prohibited by the University when it is made on the basis of a protective characteristic and is so severe, persistent, and pervasive that it limits or denies somebody’s ability to work and/or learn at the university,” is used several times and is too general. He added that since this phrase or sentiment appears in a number of policies already in use at the University, the FAQ document would be the place to *clarify the meaning* of that phrase. In the context of clarifying the phrase, examples are important, he said. Nadathur suggested providing examples of both situations: when the use of particular language *would be* considered discriminatory harassment, and when the use of the same language *would not be* considered discriminatory harassment.

Erik Van Wyk said that it may be valuable to mention in the document the importance of realizing that tension can happen in the classroom because two things can be true at the same time: the use of a slur in the classroom could fall under the protections of academic freedom *and* it could limit someone’s access to education because of their reaction to the slur.

The committee had a robust discussion regarding what the intent of the FAQ document should be, whether or not it should be prescriptive in nature, and what decisions should be the purview of faculty. Committee members agreed that the FAQ document should serve as a guide that may offer options for addressing sensitive situations in the classroom but should not dictate what faculty must do in the classroom.

Rebecca Ropers added that she felt the FAQ document was intended to be guidance, not a directive, and if there was additional or different wording that would make that more clear in the document, it would be helpful for the committee to make the recommended changes to Marisam. Marisam added that it was exactly for that purpose that she wanted to discuss the document with this committee; in order to make the language useful, and that she would be happy to take the committee’s comments and revise the document.

Chaout noted that he was uncomfortable with the suggestion in the document which encourages

the use of euphemisms. He explained that texts frequently need to be quoted rigorously in the scope of teaching them, again pointing to the difference between quoting a text that contains a slur and using a slur.

Additional suggestions made by committee members included:

- Start the document with a few sentences that explain the tone of the document and its intended purpose.
- Instead of encouraging faculty to adopt a particular procedure, list “options” rather than “suggestions” that could be employed.
- Be very clear in the document that the way language is used in the classroom is a decision that lies with the faculty member.
- Presenting examples of situations that may occur in classrooms would be a useful part of the document and may be helpful in guiding how the teaching community approaches certain issues in the classroom.

Marisam thanked the committee for its input and said she would incorporate points from this discussion in the document.

### **3. Discussion: Ensuring Academic Freedom for University of Minnesota Graduate Students**

Cameron Cook and Chinomso Onuoha, graduate students and AF&T members, presented a PowerPoint titled [Ensuring Academic Freedom for UMN Graduate Students](#). Cook highlighted the following points:

- The University of Minnesota has strong academic freedom language
- Graduate students’ academic freedom needs to be protected in their dual roles; as students and as instructors
- Two documents created by the AF&T whole-heartedly endorse the protections of academic freedom at the University
  - [The Academic Freedom and Responsibility 2011 White Paper](#)
  - [Term Appointments and Academic Freedom Protections at the University of Minnesota](#) (October 2021)

Cook asked that the committee consider the following questions:

- What mechanisms are in place to ensure that the protections laid out in the white paper are extended to graduate students?
- Could the University's academic freedom and responsibility policy language be included on graduate student contracts? (This procedure is referenced in an [AAUP Journal article](#) provided to the committee prior to the meeting.)
- Would the AF&T consider authoring a statement for graduate students similar to the statement it has authored for instructors and faculty with term appointments?
- Would the AF&T consider making an amendment to the statement supporting those with term appointments to add support for graduate students (especially those with teaching functions)?

Cook reiterated that he, and the Council for Graduate Students (COGS), are in the information gathering and feedback process at this time and would welcome comments from committee members.

Chinomso (Emmanuel) Onuoha shared concern that graduate students, who may have had issues with their assigned graduate advisor, may have difficulty finding another advisor or research group with whom to continue their work, which could compromise their ability to continue their degree program. He asked if academic freedom could be used to protect students in these situations.

In responding to questions raised by Cook and Onuoha, committee members shared the following:

- Eryk van Wyk noted it may be valuable to make a distinction between graduate students who are teaching assistants and those who are the instructors of record.
- Nadathur said that the situation of a graduate student being unable to continue working with their assigned advisor and having to find a new one, while traumatic for the student, is not an issue of academic freedom. It is, Nadathur added, something that the University and individual departments need to think carefully about.
- Rebecca Ropers added that in this conversation, it is important to be very clear about *what is and what isn't* within the scope of academic freedom.
- Ropers said she feels it would not make sense to add graduate students to the document produced by AF&T regarding academic freedom for those with term appointments, namely because graduate students have a different type of relationship with the institution than term faculty have.

Cook then asked for reactions from committee members as to the appropriateness of the AF&T creating a separate but parallel document to the one it created for faculty with term appointments. Nadathur noted that this is a complex issue involving graduate students serving in various roles, and before the committee could consider making a statement or endorsement on behalf of graduate students, it would need to more thoroughly understand the issues graduate students would like addressed.

Phil Buhlmann said it is important to remember that academic freedom at the University of Minnesota is *not* limited to tenured/tenure-track faculty, and there may be some benefit to having that more clearly spelled out. Nadathur agreed that reinforcing the fact that academic freedom exists for graduate students - somewhere other than in University policy documents - might be relevant.

Buhlmann added that while graduate students may feel primarily that they are independently creating their research, there are often aspects of their research that either the University, a department, or the principal investigator on the project is put in charge of. The graduate student does indeed have academic freedom rights, *and, at the same time*, there are decisions that will be in the hands of the person serving as their advisor.

Committee members then revisited a situation related to the academic freedom of graduate students - namely oversight by the International Travel Risk Assessment and Advisory Committee (ITRAAC) on graduate student travel for research. Committee members were in agreement that the ITRAAC policy makes sense for undergraduate students but should not be imposed on graduate students.

Nadathur summarized by saying that Cook and Onuoha raised an important issue for the committee to consider further. He invited them, for future discussions, to provide further clarity

on what the exact issues are that are being faced by graduate students. Nadathur also reiterated that it will be important to elevate the message that academic freedom is important to graduate students so that it might be better understood by those who have interactions with graduate students.

He thanked Cook and Onuoha for their presentation and moved to the next agenda item.

#### **4. Discussion: Topics for Remaining 2022 Meetings**

Nadathur began by noting that a number of committee conversations had raised issues related to censorship and in particular being called out for espousing one's views. He referred to a number of cases brought to his attention by Chaouat and other faculty and said that censorship and these cases should be discussed at a future meeting. Part of such a conversation, Nadathur added, would be to clarify in which cases academic freedom is actually violated.

Nadathur then invited Ropers to share items that may be of interest to the committee regarding an upcoming review of the Board of Regents (BOR) Policy: *Code of Conduct*. Ropers noted that at present, the BOR policy is, functionally, an aspirational document. Language in the document refers to using administrative policies as a way to operationalize what is in the BOR's policy. There is currently some discussion, Ropers said, about removing the language that refers to administrative policies, thereby making the BOR policy an actionable document. She suggested that committee members, and faculty in general, consider what it could mean should an aspirational document such as the BOR policy suddenly become actionable. She also invited members to consider other sections of the BOR Policy: *Code of Conduct* that might warrant review in light of that possible change.

Teri Caraway said a colleague of hers in the College of Liberal Arts (CLA) was concerned about the frequency with which post tenure reviews were being used in CLA. Committee members discussed the difference between post tenure review (which is standard) and performance improvement plans (which are not standard).

Ropers clarified:

- Everyone should receive an annual review.
- Every four years, associate professors should receive a promotional review.
- At our university, "post tenure review" refers to a standard review that all tenured faculty go through (the U of M's language is different from most other peer universities)
- Special peer review refers to instances where a faculty member has failed to meet expectations in some way.

Chaouat noted that he sees this as a question of performance and is not clear how it relates to academic freedom. Nadathur said that whether or not the use of such reviews is related to academic freedom is the purview of the Academic Freedom *and Tenure* Committee to weigh in on. Nadathur then invited Chaouat and Caraway to work with him regarding this issue for discussion at a future meeting.

George Weiblen mentioned that in 2021 the College of Biological Sciences began requiring faculty and graduate students to sign a compact for [Respectful and Responsible Conduct](#). He said that, following the required training around sexual misconduct, the college took the action to create this document and require faculty and graduate students to sign it. Steer noted that, in the

Medical School, there is a [Medical Scientist Training Program \(MD/PHD\) Physician Scientist Code of Ethics and Professionalism](#), but no one is required to sign a compact.

Weiblen added that the [President's Postdoctoral Fellowship Program](#) is causing some concern in his department. Ropers noted that Keisha Varma, associate professor and associate vice provost, Office for Equity and Diversity, leads the initiative which is a key part of the University's efforts to diversify its faculty. She suggested inviting Varma to a future AF&T meeting to discuss the program and concerns associated with it.

Nadathur then thanked committee members and, in the interest of time, adjourned the meeting.

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University Senate Office