

**Academic Freedom and Tenure Committee (AF&T)  
Meeting Minutes  
September 19, 2014  
10:00 – 12:00**

[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.]

Present: Phil Buhlmann and Teresa Kimberley (co-chairs), Arlene Carney, Jerry Cohen, Barbara Elliott, Jessica Larson, Al Levine, Holley Locher, Karen Miksch, Nicole Scott, Kevin Upton

Regrets: David Born, Paula Rabinowitz, Nathan Shippee, Catherine Squires

Absent: None

Guests: Ole Gram

[In these minutes: Welcome; Committee member orientation and review of charge; Updates on ITRAAC, Section 10 and 12; Discussion of new topics; Goals for the coming year.]

**1. WELCOME**

Professors Buhlmann and Kimberley convened the meeting and asked for introductions.

Professor Kimberley began by saying that she would like to streamline the committee work this year, focus on outcomes, and avoid redundancy with other committees, especially Faculty Affairs.

**2. REVIEW OF CHARGE**

Professor Kimberley read the committee's duties and responsibilities to the members and highlighted the following point:

- “d. review annually the use of contract and non-faculty instructional appointments in all departments and colleges, and make recommendations to the Faculty Senate and the appropriate senior academic administrators....  
f. monitor the post-tenure review process.” She noted that this year they could look at how these are implemented.

**3. UPDATES ON ITRAAC & SECTIONS 10 & 12**

Professor Kimberley introduced the topics and asked former chair, Professor Karen Miksch, to update the committee on the progress of the changes proposed to the Education Abroad Opportunities: Addressing Health and Safety Risks policy.

- Professor Miksch explained that the only change provides that the International Travel Risk Assessment and Advisory Committee (ITRAAC) would no longer have final authority to approve or disapprove graduate student travel abroad for research fieldwork to areas covered by State Department or other travel warnings; ITRAAC would continue to have final authority over all undergraduate and other post-baccalaureate study abroad activities. Final authority over graduate student travel abroad for research would rest with the adviser, the program DGS, and the appropriate dean. The reason for the proposal is that ITRAAC veto or delay of field research could constitute an infringement on the right of graduate students to do work in a field of their choice, including in places that may appear to be dangerous.

AF&T was concerned that this could have a chilling effect on academic freedom. They looked at other universities' policies, consulted with the OGC, and was approved by the University Senate Committees on Faculty Affairs, Research, and the Faculty Consultative Committee. After extensive consultation, it was decided to change the definition of what constitutes field research. They recommended the policy be amended. The FCC approved it, and it now is awaiting formal approval from the provost.

Dr. Levine said that he understands this needs a formal letter of approval and he will discuss this with the Provost.

- Professor Miksch explained that the request to look at unrequested leaves of absences dealt with in Section 10 came from OGC, OHR, the Disability Resource Center (DRC). The way in which the code is written is that there are two separate issues, and they requested a different procedure for disabled faculty members. A change of the procedures is not a revision of the code. Within the proposed procedures, it is explained that a disabled faculty member must be registered with the DRC. They considered best practices with guidance from DRC regarding stigma that faculty might feel in registering and informing their dean. The Judicial Committee said that this would be helpful in related cases. AF&T unanimously approved the procedures and because it is a procedure it goes to the Provost, after her approval, it would then go to the OGC. This is still awaiting final approval from the Provost and the OGC.
  - Dr. Levine emphasized that procedural language is important because it will be referenced going forward. He raised the issue of a faculty member being disabled and unable to register with DRC. He pointed out that the procedures do not say that it is the responsibility of the faculty member to register with the DRC nor does it state that they will be reminded to register. Professor Miksch said that the DRC and OGC also made it clear that reminders should be offered to all faculty in a non-discriminatory way. For example, the information can be offered each year in existing communications.

- Assistant Vice Provost Gram explained that HIPAA and ADA regulations must be considered with regard to an individual's privacy. He said that the next issue is to decide whether amending the procedures is the best course of action or if Section 10.1 should be revisited to make sure that it is compliant with federal law.
- If the family member has Power of Attorney and they are their legal guardian, could the family member register them with DRC? Professor Miksch said that most likely the family member could.
- Dr. Levine said that he will discuss this with the Provost.

Prof Kimberley explained that writing procedures, which provides clarification, does not open the tenure policy. The entire tenure policy opens for modification if changes are made to one section and then the date changes, which means departments might have to change 7.12 statements.

- Professor Kimberley explained that section 12 deals with programmatic change. This raises several questions such as: What happens to a faculty member if the program changes? What is programmatic change. What happens when change happens? The intent was to clarify the steps that occur after programmatic change happens. The document used currently is a memo from Provost Sullivan in 2007 in regard to a specific event and was not meant to be applied to future events. While this was discussed with Provost Hanson and there was general agreement that this is needed, there is another issue around the definition of programmatic change. There should not be a list of what programmatic change is, but rather perhaps a list of what it is not. Professor Kimberley and members agreed that this issue should be discussed with Provost Hanson again.
  - Dr. Levine said that the Strategic Plan involves interdisciplinary education that could result in programmatic change, so it will be important for programmatic change to be clarified.
  - Professor Miksch added that “consultation” is mentioned within section 12.2, but members agreed consultation should take place before the final decision is made. In the absence of a clear definition of what consultation is, it left to interpretation.
  - Dr. Levine added that since tenure is held at a central level, not departmental a level, many do not realize there are restrictions to faculty moving to different departments.

#### **4. FUTURE DISCUSSION TOPICS**

Professor Kimberley began the discussion of future topics. She said that considering how issues align with the Strategic Plan could create more momentum. Members made the following comments:

- Professor Buhlmann said that there is an intersection of intellectual property and academic freedom concerns with other committees.

- An increasing number of non-tenure track faculty are teaching courses, however because they are non-tenure track many do not feel they have a voice in consultation. They do not feel they can engage in discourse without the protection of tenure.
  - Professor Kimberley added that this is timely as SCFA is discussing this issue.
- Advising. It was reported that certain advisors are sabotaging student success and/or taking advantage of students. What are the repercussions? There are no policies related to this issue. COGS is writing a Bill of Rights for Graduate Students and they hope to take this to the Board of Regents as expectations that students have. They would like to bring this to the committee to ensure it has proper consultation and connection to existing policies.
  - Professor Kimberley said that academic freedom extends to students and there are areas that this intersects with the committee. As the Bill of Rights is being finalized the committee could review it. Professor Buhlmann added that as a DGS, this Bill of Rights would be helpful in recruiting and ensuring students of the faculty commitment to a positive student experience.
  - Professor Cohen added that a lack of a Graduate School has resulted in the DGS orientation being left to the colleges and campus-wide guidance could address these issues.
- Professor Miksch posed the question: How is academic freedom lived? The Shield Amendment has been approved by AF&T and FCC, it is a proposed amendment to the MN State Law. It protects researchers against private data requests. It is an increasing issue for researchers to promise confidentiality, thereby creating a limitation on academic freedom.
- How does social media affect the ability to remain tenured? How can conversations be created publicly, while still maintaining a civil environment?
- Academic freedom is supposed to be neutral, but faculty of color who are marginalized can have a different experience with academic freedom. Some faculty of color feel they cannot study certain areas or fully enact their academic freedom until they have earned tenure. How are different groups experiencing academic freedom?
  - Members noted that there are useful resources in terms of pay equity, engagement, and recent data looking at mentoring programs for faculty.
  - The Collaborative on Academic Careers in Higher Education (COACHE) survey results have been released. This survey is completed by tenured and tenure-track faculty and measures satisfaction.
  - The Engagement Survey is administered by OHR and is taken by all faculty and staff. Though the results are not supposed to be broken down for smaller departments, there are instances where this was done.
- Many departments take standard policy and apply it in a heterogenous way, which can affect academic freedom.

- The status of post-doctoral scientists and researchers is a grey area of students and employees. Campus reached its peak in 2006 as one of best places for post-doctoral students, but there are now issues in mentoring, placement, and a constant changing of benefits with each job classification. Members mentioned that they should be included in policies as an academic entity.
  - Members will consider the possibility of modifying the committee charge to include a post-doctoral representative.
- Should there be a comment made from the committee on the strategic plan?
  - There were concrete suggestions made in the plan and some fit within the committee's purview such as post-tenure review, and revising the sabbatical policy.
  - With such a short amount of time, members agreed that a thoughtful response could not be generated from the group. However, as a result of the plan, a number of policies and procedures will need to be discussed by the committee going forward.

Hearing no further business, Professor Kimberley adjourned the meeting.

Jeannine Rich

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