

Academic Freedom and Tenure Committee (AF&T)

Meeting Minutes

March 13, 2015

[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.]

[In these minutes: ITRAAC Process Discussion]

Present: Phil Buhlmann and Teresa Kimberley (co-chairs), David Born, Cristian Cardenas Cofre, Jerry Cohen, Jessica Larson, Al Levine, Holley Locher, Karen Miksch, Paula Rabinowitz, Nicole Scott, Nathan Shippee, Catherine Squires, Kevin Upton

Regrets: Rachel Bergerson, Barbara Elliott

Guests: Provost Karen Hanson; John Finnegan, dean, School of Public Health; William Donohue, general counsel, Office of the General Counsel; Holly Dunn, PhD candidate, Political Science; Raymond Duvall, professor and former chair, Political Science; Meredith McQuaid, associate vice president and dean, international programs; Debra Olson, associate dean for global health, School of Public Health; Stacey Tsantir, health, safety, and compliance director, Global Programs and Strategy Alliance; Joan Tronto, professor and chair, Political Science; Beth Virnig, senior associate dean for academic affairs and research, School of Public Health

Others: Ole Gram, Derk Renwick

1. ITRAAC DISCUSSION

Professor Miksch provided background information on the committee's efforts to review and make recommendations in regard to the International Travel Risk Assessment and Advisory Committee (ITRAAC) decision-making process. She noted the committee's concern related to the potential chilling effect that the approval process could have on graduate students conducting research, which impacts their decision to stay at the University, and affects academic freedom in general. They hoped to balance this concern with that of the ITRAAC's concern for student safety. After meeting with concerned members of the faculty, all members of ITRAAC, and

meetings on a number of occasions with the Senate Research Committee and the Faculty Consultative Committee, AF&T drafted a proposal to revise the policy. The committee received feedback from faculty and staff via email and the draft proposal was also vetted by the Senate Research Committee, FCC, and members of ITRAAC. A final proposal incorporating feedback was brought before AF&T for final discussion and a vote in September 2013. Professor Miksch noted that academic freedom is a cornerstone of the University and as such the need to promote academic freedom for graduate students conducting their own research is a core value at UMN and this is reflected in the final AF&T proposal. As the comment to the AF&T final proposal notes:

The Academic Freedom and Tenure committee requests that the *Education Abroad Opportunities: Addressing Health and Safety Risks* policy be revised with regard to overseas travel to risky areas by graduate students pursuing field research. Currently, the policy provides that the International Travel Risk Assessment and Advisory Committee (ITRAAC) must approve all study or education abroad when "when a significant health or safety concern is raised regarding the opportunity."

Our concern is that the University has adopted a policy that may serve to impede academic freedom. It is a well-intended policy and suitable for undergraduate and some graduate overseas travel, but we suggest that the pursuit of academic research for graduate students is potentially hindered by this policy.

This revised policy provides that graduate students pursuing field research in risky areas be given the same academic freedoms as faculty. It is appropriate for ITRAAC to serve in an advisory function, but we suggest that final approval authority over travel is an inappropriate limitation on academic freedom. In our view, if the graduate student's adviser, director of graduate studies, and college dean approve the travel, that should be sufficient.

The AF&T proposed amendment stated in relevant part:

"The graduate student must still submit an approved travel plan created in collaboration with and approved by the student's graduate adviser, director of graduate studies, and dean to ITRAAC in a timely manner for the purposes of University recordkeeping and ITRAAC review. ITRAAC may issue an advisory opinion on the plan for consideration by the graduate student, the graduate student's adviser, department chair, and school's dean for possible amendments to the plan. However, final authority over approval of the travel plan rests solely with the graduate adviser, director of graduate studies, and dean."

The amendment also defined what was meant by 'field research':

"Field Research is defined as the collection or creation of information/data/scholarly work outside of a laboratory, library or workplace located within a student or faculty member's home institution or an official University partner institution abroad. The approaches and methods used in field research vary across disciplines."

AF&T unanimously approved the amendment to the ITRAAC policy on September 27, 2013. The amendment was sent to the Faculty Consultative Committee, which unanimously approved it on November 14, 2013. After the FCC unanimously approved the policy, it was sent to the Provost, and the co-chairs of AF&T met with the Provost on November 22, 2013 to discuss the proposed ITRAAC amendment. The Provost expressed that the proposal was well thought out and seemed reasonable. Given that the proposal was left with the Provost, it was not put on the docket for a full vote of the faculty senate.

Meredith McQuaid, associate vice president and dean, Global Programs and Strategy Alliance (GPS Alliance), began by explaining that most universities have a process in regard to student travel to particular locations. Most use the State Department's Travel Warning list; in some cases students are banned completely from traveling to countries on the list. Others limit or have an educative process, which allows students to develop plans. Dean McQuaid explained that when the policy was renewed, input was received from many sources, including the draft approved by AF&T. For the University of Minnesota, if a student wishes to travel to a country on the Travel Warning list, the students can submit a petition, with the support of their academic adviser and dean.

Dean McQuaid explained the following list of ITRAAC members as proscribed in the administrative policy [Student Travel and Education Abroad: Health and Safety](#):

Composed of the Associate Vice President and Dean for International Programs (Chair), the General Counsel, the Associate Dean of Graduate Education, and the Vice President for Health Sciences (officials may delegate their responsibilities to others within their areas of authority and consult other administrators, faculty and experts as they choose). The Dean of the School of Public Health will serve on the committee whenever a decision is being considered to cancel or suspend an education abroad opportunity for public health reasons.

Dean McQuaid went on to discuss the ITRAAC process under the revised policy, which was finalized in October 2014. She highlighted the following information using a PowerPoint and also answered questions throughout:

- ITRAAC Process
 - Student drafts application and gathers materials (timeframe varies).
 - In consultation with GPS Alliance staff, student finalizes material (time is usually 2-4 weeks). This is a very educational process, and many undergraduate and graduate students need help drafting plans for things like preparing for an outbreak of violence.
 - ITRAAC Committee members review, discuss electronically (final vote concluded within 5-10 days).

- Has this timeframe changed since the revision of the policy? The process might have shortened a bit because the academic advisers are more familiar with the process, as are the students. The GPS Alliance often receive late application submissions, but ITRAAC is willing to review the application and work with the student if possible.

- ITRAAC Application Data

Academic Year	Number of Application	Denied Graduate Application	Denied Undergraduate Application
2004 – 2005	unknown	0	0
2005 – 2006	unknown	0	0
2006 – 2007	unknown	0	0
2007 – 2008	unknown	0	0
2008 – 2009	14	0	0
2009 – 2010	25	0	0
2010 – 2011	38	1	0
2011 – 2012	48	0	0
2012 – 2013	50	0	0
2013 – 2014	54	0	0
2014 – 2015	17 (as of Feb. 1, 2015)	0	2

- The number of applications from graduate students exceeds those for graduate student travel and is steadily increasing. (Applications for undergraduate student travel often applies for travel of groups of undergraduate students and therefore affect more students.)
- ITRAAC only reviews applications for locations on the State Department Travel Warning List.
- Dean McQuaid emphasized that they are proud of the fact that students are seeking these opportunities, and because the application process requires a rather detailed explanation of the reason for the travel, ITRAAC is able to learn more about the work in which our students are engaged.
- 2010-11 Graduate Student Application Denied
 - A CLA graduate student applied to go to Nigeria to conduct research.
 - Application did not clearly demonstrate that the student had a plan to mitigate substantial risks as confirmed by Consular Services and security experts.

- ITRAAC decision: student should delay travel until after elections and strengthen her mitigation plan. The research was not related to the election, so they recommended delaying it.
- 2014-15 Undergraduate Student Applications Denied
 - Undergraduate student sought permission to leave required program housing in Israel. This request was denied, so she moved back to campus housing and remained in the program.
 - University department applied to bring 15-20 undergraduates to North Korea.
 - Is a student's country of origin considered? Yes, it makes a difference that they have a support network, speak the language, and know where there are dangerous areas.
- AF&T Recommendations for Amendment
 - Dean McQuaid displayed a summarized version of the recommendation made by AF&T as follows: "ITRAAC to issue only advisory opinions for graduate students doing "field research" abroad." She went on to explain that through consultation on the policy revision, it was decided that the category of "field research" was too vague. In the process of reviewing the policy with various groups around campus, Dean McQuaid heard from graduate faculty and advisors that the term "field research" does not have a shared definition. All of the concerns raised by AF&T were given serious consideration and efforts were made to address many of them in the final revisions (detailed below).
 - Dean McQuaid explained that they decided not to revise the policy in the way that AF&T and FCC requested, stating they received input from many interested parties. That is, the current policy still requires ITRAAC approval before a graduate student can travel abroad (whether for a course, or field research) to any country on the state department list.
- Feedback for the ITRAAC policy revision was received March 2013 – April 2014 from:
 - ITRAAC members, senior University leadership
 - IPC
 - Education Abroad Offices
 - Education Abroad colleagues across the system
 - FCC
 - SCEP
 - SCSA
 - Council of Graduate Students (COGS)
 - SRC
 - University community submitted feedback during 30-day comment period for the policy revision during March and April of 2014.
- Dean McQuaid commented that consultation does not require action based on the input received. The feedback received from different governance structures varied.

- Professor Cohen commented that each governance group fulfills a different role, so it is not surprising that the feedback was different.
- Professor Kimberley recognized that there are numerous concerned parties, but commented that all input may not be equally weighted. That is, unanimous approval from AF&T and FCC should be given strong consideration.
- How AF&T concerns are reflected in the policy revision:
 - Added the Associate Dean of Graduate Education as a new member of ITRAAC.
 - Explicitly noted the role of the Vice President for Academic Affairs and Provost, though not a voting member.
 - Added the involvement of the collegiate Dean(s) in any situation where ITRAAC is considering a denial (or request to delay travel) of an application submitted by a graduate student.

The discussion was then formally opened for comments and questions:

- Does ITRAAC distinguish between State Department Travel Alerts and Travel Warnings? ITRAAC only considers warnings, not alerts.
- Professor Kimberley sought clarification on the policy revision timeline.
 - The University Policy Office requested that the policy be reviewed in October 2013. This is the same period of time that AF&T was developing recommendations.
 - Professor Miksch, later in the discussion stated that FCC unanimously approved AF&T's proposal in November 2013, which was also forwarded to Dean McQuaid, and then forwarded to the Provost.
 - On December 31, 2013, the GPS Alliance notified Gary Engstrand of the proposed changes based on the AF&T recommendations.
 - In January of 2014, communication was sent to Dean McQuaid from AF&T stating that comments on the policy were being drafted and the drafted and AF&T recommended changes would be sent, but Dean McQuaid did not receive any additional communication about recommended changes.
 - Following approval from PPC and PAC, both of which were informed of the AF&T and FCC recommendations, the policy went live in March 2014 for a 30-day comment period. No comments were received. From the committee's perspective, this would not have needed to be forwarded again during the comment period of March-April 2014. Professor Buhlmann commented that communication seemed to be an issue all around, and today's meeting is an attempt to solve that problem.

Ms. Dunn, a second year Political Science PhD candidate, was invited to speak to members about her experience with the ITRAAC application process. At the time of the meeting, she was in the process of completing the application. Ms. Dunn is seeking to conduct field research in the

eastern Democratic Republic of Congo, and the effects of conflict on the local population. She outlined two issues with the ITRAAC process:

- The research she is proposing to undertake will give a voice to the marginalized populations affected by conflict, which cannot be done at a distance.
- ITRAAC may limit these opportunities, and the current policy privileges certain methodologies. For example, one cannot do participatory action research or political ethnography without spending an extended period of time doing field research.
- The security concerns are sometimes detached from conditions on the ground. State Department travel warnings are directed at the general public, not for those that have an intimate knowledge of the area. She receives daily updates on the conditions in the Congo from her local research partners.
- She hopes that consideration of the academic development of young scholars and ethical concerns of young scholars, combined with a reexamination of how security can be ensured will shed light on why the ITRAAC process can be problematic for graduate students.
- She has been through a number of phases of the application process, specifically receiving questions from the GPS Alliance. It has not yet been sent to the ITRAAC Committee. One of the questions she was asked is if she would be willing to delay her research for 1-4 months. This is problematic because the security changes on a day-to-day basis and her local contacts inform her on a daily basis if it is safe to travel. She cannot necessarily have a detailed safety plan in advance because she will need to respond to the immediate conditions. Ms. Dunn emphasized that the key to safety is connection to local contacts and that cannot be outlined in a day-to-day plan. Dean McQuaid explained that it is likely that the staff member she is working with is only asking in response to a State Department recommendation, and Ms. Dunn's response would be recorded as information for ITRAAC to consider when they review the application for approval.

Members then had the following comments and questions:

- To Ms. Dunn: How long have you been involved in the ITRAAC process? Since January 2015.
- Would it be helpful to provide more information in the initial application to get at these issues up front? Or clarify what should be included in the application? Dean McQuaid responded that students are typically responsive during the process, but the communication in some cases needs to be frequent and not in others. Dean McQuaid asked Ms. Dunn for her perspective on the number and depth of the questions on the application. Ms. Dunn explained that she is mainly concerned with how the final approval will be determined. As a researcher, she is concerned with how this could limit

the type of research that is conducted. She would discuss these questions with her adviser and local contacts anyway.

- Professor Duvall said that he believes many take issue with the capacity of ITRAAC to prohibit. Through the discussion, he sees the prohibition point as an issue in relation to the University's mission to promote academic freedom. The University is putting PhD candidates too close to the category of undergraduate students, whereas he sees them as becoming faculty. He believes ITRAAC should be advisory, without holding on to the right to deny.
 - Dean McQuaid responded that without the ability to say "no" there is no opportunity to get involved in the process. As a University, they have some responsibility for the safety of students and University resources. The need to protect University resources.
- Professor Duvall asked how this risk is different from a faculty member going to one of these locations?
 - Dean McQuaid responded that the cost and risks have to be weighed. Not all students carefully examine the risks, as is evident in some of the applications they receive. Without the ability to deny, they would not have the opportunity to be as involved in the process.
- Ms. Scott asked how many people begin the process and do not continue?
 - Professor Duvall said that he is aware of a candidate whose original proposal was to accompany a faculty member, but she was sufficiently discouraged by the ITRAAC process and decided to change the direction of her research. Dean McQuaid responded that there are also people that have found the process helpful.
 - If a student is denied at the end of the ITRAAC process, are there other ways the student can conduct the research without violating University policy?

Currently the policy states:

If the travel is occurring during a required term, the student must take a leave of absence from the University, where possible. Students on leave of absence from the University are not eligible for financial aid, scholarship, travel stipends and other University supports including credit. If a leave of absence is not an option, students who travel in violation of this policy risk losing their student status.

- Dean McQuaid said that it is hard to give a definitive answer because each case is different. There are many unique categories and titles of graduate students. In some cases, a denial might be followed by additional work and coaching and the student could still go abroad with University support. In other cases, the student might go outside of University support and control.

- Professor Squires said that she sees this as a lack of trust if it is not believed that students would not go through the advisory process without the possibility of denial. For example, the IRB process is required and is also a learning process for the student.
 - Dean McQuaid explained that ITRAAC is concerned with recommendations from the U.S. Consulate, whereas this is not the primary concern of those designing research projects.
 - Professor Kimberley said that she perceives this issue as a need for more balance in how the decision is made.
 - A committee member mentioned that IRB is not simply advisory, but a required process, just as ITRAAC is required.
- William Donohue, general counsel, OGC, commented that in his opinion, the applications are very well thought out. He sees the process as being thoughtful and appropriate. The OGC is in the position to defend academic freedom, but safety is a different consideration than the content of the research.
 - Professor Kimberley asked if the policy removed the ability to deny travel, from a legal perspective; what would be different if something bad happened?
 - Mr. Donohue said that for example, if a student researcher was killed, the OGC's ability to defend a claim brought against the University would be lessened. It would alter their position if the University had never reviewed the safety of the project.
 - Mr. Cofre said that there are missed opportunities each time a student is denied or discouraged from conducting research. He believes the most important conversation is with the adviser and faculty, so additional approval should not be required.
- Professor Cohen commented that a lot of the best research is conducted in the most difficult areas. He has conducted research in areas that the State Department advised against, but there are ways of this being managed. He asked if State Department Science Attachés are contacted to facilitate these opportunities?
 - Dean McQuaid responded that, yes, a wide variety of resources (beyond just the Travel Warning) are consulted including both U.S. government and foreign government resources. Also, the GPS Alliance has local contacts where students are located and provided the following example: the U of M did not leave Kenya during an election when even the Peace Corps left. Their local partners were able to identify where their students were and moved some to safer areas, but they did not leave the country.
- Debra Olson, associate dean for global health, School of Public Health, said that as a member of the Midwest Consortium of Global Health, she has been asked to speak about the process because it is seen as fair and effective. It is a way to design a thoughtful plan, and it helps the students and faculty. She added that, in her opinion, students are not

being denied opportunities. The University is viewed as being a leader in this area because of the effectiveness of this process.

- Professor Kimberley pointed out that the issue is not with the plan, it is with the ability to deny and potentially the burden of the process.
- Dean Finnegan said that the process seems fair and effective. The concept of a chilling effect is difficult to prove.
- Professor Duvall explained that the IRB is not comparable to this process because it is about accepting the principle that the University and its researchers are ethically responsible to the subject being studied. He said that the ITRAAC process is profoundly different because it implies that the researcher is no longer responsible for themselves.
- Professor Rabinowitz reiterated that the process is useful and she does not believe that without the possibility of denial researchers would ignore the regulatory process. Dr. Levine emphasized that regulatory processes need to be in place.
- Professor Kimberley posed the option of the process being mandatory, while the ITRAAC Committee does not have the right to deny the opportunity. Professor Shippee added that if the middle ground is completion, what is a satisfactorily completed plan? Stacey Tsantir, health, safety, and compliance director, Global Programs and Strategy Alliance, commented that removing the right to say “no” would not change the ultimate result of the process. Ms. Dunn pointed out that the IRB process for international research requests ITRAAC approval.
- Professor Shippee commented that “involvement” of the dean does not mean that the final approval rests with the dean. Dean McQuaid explained that there are deans that would not want the final approval, so the language was left purposely ambiguous. The goal is that the Dean would join the discussion with the ITRAAC committee, and ultimately join in the decision making process.
- Professor Kimberley said that there seems to be an issue with how the ITRAAC process is communicated. Professor Buhlmann added that he agrees that the work that is completed is very valuable but clarity should be added for applicants in regard to the frequency and causes of denials. Professor Cohen added that “no” should be predicated on recommendations for other ways to go about completing the research.
 - Ms. Olson said that she has never perceived this as a denial process. She sees this as a process for ensuring student success.
 - Professor Duvall commented that there is a public relations dynamic, and graduate students perceive this process as challenging and threatening. This also affects prospective graduate students and this can cause issues for faculty trying to retain or recruit graduate students. He agreed that it would be helpful if students understood that this process is ongoing and not necessarily the final voice.
 - Dean McQuaid emphasized that they are always open to feedback, but there is a balance to meet the varying needs of the constituents.

- Dean Finnegan pointed out that graduate students would be a particular group to speak with.
- In closing, Professor Kimberley summarized by saying that there is agreement that all parties want similar things: meaningful research that maximizes safety. There is benefit to the process but ITRAAC seems to have an image problem, which may be helped by different and broader communication. Dean McQuaid stated that they are open to further feedback.

Hearing no further business, Professors Buhlmann and Kimberley adjourned the meeting.

Jeannine Rich

University of Minnesota