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President's Task Force on Institutional Speech

Final Report and Recommendations

2 January 2025

To: President Rebecca Cunningham

From: Phil Buhlmann, Task Force Chair

Date: January 2, 2025

Dear President Cunningham,

I am pleased to present you with the final report and recommendations of the President's Task Force on Institutional Speech. This report is the product of extensive consultation within and outside the task force, including with numerous stakeholders and with faculty governance across the University of Minnesota system. The task force has unanimously approved this final report and proposed administrative policy, and the proposed policy has also received the overwhelming endorsement of both the Academic Freedom & Tenure Committee (11 yes, 0 no, 4 abstentions) and the University Senate (122 yes, 8 no, 0 abstentions).

The policy questions addressed by the task force are timely, and officials and units at the University will surely in the near future be confronted again with demands that they issue position statements on matters of public concern. We hope you agree that the proposed administrative policy provides a strong foundation for how the University, its constituent units, and its officials can respond to such demands as they arise while also fulfilling the University's land-grant mission "to extend, apply, and exchange knowledge between the University and society by applying scholarly expertise to community problems," as [charged by the Board of Regents](#).

Sincerely,

Phil Buhlmann

Cc:

Provost Rachel Croson

FCC Chair Jennifer Goodnough

AFT Chair Eric Van Wyk

Jessica Durkin, Chief of Staff to the President

Task force members Mark Bee, Jodi Dworkin, Rob Jones, Ron Krebs, Sheryl Lightfoot, Amelious N. Whyte, Lin Xiu, Jody Gray, Drew Swartz, Katie Jackson, Carrie Ryan Gallia, Christie Wells



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Contents

[Task Force Membership](#)

[Charge and Scope of Work](#)

[Introduction](#)

[Background](#)

[Principles Guiding Policy Development](#)

[Consultation and Common Themes](#)

[Summary of Recommended Policy Provisions](#)

[Additional Recommendations](#)

[Minority Opinions](#)

[Endorsements](#)

[Appendix A – Consultation](#)

[Appendix B – Consultation of Policies from Other Institutions](#)

[Appendix C – Proposed Administrative Policy](#)

[Appendix D – Suggested Board of Regents Policy](#)

Task Force Membership

Tenure-system faculty members represent a majority of the task force membership, supplemented by two other individuals who are covered by the Board of Regents Policy [Academic Freedom and Responsibility](#) (one Associate University Librarian and one Graduate Assistant), as well as one full-time staff member.

- Phil Buhlmann (Task Force Chair), Past Chair, Faculty Consultative Committee; Past Chair, Academic Freedom & Tenure Committee; Distinguished University Teaching Professor and CSE Distinguished Professor, Department of Chemistry
- Mark Bee, Past Chair, Faculty Consultative Committee; Faculty Legislative Liaison; Professor, Department of Ecology, Evolution, and Behavior
- Jodi Dworkin, Professor and Extension specialist, Associate Department Head of Family Social Science
- Rob Jones, Past Co-Chair, Faculty Advisory Committee on the Health Sciences; Professor, Department of Developmental and Surgical Sciences, Division of Pediatric Dentistry, School of Dentistry
- Ron Krebs, Past Chair, Senate Judicial Committee; Distinguished McKnight University Professor, Department of Political Science
- Sheryl Lightfoot, Russell M. And Elizabeth M. Bennett Chair in Excellence in Public Affairs, Humphrey School of Public Affairs
- Amelious N. Whyte, Jr., Co-Chair of the Equity Lens Policy Review Committee; Interim Director for Diversity, Equity, and Inclusion, College of Liberal Arts
- Lin Xiu, Past Co-Chair, UM-Duluth Faculty Senate; Past Co-Chair, Employees of Color and American Indians (EOCAI); Professor, Department of Management Studies, Labovitz School of Business and Economics, UM-Duluth
- Jody Gray, Associate University Librarian for Research, Libraries Administration
- Drew Swartz, Past-President, Council of Graduate Students; PhD Candidate, Veterinary Population Medicine, College of Veterinary Medicine

The task force was assisted by the following ex officio members:

- Katie Jackson (ex officio), Associate Vice President and Dean of Students, Office of Student Affairs
- Carrie Ryan Gallia (ex officio), Senior Associate General Counsel, Office of the General Counsel
- Christie Wells (ex officio), Director of Internal Communications, University Relations

Christine Marran, AF&T Past Chair; Professor of Japanese Literature and Cultural Studies and Past Chair, Department of Asian and Middle Eastern Studies, served on the task force as a full active member until 9/26/2024.

Anne Barnes (Senior Staff), Assistant to the Provost, supported the task force logistically.

Charge and Scope of Work

The President's Task Force on Institutional Speech was charged in May 2024 with developing an appropriate policy or policies related to institutional statements on matters of public concern at all levels of the University. The charge noted that this might be a Board of Regents policy, an administrative policy, or both. The task force was charged to think broadly about whether and when "the University" should speak. The task force was also encouraged to use as guidance the [report and policy recommendations](#) on academic units issuing statements on matters of public concern written by the Senate Committee on Academic Freedom and Tenure (AF&T).

Introduction

The University of Minnesota’s commitment to the free exchange of ideas and information is critical to advancing its tripartite mission: research and discovery, teaching and learning, and outreach and public service. In keeping with this mission, and as a public institution, the University has both a legal obligation to adhere to the First Amendment and a public duty to promote and support civil discourse through free and open dialogue and inquiry.

University of Minnesota Board of Regents Policy: *Academic Freedom and Responsibility*, which applies to all University employees who engage in academic work, states (emphasis added):

SECTION II. ACADEMIC FREEDOM. Academic freedom is the freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and **to speak or write on matters of public concern** as well as on matters related to professional duties and the functioning of the University.

SECTION III. ACADEMIC RESPONSIBILITY. Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor **to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.**

Board of Regents Policy: *Academic Freedom and Responsibility* confirms that academic freedom, together with First Amendment protections, ensures that individuals or groups of faculty or staff engaged in academic work may issue personal statements on matters of public concern or sign their names to any collective statement on matters of public concern in their individual capacities.

Background

Questions about whether and how universities should speak on matters of public concern are not new and remain relevant in discussions around how universities fulfill their mission.¹ An early focal point for discussions around institutional speech was the University of Chicago’s [Kalven Report](#). Released in 1967, the Kalven Report advocates for the position of “institutional neutrality,” which has been defined as “the commitment of a university and its leaders to refrain from taking public positions on controversial issues unless the issue directly affects the core mission and functioning of the university.”² In recent years, universities across the country—including the University of Minnesota in several instances—have issued official position statements on a range of social and political matters of public concern, such as COVID-19, the murder of George Floyd, Supreme Court decisions on abortion and affirmative action, and ongoing wars in Ukraine and the Middle East. At present, the University of Minnesota has no existing policies that clearly guide institutional decisions about when, by whom, and on whose behalf position statements on matters of public concern can be made. In Fall semester 2022, under former President Joan Gabel’s leadership, the University of Minnesota administration began engaging faculty governance leaders in conversations around creating new policy on position statements. That faculty governance was engaged from the beginning of these conversations, and throughout the development of the new policy proposed here, is testament to the University of Minnesota’s strong model of shared governance.

At the [September 15, 2022, meeting](#) of the Faculty Consultative Committee (FCC), Executive Vice President and Provost Rachel Crosron informed the committee of her intention to seek help from AF&T to develop guiding

¹ Quinn R. “What’s Behind the Push for ‘Institutional Neutrality?’” *Inside Higher Education*, October 10, 2024. Last Accessed December 13, 2024. <https://www.insidehighered.com/news/faculty-issues/academic-freedom/2024/10/10/whats-behind-push-institutional-neutrality>

² Diermeie D., “The Need For Institutional Neutrality At Universities” *Forbes.com*, December 20, 2023. Last Accessed December 13, 2024. <https://www.forbes.com/sites/danieldiermeier/2023/12/20/the-need-for-institutional-neutrality-at-universities/>

principles around academic units making public statements. Provost Croson asked the chair of AF&T to assess that committee's interest in engaging in discussion/consultation on the following topic: Is there a need for the University to create a new policy around academic units making public statements? AF&T discussed this topic at its [September 23, 2022, meeting](#) and subsequently invited Provost Croson to further discuss the topic at its [November 18, 2022, meeting](#). Provost Croson presented similar information to the Senate Committee on Faculty Affairs (SCFA) at its [December 6, 2022, meeting](#). Central to these discussions was the consideration of whether such statements may be inconsistent with the principle of academic responsibility (Section III, referenced above) if they fail to make clear that they do not speak for the University of Minnesota. Provost Croson collected feedback from the meetings and indicated that a draft document for AF&T to review would be forthcoming.

The events of October 7, 2023, brought this issue to the forefront, and Provost Croson presented a draft policy to AF&T at its [December 8, 2023, meeting](#). In the intervening two months, three University of Minnesota departments had issued statements related to the events of October 7, 2023, on their department websites, and another issued a statement on its website shortly after Provost Croson's meeting with AF&T. On February 2, 2024, Interim President Ettinger received a [letter signed by 26 state legislators](#) demanding the immediate removal of these statements from department websites. The statements were not removed. In his [response letter](#), dated February 7, 2024, Interim President Ettinger informed the 26 state legislators that

“...our administration is working with the Faculty Consultative Committee, the Academic Freedom and Tenure Committee, and other faculty governance groups to consider new guardrails and policies about departmental statements and about whether the University should take public positions on matters of public concern. Engagement from faculty and all quarters of the University in that policy development, and a corresponding respect for hearing all points of view, is itself part of the educational mission of the University.”

Both letters were presented for information to the University Senate at its [February 22, 2024, meeting](#).

At its [February 22, 2024, meeting](#), the Faculty Senate, at the request of AF&T, passed a [resolution](#) tasking AF&T “with studying and understanding the issues relevant to departments and academic units making statements on matters of public interest.” The resolution also asked “that the enactment of any new policies on this matter be delayed until the committee [AF&T] has completed its work. The committee [AF&T] should make recommendations concerning an administrative policy specifying when and how such statements may be made.” In its [response](#), delivered to the Faculty Senate at its [March 28, 2024, meeting](#), the administration agreed to delay the implementation of any new policy until December 2024 and reiterated its request from September 2022 that AF&T provide input into the formation of a new administrative policy. The administration also outlined its plans to create an inclusive task force to “develop and recommend a new administrative policy” and to “consider the question of institutional neutrality more broadly.” On May 16, 2024, in consultation with Board of Regents leadership, Interim President Ettinger established a Presidential Task Force on Institutional Speech, the membership of which was established in close consultation with the FCC chair. On May 24, 2024, AF&T released its [report and policy recommendations](#) on academic units issuing statements on matters of public concern.

Principles Guiding Policy Development

The President's Task Force on Institutional Speech prioritized a number of principles in developing a proposed administrative policy on position statements on matters of public concern:

1. **Mission** – The work of the task force was founded upon on the shared understanding that the University's tripartite mission—research and discovery, teaching and learning, and outreach and public service—aims to advance learning and the search for truth; to share this knowledge through education for a diverse community; and to apply this knowledge to benefit the people of the state, the nation, and the world.

2. **Academic Freedom and Responsibility** – The task force considered the recognition and preservation of academic freedom for all University employees who engage in academic work to be fundamental in developing a new policy. At the same time, the task force recognized that academic freedom must always be coupled with its associated responsibilities.
3. **Climate and Community** – The task force recognized that advancing the University’s mission requires fostering an inclusive climate and community of faculty, staff, students, and visitors that values equity and diversity, including viewpoint diversity; that is free from all forms of prejudice, intolerance, harassment and other forms of misconduct; that prizes robust and respectful dialogue across diverse perspectives; that facilitates vibrant and respectful civic engagement in an environment where deeply felt differences often coexist; and that is conscious of and responsive to the needs of the diverse communities it serves.
4. **Identifying and Mitigating Potential Risks** – The task force recognized that statements on matters of public concern carry risks that could undermine the University’s mission and its dedication to an inclusive climate and community. These risks include inhibiting open dialogue and debate; impeding the independent formation of opinions following critical evaluation of evidence; chilling free expression by those who hold minority or dissenting viewpoints; violating the principle of academic freedom; and alienating valued partners and stakeholders in the broader University community. The task force sought to develop a policy that mitigates these risks to the greatest extent possible.

Consultation and Common Themes

[Appendix A](#) provides a list of groups and individuals who were consulted to understand how a systemwide spectrum of University community members and external stakeholders are impacted when senior leaders or academic units issue statements on matters of public concern and how they might be impacted by a new policy on such statements. The task force sought to ensure it heard a diversity of viewpoints and considered a broad range of scenarios. Not surprisingly, some of the viewpoints expressed in these consultations disagreed with one another. The task force attempted to navigate such disagreement by prioritizing the academic freedom and free expression of individuals and adhering scrupulously to its guiding principles.

The task force also consulted related policies from other universities across the country, with a focus on peer institutions in the Big 10 and the Association of American Universities ([Appendix B](#)). However, in the attempt to formulate a policy that works best for the University of Minnesota, the task force refrained from emulating any specific policy from another institution. A careful study of other University of Minnesota policies was also conducted to identify possible inconsistencies with existing policies, but no such inconsistencies were found.

A number of common themes emerged from these consultations and from task force deliberations:

1. Wishes for fewer statements on matters of public concern were quite commonly expressed by members of the University community consulted by the task force. Many who mentioned that they had objected to the substance and wording of past statements expressed this view. Student leaders in particular expressed this view with regard to statements made by University administration.
2. While statements on matters of public concern were recognized as having potential value, they were also seen as sources of potential harm to students, staff, and faculty, as well as to the institution itself. Among the potential harms expressed by those the task force consulted and by task force members were eroding the sense of belonging; chilling free speech and open dialogue and inquiry; violating academic freedom and individuals’ right to free speech; and degrading internal relationships as well as relationships with the public and external stakeholders.
3. Members of the task force observed that the definition of an academic unit as provided by University policy is vague. Equally unclear is who the members of an academic unit are: (i) tenure-track faculty only,

(ii) all unit members with teaching functions, (iii) all unit members with teaching or research functions, or (iv) all faculty, staff, and graduate and undergraduate students. A lack of uniformity in this regard is also evident when looking at constitutions from different academic units.

4. Consulted faculty, staff, and students, as well as task force members, consistently expressed the opinions that the heads/chairs/directors of units should not make statements on matters of public concern on behalf of their units, and that faculty should not make such statements on behalf of other constituents.
5. Consulted members of the University community, as well as task force members, widely endorsed transparent and democratic procedures that minimize the possibility of coercion in the process of members of academic units issuing statements on matters of public concern. There was also strong support for requiring unit votes to be anonymous and for charging units with developing formal policies that define how such statements are developed, approved, and disseminated.
6. There was broad consensus that there are situations in which members of academic units have scholarly expertise that may justify issuing a public statement on a matter of public concern. A majority agreed that no entity at the University is better equipped to judge whether members of an academic unit have the requisite scholarly expertise to make a public statement than those members of the unit.
7. There was broad consensus that minority opinions must be respected and that statements on matters of public concern representing a majority viewpoint should not be misrepresented as the only opinion unless an anonymous vote was indeed unanimous. A majority of task force members preferred that full voting results normally be reported, but some also expressed concern that such procedures could result in undue pressure on individuals to reveal their voting preferences.
8. Many of those consulted trusted their own unit more than other units or University administration to be responsible in making statements on matters of public concern. However, there was also concern that a policy that failed to set minimum requirements for issuing statements could be abused in units, particularly in smaller units, in which there are large power differentials.

Summary of Recommended Policy Provisions

Based on its consultations and deliberations, the President's Task Force on Institutional Speech recommends the administration adopt the proposed policy included in this report as [Appendix C – Administrative Policy: Position Statements on Matters of Public Concern](#). The proposed policy outlines requirements and recommendations for both senior University leaders and academic units. What follows is a summary of the major provisions included in the recommended administrative policy.

1. Types of Public Statements

The recommended policy distinguishes among three types of statements: (i) public statements made by individuals, (ii) public operational statements made in the course of conducting University core operations, and (iii) public position statements made by the University or one of its campuses, colleges, schools, or academic units that take a position on a matter of public concern. Only public position statements of this third type are subject to the provisions of the proposed administrative policy.

2. Position Statements on Matters of Public Concern by University Leaders

The proposed administrative policy requires the president, chancellors, deans, and other senior leaders to refrain from issuing statements expressing official positions on matters of public concern unless these matters have actual or potential direct impacts on the mission and operations of the University.

3. Position Statements on Matters of Public Concern by Members of Academic Units

The task force recognizes that the mission and disciplinary scope of some academic units will at times intersect with matters of public concern. In such circumstances, the members of such units who have

relevant disciplinary expertise—especially the faculty—may wish or may be called upon to issue official statements expressing a group position on these matters. Because the members of an academic unit may legitimately view issuing such group position statements to be part of their mission, particularly with respect to outreach and public service, the administrative policy permits and regulates such statements.

- a. ***Risks Associated with Position Statements by Members of Academic Units*** – Position statements on matters of public concern carry significant risks. The proposed administrative policy, therefore, recommends that members of a unit wishing to issue a group position statement consider those risks carefully; it strongly encourages academic unit members to explore alternative ways of advancing their unit’s mission; and it requires mitigation of those risks.
- b. ***Unit Policy on Position Statements*** – The proposed administrative policy requires any unit wishing to issue group position statements to have its own approved policy prior to issuing statements. The unit’s policy:
 - i. must be approved through the unit's normal procedures for adopting new policies;
 - ii. must include appropriate measures to safeguard individual members of the unit against coercion and against violations of their academic freedom;
 - iii. must indicate which constituency or constituencies are eligible to issue statements or describe a process by which these are determined;
 - iv. must specify that position statements are to be approved by a formal anonymous vote of all members of the constituency or constituencies issuing the statement;
 - v. should allow adequate time for voting members to consider the draft statement;
 - vi. must specify the amount of time within which the relevant constituency or constituencies will be informed as to whether the statement was approved and by what margin;
 - vii. should outline whether amendments are allowed to be presented and, if so, the process of considering and adopting such amendments;
 - viii. should specify a voting threshold to approve and publicize a position statement (e.g., majority, super-majority, unanimous); and
 - ix. should specify the conditions under which dissenting statements are permitted and the process for their consideration and approval.
- c. ***Position Statement Header*** – The proposed administrative policy requires that position statements begin with a header that includes a link to the unit’s approved policy; identifies the constituency or constituencies that have considered, voted on, and approved the statement; states the outcome of the anonymous vote; and includes a disclaimer that the statement does not represent the official position of the University of Minnesota.
- d. ***Relation to Mission*** – The proposed administrative policy stipulates that group position statements should be issued only when the particular matter of public concern intersects with the scholarly and disciplinary expertise of unit members and when there is a widely held consensus view within the unit.
- e. ***Signatures*** – With limited exceptions, the proposed administrative policy prohibits units from requiring that unit members indicate their approval of the statement by appending their name or signature.
- f. ***Dissemination*** – The proposed administrative policy allows for any position statement properly approved per unit policy to be disseminated by an academic unit in whatever legal manner it deems appropriate. In keeping with current University practice, the proposed administrative policy would allow for position statements, as official unit business, to be posted on University branded websites. This is also in keeping with other mission-related, unit-approved information that regularly appears on University branded websites, such as departmental mission statements, course offerings and syllabi, faculty research interests, and statements about diversity, equity, and inclusion.

4. **Policy Violations** – The Task Force recognizes that the proposed administrative policy, like some other University Administrative policies, is vulnerable to being weaponized by malicious actors, inside and outside the University, to prevent approved unit statements from being posted. To that end, the Task Force's proposed administrative policy:
- recognizes as valid *only* those complaints originating with academic unit members who were part of the statement development process, who voted on the proposed statement, or who are listed as among an approved statement's represented constituencies. Complaints from these individuals, who are the most likely to be harmed in the process of developing a statement and by its inappropriate dissemination, are treated with a greater default level of gravity than complaints originating from other individuals, who are not part of the process of developing a statement and who are much less likely to experience significant harm from an approved statement's dissemination;
 - imposes highly restrictive time limits within which valid complaints may be registered under the terms of this administrative policy.

In addition, the Task Force strongly encourages all bodies that may receive valid complaints under the terms of the proposed administrative policy to develop accelerated processes to resolve complaints.

Complainants inside and outside the University retain the right to file complaints based on alleged violations of other University policies, but the particular means of addressing alleged violations of the proposed administrative policy apply *only* to valid complaints as defined under the terms of the proposed administrative policy.

Additional Recommendations

In developing its recommended administrative policy, the task force made a number of important observations and conclusions about additional recommendations that were relevant but went beyond developing the policy itself. These observations and recommendations are shared here.

1. **Board of Regents Policy** – Many administrative policies at the University of Minnesota have as their primary purpose the implementation of a corresponding Board of Regents policy that describes the overarching principles that form the foundation for the respective administrative policy. No such Board policy currently exists for the administrative policy proposed here. The task force strongly recommends to the University administration that it work with the Board of Regents toward crafting an overarching Board policy on position statements on matters of public concern that is consistent with the recommendations included in this task force report. The task force provides in [Appendix D](#) a draft of such a policy for the Board of Regents' and administration's consideration.
2. **Statements by Board Leadership and Individual Regents** – [Board of Regents Policy: Code of Conduct for Members of the Board of Regents](#) stipulates that the president is the primary spokesperson for the University and provides guidelines for speech by Board leadership and individual Regents. The task force makes no formal recommendations in the proposed administrative policy as to whether Board leadership and individual Regents should also refrain from making position statements on matters of public concern. However, given the risks of such statements articulated in this report and in the proposed administrative policy, the task force encourages the Board of Regents to consider revisions to Section IX of Board of Regents Policy: *Code of Conduct for Members of the Board of Regents* that would bring statements by Board leadership and individual Regents into line with the recommendations for other University leaders as outlined in this report.

3. **Who Has Academic Freedom?** – The task force wishes to highlight inconsistencies in interpretations of who has academic freedom, as these inconsistencies manifested themselves numerous times during the task force’s work. On the one hand, AF&T has emphasized the following in its [2011 white paper](#):

“The protections of academic freedom are extended to all University employees who engage in scholarly work.... Anyone—of any employment status or rank—who designs, creates, or discovers content as part of their University employment enjoys the protections of academic freedom; that includes professors, museum directors, artists, etc.”

This interpretation of academic freedom is frequently referred to within faculty governance. The Office of the Executive Vice President and Provost currently references the AF&T’s 2011 white paper [on its website](#). AF&T’s 2024 [report](#) on academic units issuing statements extends academic freedom to “academic units,” though AF&T does not clearly define what constitutes a unit (see next recommendation). In contrast, existing Board and administrative policies provide strong protections for the academic freedom only of individual faculty members. Added clarity on the extent and limits of academic freedom for those who are not faculty but are covered by AF&T’s 2011 interpretation would have greatly facilitated the work of the task force. Similar observations have been made in recent years several times in faculty governance. It is the opinion of this task force that clarification in University policy in regard to this question would help to avoid future confusion, misunderstandings, and conflict.

4. **What is an Academic Unit?** – The task force encountered unexpected difficulties in articulating in policy what constitutes an academic unit. The [current definition in University policy](#) – *A department or similar unit. A campus, school, college, or division that is not further subdivided is also an academic unit.* – proved inadequate because it is silent on *who*, i.e., which constituencies, should be formally considered members of the unit. A high level of variation exists on this question across College constitutions and bylaws as well as across those of separate departments. Clarification on this matter could help to avoid future confusion, misunderstandings, and conflict around “unit statements.”

Minority Opinions

Several minority viewpoints were expressed during task force deliberations, and the task force believes it is important to include these viewpoints in this interim report.

- Some members of the task force felt strongly that only individuals holding faculty appointments within an academic unit should be involved in drafting and issuing position statements. Several reasons supporting this view were discussed. First, while existing University policies clearly articulate academic freedom protections for faculty, the question of who else has academic freedom was viewed as equivocal (see [this link](#) for more information). Second, while it is the expected duty of faculty to disseminate well-researched ideas and concepts rooted in their disciplinary expertise, which can and sometimes should involve speaking on matters of public concern, the job descriptions of staff members often do not include this expectation, nor are academic freedom protections for staff clearly articulated in existing University policies. Third, involving graduate and undergraduate students in drafting and issuing position statements on matters of public concern potentially risks coercion and stunting their academic growth; the University's focus should instead be on educating them and inspiring them to find their own perspectives. Finally, there is a potentially large administrative burden that faces those who are trying to manage the drafting, discussion, and approval of position statements involving several different constituencies (e.g., faculty, staff, and students).
- Some members of the task force felt the proposed administrative policy needed additional provisions to protect small numbers of unit members holding dissenting or minority viewpoints when a statement is disseminated. Specifically, there was concern that when results from an anonymous vote are reported

numerically, unit members might guess (or misidentify) who did not approve a statement, defeating the purpose of the anonymous vote. One possible solution that was considered by the task force was to give units the option to report approval of a statement by a super majority when 75% of eligible voters approved a statement. That itself caused concerns that the 75% threshold would be too low for large departments and might be problematic for very small departments. Other options were considered as well, but were considered as either too complicated or not giving a proper sense of how large the support for the statement was among the voting constituents. When brought to an anonymous poll, 70% of the task force members supported the numerical reporting of the vote, without alternative options.

- Some members of the task force felt that banning signatures from most position statements, while well intended to protect those holding dissenting views, was ultimately not in the best interest of advancing the University's mission while promoting transparency and accountability. This was viewed as true primarily for faculty, who are afforded the protections of academic freedom expressly for the purpose of pursuing truth with conviction and courage in fulfillment of the University's mission. Even non-tenured faculty are expected to be bold in their scholarship and teaching, and this expectation should also apply to performing other mission-related job duties. As stated in Board of Regents Policy: *Faculty Tenure*, “faculty have the responsibility of furthering the institution's programs of research, teaching, and service, and are accountable for their performance of these responsibilities.” Outside of personnel matters and the administrative policy proposed in this report, there is practically no other aspect of fulfilling the University's mission – not in publishing research, not in producing and displaying new creative works, not in teaching, not in public service and outreach, and not in participating in shared governance – in which faculty are afforded the luxury of hiding their scholarly opinions under a cloak of anonymity.
- An ex-officio member of the task force put forward that it would be preferable to the administration if position statements on matters of public concern were disseminated in a non-branded PDF format that could be linked on a website, rather than posting such statements directly on websites of academic units. This approach would allow for a statement to be linked in a departmental website post or email, but the link itself, should it be shared more widely, would not contain University branding.

Endorsements

An early version of the proposed policy was discussed in the Faculty Senate on 10/24/2024. Following further consultation and revision, the proposed policy was voted on by the University Senate on 12/05/2024. The policy was endorsed with 122 yes (93.8%) and 8 no (6.2%) votes.

The proposed policy was also endorsed by the Academic Freedom & Tenure Committee of the Faculty Senate 11 yes (73%), 0 no (0%), 4 abstentions (27%).

The task force members voted on this report via email during the period from 12/17/2024 through noon on 12/23/2024, approving it with 10 yes, 0 no, and 0 abstentions.

Appendix A – Consultation

The Task Force or its representatives engaged in several listening sessions with members of the following groups and individuals over the course of approximately six months.

Arab Student Association

Bias Response and Referral Network

- Alex Hermanny, JD (Office of Equal Opportunity and Title IX)
- Katie Jackson, Associate Vice President and Dean of Students, Office of Student Affairs

Government and Community Relations

- Melisa López Franzen, Executive Director of Government and Community Relations

Minnesota Hillel

Muslim Student Association

Office of General Counsel

Shared Governance

- Faculty Consultative Committee (FCC)
- Faculty Senate
- Senate Committee on Academic Freedom & Tenure (AF&T)
- Senate Committee on Faculty Affairs (SCFA)
- Senate Judicial Committee (SJC)
- University Senate
- University of Minnesota Crookston Faculty Assembly
- University of Minnesota Duluth Faculty Senate
- University of Minnesota Morris Faculty Consultative Committee

Students for Justice in Palestine

University of Minnesota Foundation

- Kathy Schmidlkofer, CEO & President
- Sarah Youngerman, Vice President of Marketing and Communications

University of Minnesota Health Care Professionals

- Arnoldo Curiel, EdD, MPA (Director of Diversity, Equity, and Inclusion, UofMN Physicians)
- Jennifer Needle, MD (Center of Bioethics and Dept. Pediatrics)
- Mary Owen, MD (Associate Dean of Native American Health, Center of American Indian and Minority Health and Dept. Family Medicine and Biobehavioral Health)

University of Minnesota Rochester

- Paul Hanstedt, Vice Chancellor for Academic Affairs and Innovation
- Molly Olson, Director of Communication and Marketing

Robert Blair, Faculty Legislative Liaison

John Budd, Professor of Work and Organizations, Center of Human Resources and Labor Studies, Carlson School of Management

Michael Gallope, Chair, Department of Cultural Studies and Comparative Literature

Vinay Gidwani, Chair, Department of Geography, Environment & Society

Kathy Hull, Chair, Department of Sociology

Natan Paradise, Director, Center for Jewish Studies

Eric Van Wyk, Chair, Senate Committee on Academic Freedom & Tenure, and Professor, Department of Computer Science and Engineering

Appendix B – Consulted Policies from Other Institutions

The task force consulted policies, websites, or other relevant sources related to institutional speech at the following institutions in the Association of American Universities (AAU) and the Big 10 Academic Alliance (BTAA).

Institution	Status	Type
Brown University	Private	AAU
Harvard University	Private	AAU
Indiana University	Public	AAU, BTAA
Johns Hopkins	Private	AAU
Michigan State University	Public	AAU, BTAA, Land Grant
Northwestern University	Private	AAU, BTAA
Ohio State University	Public	AAU, BTAA, Land Grant
Pennsylvania State University	Public	AAU, BTAA, Land Grant
Princeton University	Private	AAU
Purdue University	Public	AAU, BTAA
Rutgers University-New Brunswick	Public	AAU, BTAA, Land Grant
Stanford	Private	AAU
Syracuse University	Private	NA
University of California-Berkeley	Public	AAU
University of California-Davis	Public	AAU
University of California-Los Angeles	Public	AAU, BTAA
University of Chicago	Private	AAU, BTAA
University of Illinois	Public	AAU, BTAA, Land Grant
University of Iowa	Public	AAU, BTAA, Land Grant
University of Maryland	Public	AAU, BTAA, Land Grant
University of Michigan	Public	AAU, BTAA
University of Nebraska-Lincoln	Public	AAU, BTAA, Land Grant
University of Oregon	Public	AAU, BTAA
University of Pennsylvania	Private	AAU
University of Southern California	Private	AAU, BTAA
University of Toronto	Public	AAU
University of Virginia	Public	AAU
University of Washington	Public	AAU, BTAA
University of Wisconsin-Madison	Public	AAU, BTAA, Land Grant
Vanderbilt University	Private	AAU

Appendix C – Proposed Administrative Policy

Position Statements on Matters of Public Concern

Responsible Individuals

Responsible Officer: Executive Vice President and Provost, provost@umn.edu

Owner: Executive Vice President and Provost, provost@umn.edu

Primary Contact: Anne Barnes, Assistant to the Provost, barne062@umn.edu

Policy Statement

This administrative policy outlines requirements and recommendations for both senior University leaders and groups of members of academic units who wish to issue a public statement taking a position on a matter of concern to the public. See the [Appendix: Types of Public Statements](#) regarding the foundational distinction between operational statements and position statements on matters of public concern.

Nothing in this administrative policy is intended to curtail the free expression of individuals or of freely formed groups of individuals, as guaranteed by the First Amendment to the United States Constitution, or to limit or otherwise infringe upon academic freedom. In accordance with [Board of Regents Policy: Academic Freedom and Responsibility](#) and [Board of Regents Policy: Code of Conduct \(Section III, Subdivision 6\)](#), academic freedom includes the freedom to speak or write on matters of public concern as a public citizen without institutional restraint or discipline, provided the individual also possesses the candor to make it clear that, when one is speaking on matters of public interest, one is not speaking for the institution.

Section I. Principles Guiding Position Statements on Matters of Public Concern

I.A. Mission

The University's tripartite mission—research and discovery, teaching and learning, and outreach and public service—aims to advance learning and the search for truth; to share this knowledge through education for a diverse community; and to apply this knowledge to benefit the people of the state, the nation, and the world. Open dialogue and debate are essential to fulfilling the University's mission. In carrying out the institution's mission, members of the University community are dedicated to advancing the University's core values, which include diversity of community and ideas.

I.B. Academic Freedom

Key to fulfilling the University's mission are the principles of Academic Freedom and Responsibility, which extend to all University employees who engage in scholarly work.

- (i) Academic Freedom – The freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and

creative expression, and to speak or write as a public citizen on matters of public concern as well as on matters related to professional duties and the functioning of the University.

- (ii) Academic Responsibility – The faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution. Academic responsibility includes seeking and stating the truth; developing and maintaining scholarly competence; fostering and defending intellectual honesty and freedom of inquiry and instruction; respecting those with differing views; submitting knowledge and claims to peer review; working together to foster education of students; and acknowledging when an individual is not speaking for the institution.

I.C. Climate and Community

Within our diverse community, there are necessarily deeply felt differences of opinion on many issues of public concern. The University strives to nurture a communal environment and culture for faculty, staff, students, and visitors that actively acknowledges and values equity and diversity, including viewpoint diversity; that is free from all forms of prejudice, intolerance, or harassment; and that is conscious of and responsive to the needs of the many communities it serves. Advancing the University's mission, therefore, requires fostering an inclusive climate and community that embraces diverse perspectives, prizes robust and respectful dialogue across difference, and facilitates vibrant civic engagement in a shared spirit of intellectual curiosity, critical yet generous engagement, and mutual respect.

Section II. Position Statements on Matters of Public Concern by University Leaders

Among the roles and responsibilities of many University administrative leaders is to be a spokesperson for their administrative unit. The president is the primary spokesperson for the University of Minnesota and the Twin Cities campus. When necessary, the Board of Regents chair, or vice chair in the chair's absence, will speak on behalf of the University. Unless the president delegates such authority, no other individual or individuals may speak on behalf of the University of Minnesota. Chancellors are the primary spokespersons for the Crookston, Duluth, Morris, and Rochester campuses. Deans are the primary spokespersons for colleges and schools within the University. Unless chancellors or deans delegate such authority, no other individual or individuals may speak on behalf of their campuses, colleges, or schools. The heads of other academic units reporting to the Executive Vice President and Provost are the primary spokespersons for their units. Unless they delegate such authority, no other individual or individuals may speak on behalf of those units. Other senior leaders of the University include the heads of non-academic units.

From time to time, University leaders may feel compelled or be called upon by diverse constituents, often with opposing viewpoints, to issue official statements expressing a position on matters of public concern. While such position statements made by University leaders might be welcomed by some, they also risk undermining the University's mission, violating academic freedom, and degrading the climate and community of free, robust, diverse, and respectful engagement that the University so deeply values. Some of the risks and unintended negative consequences of position statements include the following:

- inhibiting the open dialogue and debate, particularly within the classroom, that are essential to fulfilling the University's mission;

- impeding the independent formation of opinions following critical evaluation of evidence;
- chilling expression by those who might disagree with the officially endorsed position; and
- creating downstream pressures throughout the University not to deviate from officially endorsed positions.

Even well-intentioned position statements by University leaders risk adversely affecting the University's relationship with critical stakeholders, inside and outside the University, and potentially alienating those stakeholders from the University. Issuing a statement on one matter of public concern raises expectations of future statements on matters dear to the hearts and interests of critical stakeholders, and failing to issue such a statement or not striking the right tone may distance some stakeholders from the University.

Given the potential risks and unintended consequences of position statements on matters of public concern, the president, chancellors, deans, leaders of academic units, and other senior leaders (per the first paragraph of Section II) may not issue statements expressing official positions on matters of public concern unless those matters have actual or potential direct impacts on the mission and operations of the University.

Section III. Position Statements on Matters of Public Concern by Members of Academic Units

The University defines an academic unit as follows: "A department or similar unit. A campus, school, college, or division that is not further subdivided is also an academic unit." Academic units are grounded in intellectual mission and disciplinary training, and they engage in the production and dissemination of scholarly knowledge, including through formal and informal modes of instruction. Academic units thus include traditional academic departments as well as similar units, such as centers, institutes, graduate programs, University museums, and the University libraries. An academic unit's constitution or bylaws may formally recognize a diversity of constituencies as being members of the unit, while other constituencies may be viewed informally by themselves and others as also being members of the unit. These various constituencies may include tenured and tenure-track faculty; contract, temporary, adjunct, clinical, and visiting faculty; professional and academic (P&A) employees with responsibility for teaching; other P&A, Civil Service, and labor-represented staff; and graduate students and undergraduate students majoring in programs of study offered by a unit.

The mission and disciplinary scope of some academic units will at times intersect with matters of public concern. In such circumstances, the members of such units who have relevant disciplinary expertise—especially the faculty—may wish, as a group, to issue an official public statement describing their view of their discipline and its implications for the matter of public concern. The members of an academic unit may legitimately view issuing such position statements to be part of their mission, particularly with respect to outreach and public service. Therefore, groups of academic unit members may issue official position statements on matters of public concern, provided the statements comply with all provisions outlined in this policy and all other Board and administrative policies.

However, as elaborated below, position statements on matters of public concern approved by academic unit members carry significant risks, some that are inherent to the unit's deliberative and consultative processes and some that derive from publicizing position statements beyond the unit. Careful and earnest consideration of these risks may lead members of academic units to reconsider whether they,

as a group, wish to issue a position statement. Academic unit members are strongly encouraged to explore alternative ways of advancing their unit's mission that do not carry these drawbacks and risks.

III.A. Risks Associated with Position Statements by Members of Academic Units

Members of academic units who are considering issuing, as a group, an official position statement on a matter of public concern should carefully consider the drawbacks and risks associated with such statements. Section II outlines some of the risks to be considered. This section outlines two additional risks that they should also consider carefully.

(i) Coercing Speech and Violating Academic Freedom

Discussions within a unit around possible position statements can generate debate. Passionate, healthy debate involves attempts to persuade colleagues of one's viewpoint. When these attempts involve explicit or implicit threats, intimidation, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences, they become coercive.

Coerced speech is anathema to the free inquiry and pursuit of truth that are central to the University's mission. It violates academic freedom, which is guaranteed by Board of Regents Policy: *Academic Freedom and Responsibility* and [Board of Regents Policy: Faculty Tenure](#), and which, according to Board of Regents Policy: *Code of Conduct*, all University community members are expected to promote. It also fails to uphold the expectations and shared standards outlined in Board of Regents Policy: *Code of Conduct* (Section III, Subdivision 2). Coerced speech also violates the First Amendment to the U.S. Constitution.

All members of the University community are prohibited from coercing others to adopt a particular position on matters of public concern or even to express any position at all. Individuals who lack the protections of tenure and those who are not entitled, by University policy, to academic freedom are most vulnerable to coercion, but even those with such protections can feel coerced into expressing a viewpoint they do not hold, casting a vote in support of a position they do not hold, expressing a position of any kind on a prospective position statement, or participating in a deliberative process when they would prefer to remain silent. Academic unit members must refrain from statements that might give rise to coerced speech.

Even if academic unit members avoid the above pitfalls, there is an inherent risk of coercion whenever unit members who occupy positions that differ in rank, status, and power engage in sincere but passionate debate over matters of public concern. Those in more vulnerable positions may well keep silent, temper their views, or alter their stance in an attempt to please, or at least to avoid the ire and retribution of, their more senior, powerful, and protected colleagues.

(ii) Perception as Official University Position

While position statements on matters of public concern issued by members of academic units do not represent the official position of the University of Minnesota, they nevertheless risk being perceived by members of the University community and the broader public as representing the official position of the University. Appropriate disclaimers may not always mitigate this risk. On particularly sensitive or controversial matters, even well-intentioned statements reflecting disciplinary consensus potentially risk adversely affecting the University. While this risk does not constitute sufficient grounds to prohibit position statements, members of academic units considering such statements should weigh this risk in their deliberations. As faculty are reminded

in the [1940 Statement of Principles on Academic Freedom and Tenure](#) by the American Association of University Professors (AAUP):

“As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.”

III.B. Unit Policy on Position Statements

Before position statements on matters of public concern can be issued by members of an academic unit as a group, the unit must have developed and approved a policy outlining procedures for considering, approving, and issuing such statements. The following requirements and recommendations apply to unit policies on position statements.

- (i) The unit’s policy must be approved through the unit’s normal procedures for considering and adopting new policies. This approval process should include a formal vote of those members of the unit normally granted voting privileges on policy matters.
- (ii) The unit’s policy must include appropriate measures to safeguard individual members of the unit against coercion and against violations of their academic freedom. These measures must protect the freedom of all unit members to express minority or dissenting viewpoints or to refrain from expressing any viewpoint throughout the process of considering and approving position statements. In designing these protections, units should be sensitive to the vulnerability to coercion of different constituencies—in particular, untenured faculty, staff, and students. Units may wish to consider designing processes for composing and considering statements on matters of public concern that preserve the anonymity of authors and commenters.
- (iii) The unit’s policy must either indicate which constituency or constituencies are eligible to issue statements or describe a process by which the constituency or constituencies issuing statements are to be determined. In constructing their policy on constituency eligibility and determination, units should be attentive to the vulnerability to coercion of different constituencies—in particular, untenured faculty, staff, and students.
- (iv) The unit’s policy should allow adequate time for voting members to consider the draft statement. It should specify the number of days the draft statement will be circulated to voting members before its formal consideration.
- (v) The unit’s policy must specify that position statements are to be approved by a formal anonymous vote of all members of the constituency or constituencies issuing the statement. To ensure complete anonymity, the vote must be conducted using the [University of Minnesota Voting platform](#)—or a successor University-administered platform—to conduct online voting.
- (vi) The unit’s policy should specify a voting threshold to approve and publicize a position statement.
- (vii) The unit policy must specify the amount of time within which the represented constituencies will be informed as to the outcome of the vote on the statement.

- (viii) The unit's policy should specify whether amendments are allowed and, if so, the process of discussion and adoption of said amendments.
- (ix) The unit's policy should specify whether dissenting statements are allowed and, if so, the process for their composition, consideration, and dissemination.

III.C. Position Statement Header Requirements

To mitigate some of the risks associated with position statements identified in Sections II and III.A., and to clarify who has approved the statement, disseminated position statements must begin with headers that include the following elements:

- (i) A functional link to the unit's approved policy (in instances of non-electronic dissemination, the URL of the unit's policy must be indicated in a footnote).
- (ii) Identification of the constituency or constituencies that have considered, voted on, and approved the statement. A statement must not be made in the name of the unit as a whole, but only in the name of the constituency or constituencies that have considered, voted on, and approved it. The statement may not express or imply support from constituencies that were not involved in considering, voting on, and approving the statement.
- (iii) The outcome of the anonymous vote – including the numbers voting yea, nay, and abstain and the total number of eligible voters.
- (iv) A disclaimer that the statement does not represent the official position of the University of Minnesota.

Statement authors may wish to use the following text in drafting an acceptable header for their statement:

"In accordance with unit policy (link), the [constituency/ies] of [academic unit] have approved the following statement, by a vote of __ yes, __ no, and __ abstain, out of __ total eligible voters. This statement does not represent the official position of the University of Minnesota."

III.D. Relation to Mission

Members of academic units are strongly encouraged to issue position statements on matters of public concern only when the particular matter of public concern intersects with the scholarly and disciplinary expertise of unit members and when there is a widely held consensus view within the unit. Position statements that clearly articulate the relationship between the content and views expressed in the statement and the scholarly and disciplinary expertise of unit members inherently carry more weight. If position statements under consideration are not based on the scholarly and disciplinary expertise of unit members, members of the academic unit should also consider carefully whether issuing the statement on behalf of the unit's constituents is justified.

III.E. Signatures

Position statements on matters of public concern may be signed by the unit members approving the statement only if all of the following three conditions are met: (1) the anonymous vote is unanimous in

approving the statement, (2) all members of the approving constituency or constituencies have cast a vote, and (3) all members of the approving constituency or constituencies concur in an anonymous vote to have their signatures appended. In all other circumstances, position statements must not include signatures, so as to protect the identity and academic freedom of those whose opinions and vote are not aligned with the majority.

III.F. Dissemination

An approved position statement may be disseminated by an academic unit in whatever legal manner it deems appropriate, including posting it to the unit's website and to its official social media accounts.

Units should consider whether the unit's homepage is the most appropriate place to host the statement. Alternatives include linking to a statement posted on a separate page within the unit's webpage (e.g., a "Department News" section of the homepage could announce and link to a new statement posted on another page).

Out of respect for the integrity of the statement approval process, individuals should refrain from disseminating information about the position statement or its endorsement until after it is officially disseminated by the unit.

Reason for Policy

This policy provides the University community with guidance on issuing public statements expressing a position on matters of public concern, and it establishes shared expectations about when and how such statements will be made and by whom. To that end, this policy delineates the distinction between position statements and operational statements, sets out the conditions under which University officials may and may not issue position statements, and defines the process by which groups of academic units members may issue position statements. This policy articulates requirements for academic units that wish to issue position statements and sets out best practices to guide them.

Procedures

- [*Procedures: Reporting Policy Violations*](#)
- [*Procedures: Addressing Alleged Violations of Unit Statement Policies and this Administrative Policy*](#)

Forms

There are no forms associated with this policy.

Appendices

- [*Appendix: Types of Public Statements*](#)

Frequently Asked Questions

- [*FAQ: Position Statement on Matters of Public Concern*](#)

Contacts

Subject	Contact	Phone	Email
Primary Contact	Anne Barnes		barne062@umn.edu

Definitions

Academic Freedom

The freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write on matters of public concern as well as on matters related to professional duties and the functioning of the University.

Academic Responsibility

The faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.

Academic Unit

A department or similar unit. A campus, school, college, or division that is not further subdivided is also an academic unit.

Coercion

An attempt to persuade or compel someone to do something with the use of explicit or implicit threats, intimidation, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they were to refuse.

Misconduct

A violation of local, state, or federal law or University policy, or noncompliance with sponsor regulations or requirements. This includes both Board of Regents Policies: *Code of Conduct* and *Student Conduct Code*. A few examples of misconduct might include sexual harassment, theft, and plagiarism.

Responsibilities

Position/Office

Responsibilities

Position/Office

Responsibilities

Related Information

- [Administrative Policy: Reporting Suspected Misconduct](#)
- [Appendix: Central Offices that Address Concerns of Misconduct](#)
- [Board of Regents Policy: *Academic Freedom and Responsibility*](#)
- [Board of Regents Policy: *Code of Conduct*](#)
- [Board of Regents Policy: *Diversity, Equity, Inclusion, and Equal Opportunity*](#)
- [Board of Regents Policy: *Faculty Tenure*](#)
- [Board of Regents Policy: *Health and Safety*](#)
- [Board of Regents Policy: *Mission Statement*](#)
- [FAQ Free Speech and Academic Freedom](#)

PROCEDURE

Reporting Policy Violations

Personal or professional disagreement with the views expressed in a statement that is approved and disseminated in accordance with this administrative policy and the unit's statement policy does not constitute grounds for reporting a violation of this administrative policy or the unit's statement policy.

In accordance with Section 15 of Board of Regents Policy: *Faculty Tenure*, faculty should report alleged violations of academic freedom directly to the Senate Judicial Committee (SJC). Faculty covered by a Collective Bargaining Agreement should report alleged violations through the grievance procedures outlined in their Collective Bargaining Agreement.

Reports of other alleged violations of this administrative policy or the unit's statement policy regarding position statements on matters of public concern:

- (i) must be made in good faith;
- (ii) must be made by academic unit members who were part of the statement development process, who voted on the proposed statement, or who are listed as among an approved statement's represented constituencies;
- (iii) must be made no later than 10 business days after a statement's represented constituencies were informed of the outcome of the vote;
- (iv) should be reported in accordance with [Administrative Policy: Reporting Suspected Misconduct](#).

Alleged violations of the unit's statement policy may include cases in which the unit understands the statement to be operational, and therefore does not follow its statement policy, while the complainant alleges it to be a position statement. Complaints alleging this type of violation may be filed by any member of the unit, as defined by the unit's constitution or bylaws. (If a unit's constitution or bylaws do not specify unit membership, then this policy presumes a broad definition of unit membership, including faculty, staff, and graduate students.)

Drafting, considering, approving, and disseminating position statements on matters of public concern may also be subject to other University policies. Alleged violations of those policies may be submitted under the terms indicated in those policies or in accordance with administrative policy: Reporting Suspected Misconduct.

Offices that receive concerns are responsible for keeping all related information, including information related to the investigation of the concerns, confidential to the extent provided by law.

PROCEDURE

Addressing Alleged Violations of Unit Statement Policies and this Administrative Policy

Nothing in this administrative policy provides for the removal of approved and disseminated statements based on a statement's content.

Upon receiving a valid complaint alleging a violation of a unit's statement policy or this administrative policy, the owner of this Administrative Policy or their designee must inform the relevant academic unit and the complainant that such a report has been received and that an investigation of the alleged violation will ensue.

Alleged Violations of III.B. Unit Policy on Position Statements

If the alleged policy violation pertains to III.B, while the investigation is ongoing, any existing or future posting of the approved statement and its header must be preceded by the following language, prominently displayed: **This statement is under review at present due to allegations of a policy violation.**

At the conclusion of the investigation, the investigating authority will provide the academic unit with a statement of its preliminary findings. The academic unit will be given an opportunity to respond to the preliminary findings. The investigating authority will, upon receipt of the unit response, make a final determination.

If a policy violation is not found, the above statement referencing its status as "under review" may be removed.

If a policy violation is found, the statement must be removed from all official unit websites and social media, and replaced with a formal retraction of the statement. That retraction must be promptly posted to the unit website, where it must remain available for at least one year, and it must be promptly disseminated through whatever means and media the statement was originally disseminated.

Post-investigation decisions can be appealed in writing within 10 business days to the President or designee.

Alleged Violations of III.C. Position Statement Header Requirements

If the alleged policy violation pertains to III.C, at the conclusion of its investigation, the investigating authority will provide the academic unit with a statement of its preliminary findings. The academic unit will be given an opportunity to respond to the preliminary findings. The investigating authority will, upon receipt of the unit response, make a final determination regarding whether the posted statement requires any changes and will work with the unit to implement any required revisions.

Post-investigation decisions can be appealed in writing within 10 business days to the President or designee.

Types of Public Statements

Position Statements on Matters of Public Concern

Matters of public concern are those events and issues that are of interest to a significant proportion of the public for some significant measure of time. Broadly speaking, they represent the types of events and issues often reported on by the news media. They include a wide range of local, national, and global events and issues, from political elections, court decisions, and new legislation to armed conflicts, police actions, and natural disasters. In many instances, public opinions on the event or issue may be divided, sometimes deeply so, particularly if the event or issue is viewed through a political or moral lens. Hence, the event or issue may be regarded as a topic of considerable controversy in the public sphere and by members of the University of Minnesota community and stakeholders outside the University. For purposes of this policy, official public statements that take a position on such matters, including statements expressing solidarity with others holding or seeking to advance a particular position on a matter of public concern, constitute position statements on a matter of public concern.

Operational Statements

Position statements on matters of public concern fundamentally differ from public statements made by the University or one of its campuses, colleges, schools, or academic units in the course of conducting core operations. The provisions outlined in this administrative policy do not apply to the following types of operational statements:

(i) Statements on day-to-day unit operations.

The University, its campuses, colleges, schools, and academic units regularly issue statements to University constituencies or the public that announce curricular offerings, traditional mission statements, or strategic plans; elucidate administrative activities, operations, or resources; publicize sponsored activities, programs, or initiatives; describe healthcare services and recommendations; provide human resource and other employment-related information to employees and the university community; or share news and events related to faculty research, teaching, and individual or collective scholarly endeavors. Statements on day-to-day operations do not constitute position statements on matters of public concern.

(ii) Statements on extraordinary circumstances directly impacting operations.

On occasion, matters may arise that impact or disrupt normal day-to-day operations. These matters may also be matters of public concern, such as a global health pandemic, social unrest, and campus protests. Statements made by the University, its campuses, colleges, schools, and academic units regarding how such matters impact normal operations or how operations are being altered in response to such matters do not constitute position statements on matters of public concern.

(iii) Statements on external circumstances directly impacting mission fulfillment.

On occasion, local, national, or global events or issues will arise that directly impact the ability of the University or one of its campuses, colleges, schools, or academic units to carry out its mission. In some instances, these matters may also be matters of public concern. Examples include a

prospective bill under consideration by the Minnesota Legislature that would restrict academic freedom; a budget measure under consideration by Congress that would decrease federal research funding; and a prospective revision of federal visa rules that would make it harder to recruit international students or for current students to secure visas. Statements regarding how such matters impact mission fulfillment do not constitute position statements on matters of public concern.

(iv) Statements offering empathy and resources in response to extraordinary circumstances.

Inevitably, local, national, or global events or issues will at times have profound and often harmful impacts on the wellbeing of faculty, staff, and students. The University strives to maintain an environment that assists individuals, institutions, and communities in responding to a continuously changing world (see Board of Regents Policy: *Mission Statement*). The University is committed to fostering an environment that is humane and hospitable and that promotes a sense of belonging for all members of the University community (see Board of Regents Policy: *Diversity, Equity, Inclusion, and Equal Opportunity*). The University is also committed to promoting a healthy environment in which members of the University community can achieve their educational, research, outreach, service, and employment goals (see Board of Regents Policy: *Health and Safety*). Statements by the University, its campuses, colleges, schools, or academic units that express empathy for members of the University community impacted by local, national, or global events or issues and that inform members of the University community of resources available to support them (e.g., mental health resources) advance these existing University commitments and do not constitute position statements on matters of public concern.

FAQ

Position Statements on Matters of Public Concern

What sorts of statements are not covered by this administrative policy?

This administrative policy speaks only to potential position statements on matters of public concern. The University as well as its colleges, schools, centers, institutes, and departments regularly issue statements that are not covered by this policy. Such statements include those:

- sharing information about day-to-day operations—such as advertising class offerings, announcing sponsored lectures, and publicizing faculty research.
- notifying the University community and the public about University policies in response to extraordinary events, such as University vaccine or masking requirements during the COVID-19 pandemic.
- expressing empathy for members of the University community impacted by local, national, or global events or issues, and informing them about the resources available to support them during trying times.
- explaining the impact of external events on the University's capacity to fulfill its basic mission.

Concrete examples of statements not governed by this administrative policy include:

- a Department social media posting announcing a lecture by a controversial speaker
- an announcement from the Provost that the University will be closing early due to an anticipated major snowstorm
- a communication from senior University leaders regarding the impact of Chat-GPT and similar AI models on the way students are taught at the University of Minnesota
- an email from the Office of Human Resources describing the rights and responsibilities of employees or providing an update on ongoing labor negotiations
- a message from the University President exploring the likely effects of reduced state funding on teaching, research, and service at the University of Minnesota
- a message from a senior University leader expressing empathy for students, staff, faculty, and their families significantly affected by spring floods and sharing information about University resources of which they might avail themselves.

Such statements are considered operational statements made by the University and its constituent units, and as such they are not governed by this administrative policy. Complaints regarding such statements cannot be registered under its terms.

Why should academic units ever be permitted to issue position statements on matters of public concern?

The mission and disciplinary scope of some academic units will at times intersect with, and even speak directly to, matters of public concern. In such circumstances, the members of such units who have relevant disciplinary expertise—especially the faculty—may wish or may be called upon to issue official statements expressing a group position on these matters. The members of an academic unit may legitimately view issuing such group position statements to be part of their mission, particularly with respect to outreach and public service. This administrative policy permits such statements and outlines recommendations and requirements for issuing them.

Why should academic units, as a general rule, refrain from issuing position statements on matters of public concern?

Position statements on matters of public concern carry significant risks and may have unintended consequences. These include inhibiting the open dialogue and debate that are essential to fulfilling the University's mission; impeding the independent formation of opinions following critical evaluation of evidence; chilling expression by those who might disagree with the officially endorsed position; and creating downstream pressures throughout the University not to deviate from officially endorsed positions. In addition, position statements risk adversely affecting the University's relationship with critical stakeholders, inside and outside the University, and potentially alienating those stakeholders. This administrative policy urges members of an academic unit wishing to issue a group position statement to consider those risks carefully before issuing a position statement. Given the risks of position statements, academic unit members are strongly encouraged to explore alternative ways of advancing their unit's mission.

What are examples of statements that can give rise to coerced speech?

Examples of statements that can give rise to coerced speech include:

- direct statements containing explicit or implicit threats, such as, "Faculty who disagree with our position statement don't belong in this department";
- seemingly innocuous statements that may be seen as containing implicit threats, such as, "I sure hope the vote on our statement is unanimous. Don't you?"; and
- privately asking the opinion of an individual who has chosen to withhold it in public discussions.

In general, colleagues should err on the side of avoiding any statements or conversations that might create the impression of pressuring colleagues to endorse particular stances on matters of public concern.

Why are signatures on position statements typically not allowed?

Signatures are allowed only under special conditions: when the anonymous vote is unanimous, all members of the approving constituency or constituencies have cast a vote, and all members of the approving constituency or constituencies wish to sign. Otherwise, position statements must not include signatures by those approving the statement for two reasons. First, requiring signatures increases the risk that unit members with minority opinions, particularly those lacking the protection of faculty tenure, may feel coerced into approving the statement in the form preferred by the majority. Second, requiring signatures exposes those who choose not to sign and violates their right not to express a public view on matters of public concern.

Can a position statement issued in a manner consistent with this administrative policy be removed under the provisions of this policy because people disagree with its content or stated position?

No. In a pluralistic society and a diverse University community, it is to be expected that people may hold views different from the views expressed in a unit's position statement on a matter of public concern. Disagreement with the substantive stance expressed in a unit's position statement is not grounds for removing that statement under the terms of this administrative policy.

Can a position statement issued in a manner consistent with this administrative policy be removed under the provisions of this policy because it is not adequately tied to the disciplinary expertise of those issuing the statement?

No. Members of academic units are empowered under this administrative policy to determine for themselves what falls within their disciplinary expertise. This administrative policy does not empower any outside body to adjudicate whether an issue is adequately tied to the disciplinary expertise of those issuing the statement. However, as with the teaching and research conducted by members of an academic unit, making position statements on matters of public concern should be grounded in the disciplinary expertise of those issuing the statement. Members of academic units are therefore strongly encouraged to issue position statements on matters of public concern only when the particular matter of public concern is closely related to their scholarly and disciplinary expertise.

I am not a member of the unit, but I have a concern about a statement or about a unit's statement policy. To whom should I address my concern?

Members of the University community or the general public who have concerns about a disseminated statement or about a unit's statement policy may file a report with:

- an appropriate University Administrator, e.g., supervisor, department head, dean, provost, or human resource lead;
- the Central Office(s) designated to address policy violations of a particular type, such as conflicts of interest, threats, harassment, or retaliation;
- the Bias Response Referral Network (BRRN);
- the Office of Institutional Compliance; or
- the University's reporting service, UReport, either via the online reporting service or by calling toll-free at 1-866-294-8680.

Offices that receive complaints will pursue them in accordance with their practices. The ultimate responsibility of enforcing this administrative policy rests with the policy owner.

I am a member of an academic unit that has issued a position statement on a matter of public concern, and I am a member of one of the statement's represented constituencies. I believe the process leading to the position statement has violated University policy. Within what time frame must I report my concern?

Alleged violations of this administrative policy or the Unit's Statement Policy must be reported within 10 days of a statement's represented constituencies having been informed of the outcome of the vote for the policies and procedures contained here to apply.

When reporting alleged violations of other University policies, those policies' reporting timelines and procedures are the applicable timelines and procedures. For instance, the Senate Judicial Committee's rules indicate that complaints must be filed "within 30 days of written notice of the action challenged or 7 days of receiving a complaint form requested within the 30 day period." If the alleged violation comes under the purview of the Senate Judicial Committee, its timeline—not that of this administrative policy—defines the valid reporting period.

Appendix D – Suggested Board of Regents Policy

The task force strongly recommends to the University administration that it work with the Board of Regents toward crafting an overarching Board policy on position statements on matters of public concern that is consistent with the recommendations included in this task force report. The following represents draft text the administration and Board may wish to consider:

Position Statements on Matters of Public Concern

SECTION I. SCOPE.

This policy governs the issuing of position statements on matters of public concern at the University of Minnesota (University).

SECTION II. GUIDING PRINCIPLES.

Subd. 1. Mission³.

The University's tripartite mission—research and discovery, teaching and learning, and outreach and public service—aims to advance learning and the search for truth; to share this knowledge through education for a diverse community; and to apply this knowledge to benefit the people of the state, the nation, and the world. In carrying out the institution's mission, members of the University community are dedicated to advancing the University's core values, which include diversity of community and ideas.

Subd. 2. Academic Freedom and Responsibility⁴.

Key to fulfilling the University's mission are the principles of Academic Freedom and Responsibility. These principles extend to all University employees who engage in scholarly work and are reaffirmed here:

- (a) **Academic Freedom** – The freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write as a public citizen on matters of public concern as well as on matters related to professional duties and the functioning of the University.
- (b) **Academic Responsibility** – The faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution. Academic responsibility includes seeking and stating the truth; developing and maintaining scholarly competence; fostering and defending intellectual honesty and freedom of inquiry and instruction; respecting those with differing views; submitting knowledge and claims to peer review; working together to foster education of students; and acknowledging when an individual is not speaking for the institution.

Subd. 3. Climate and Community⁵.

Advancing the University's mission requires fostering an inclusive community that embraces diverse perspectives, prizes robust and respectful dialogue across difference, and facilitates vibrant civic engagement. To this end, the University seeks to cultivate a sense of welcome and belonging for all members of the University community, in the fullness of their identity and personhood. Within our diverse community, there are necessarily deeply felt differences, but we come together in a shared spirit of intellectual curiosity, critical yet generous engagement, recognition of common humanity, and mutual respect. The University strives to nurture a communal environment and culture for faculty, staff, students, and visitors that actively acknowledges and values equity and diversity, including viewpoint diversity; that is free from all forms of prejudice, intolerance, or harassment; and that is conscious of and responsive to the needs of the many communities it serves.

³ Much of this language is taken directly from Board of Regents Policy: *Mission Statement* and Board of Regents Policy: *Code of Conduct*.

⁴ Much of this language is taken directly from Board of Regents Policy: *Academic Freedom* and Board of Regents Policy: *Code of Conduct*.

⁵ Much of this language is inspired by or taken from Board of Regents Policy: *Mission Statement*, Board of Regents Policy: *Diversity, Equity, Inclusion, and Equal Opportunity* and Board of Regents Policy: *Student Code of Conduct*.

SECTION III. POSITION STATEMENTS MADE BY UNIVERSITY LEADERS.

The president is the primary spokesperson for the University of Minnesota and the Twin Cities campus. When necessary, the Board of Regents chair, or vice chair in the chair's absence, will speak on behalf of the University. Unless the president delegates such authority, no other individual or individuals may speak on behalf of the University of Minnesota. Chancellors are the primary spokespersons for the Crookston, Duluth, Morris, and Rochester campuses. Deans are the primary spokespersons for Colleges within the University. Unless chancellors or deans delegate such authority, no other individual or individuals may speak on behalf of their campuses or colleges. The heads of other academic units reporting to the Executive Vice President and Provost are the primary spokespersons for their units. Unless they delegate such authority, no other individual or individuals may speak on behalf of those units. Other senior leaders of the University include the heads of non-academic units.

From time to time, University leaders may feel compelled or be called upon by diverse constituents, often with opposing viewpoints, to issue official statements expressing a position on matters of public concern. These matters can include a broad range of local, national, and global events and issues, from political elections, court decisions, and new legislation to armed conflicts, police actions, and natural disasters. While position statements on matters of public concern might be welcomed by some in the University community, they can also have unintended consequences. These include inhibiting the open dialogue and debate that are essential to fulfilling the University's mission, impeding the independent formation of opinions, chilling expression by those who might disagree with the official position, and by appearing to establish in-groups and out-groups. Such statements thus risk undermining the University's mission and the climate and community of free, robust, diverse, and respectful engagement that the University so deeply values.

Therefore, the president, chancellors, deans, and other senior leaders will refrain from issuing statements expressing official positions on matters of public concern unless these matters have actual or potential direct impacts on the mission and operations of the University.

SECTION IV. POSITION STATEMENTS APPROVED BY MEMBERS OF ACADEMIC UNITS.

The mission and disciplinary scope of some academic units will at times intersect with matters of public concern. In such circumstances, the members of such units who have relevant disciplinary expertise—especially the faculty—may wish or may be called upon to issue official statements expressing a group position on these matters of public concern that they consider to be within the scope of their disciplinary expertise and scholarship. The members of an academic unit may legitimately view issuing such position statements to be part of their mission, particularly with respect to outreach and public service.

Position statements on matters of public concern approved by academic unit members, however, have potential to exclude those with dissenting viewpoints and to inhibit open dialogue and debate. They also risk violating the academic freedom of members—particularly those without the protections of tenure—who may feel coerced into expressing agreement with the views of their colleagues. Moreover, they may implicate staff and students affiliated with the unit and have a chilling effect on classroom dialogue.

Therefore, while position statements on matters of public concern approved by groups of academic unit members are not expressly prohibited, academic unit members are strongly encouraged to explore alternative ways of advancing their unit's mission. When groups of academic unit members consider issuing a position statement, they should approach the matter with circumspection, prudence, and transparency. If groups of academic unit members choose to pursue a position statement, they must refrain from any coercion of unit members and install appropriate safeguards protecting the academic freedom of unit members, in accordance with all relevant Board and administrative policies.

SECTION V. POSITION STATEMENTS MADE BY INDIVIDUALS.

Nothing in this policy is intended to curtail the free expression of individuals, as guaranteed by the First Amendment, or to limit or otherwise infringe upon academic freedom.