

Minutes\*

**Academic Freedom and Tenure Committee**  
**Friday, April 24, 2009**  
**9:30 – 11:30**  
**300 Morrill Hall**

Present: Tom Clayton (chair), Yusuf Abul-Hajj, Joseph Gaugler, Barbara Loken, Linda McLoon, Karen Miksch, Gary Peter, Paul Porter, Carol Wells

Absent: Arlene Carney, Barbara Elliott, Paula O'Loughlin, Terry Simon

Guests: none

[In these minutes: (1) report of the chair; (2) report of the task force on academic freedom; (3) Medical School reviews; (4) "Is Tenure a Trap for Women?"

**1. Report of the Chair**

Professor Clayton convened the meeting at 9:30 and reported briefly on a few matters.

-- The proposed amendments to the Regents' policy on academic freedom and responsibility will be presented to the Board for discussion in May and action in June.

-- He provided copies of documents used in the annual-review process used for department heads in the Medical School. It appears that they are reviewed only indirectly, when departments go through an external review. Professor Abul-Hajj inquired if these documents refer to reviews of the graduate program or the department. The Graduate School seems to have discontinued program reviews, so this appears to refer to the department. Professor Wells said she was unaware of any reviews of department heads to which she has been asked to contribute. [See also item 3 of these minutes.]

-- He suggested that the Committee consider the article "Is Tenure a Trap for Women?" from The Chronicle of Higher Education. The effects of the tenure process on families are severe and it is none too soon for the Committee to consider the matter.

**2. Report of the Task Force on Academic Freedom**

Professor Clayton asked Committee members to take up the recommendations of the Task Force on Academic Freedom, from 2004, and turned first to the set entitled "Strengthening Protections." [Task Force recommendations will appear between \* \* \* and discussion and conclusions will follow.]

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**Strengthening Protections**

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\* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

Tenure remains a core principle for protecting academic freedom. But tenure alone cannot be assumed to provide all of the necessary protections, if only because a large number of academic personnel today are not covered by tenure. Assuring their academic freedom is crucial. We recommend that the University set in motion a process of careful reflection on the status of protections, especially for its untenured academic personnel. More specifically, we believe that provisions should be strengthened for at least five categories of personnel, each of which experiences distinct challenges to academic freedom:

1. The editorial and directorial staff of the University Press, untenured library employees, curators and directors of museums and galleries, and P&A personnel involved in the administration of controversial programs. All of these people perform important academic roles and contribute significantly to the vitality of the intellectual life of the institution. They are not shielded by tenure, but their work is sometimes the object of vigorous attack.
2. Adjunct and non-tenure track faculty often cannot effectively participate in shaping the curriculum or other parameters of intellectual debate. When and if they cannot, this is a limitation on their academic freedom. To the degree that the teaching load is increasingly carried by members of the community with such limited academic freedom, the institutional climate suffers as well.
3. Untenured faculty employed in tenure track lines can be stifled by the powerful constraints of disciplinary orthodoxy, even if those constraints are not consciously or intentionally established by senior faculty. This challenge becomes increasingly problematic in the current era of extreme specialization of knowledge. The University should be especially attentive to the prevention of even subtle disciplinary orthodoxies restricting the research programs of junior faculty. Untenured faculty whose research relies on interdisciplinary work that crosses discipline boundaries or involves emerging fields may be especially vulnerable to the orthodoxies of established units.
4. Particularly in times of war, international academic personnel may feel restricted in their academic freedom out of concern for their ability to remain in this country. The University should do everything possible to provide assurance that a delimitation of open inquiry by national identity will be vigorously resisted.
5. Graduate students and some undergraduates actively involved in research for regular faculty must be assured fair credit for contributions to the production of new knowledge and creative work.

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Professor Clayton observed that the Regents' policy Academic Freedom and Responsibility covers everyone, so to a certain extent the recommendations are covered by the policy, with the possible exception of #2. That recommendation opens the question of whether the academic freedom of adjuncts is abridged because they only teach and are not given the opportunity to affect the curriculum. Professor Abul-Hajj said that that is just the way things are. The tenured and tenure-track faculty set the curriculum and adjuncts are asked to teach it. In his experience, only the tenured and tenure-track faculty vote on the curriculum; others may participate in the discussion but not vote. Once it has been voted on, people must accept it.

Professor Loken said that in her college, they voted on whether P&A staff who teach may also vote on curriculum issues, and decided that they may. She said she has mixed feelings about the decision: it gives them a voice in decisions, but they report to the dean while the tenured and tenure-track faculty talk to each other, and they could end up with opposing views. Professor Clayton said he doubted that many would disagree with the proposition that the tenured and tenure-track faculty should control the curriculum; the question is what role others should play. Tenure and academic freedom are the foundation of the university and the more they are diluted, the more they are weakened.

Professor Wells recalled that she had made the point at the last meeting that tenure means a guaranteed salary, in her view. P&A staff do not have one because they can be terminated at the end of any year. The Medical School has a large number of clinical faculty who call themselves tenured but who have only a small percentage of their salary guaranteed; the larger part comes from grant revenue or clinical income. They could not live on their tenured salary. There is an eroding percentage of income tied to tenure for many faculty and the dean can take away the other portions, which would drive them out of the University. Professor Abul-Hajj said he did not agree that tenure is tied to salary; one can have tenure but receive no salary increase. Tenure provides the ability to discuss issues freely but it should not be equated with salary. If that is the case, it should not be. Professor Wells pointed out that the Medical School some years ago got rid of someone by taking away all his clinical income. It could be grant funding that is taken away, or other sources of funds. That may happen in clinical departments, Professor Abul-Hajj said, but not in the rest of the University.

Professor Miksch said that in addition to the five categories of employees mentioned in the report, Professor Wells's comment suggests there is a sixth, clinical and other faculty supported on non-recurring funds. In terms of graduate students, the subject of #6, she observed that there are already strict policies governing credit for contributions. It may be that there are policies on the books that simply need to be brought together. It may be that some of the points in the recommendations are covered by other policies. Professor Clayton said the Academic Freedom and Responsibility policy covers everyone, including Medical School faculty no matter the source of their salary. With respect to the language about interdisciplinary work, it seems almost to have been written in pre-history and is now covered by the revisions to Section 7.11 of the tenure code. He said he did not believe anything in this section needed more action.

Professor Miksch asked if the University has any policy covering "times of war" mentioned in subsection 4. Professor Clayton said those circumstances should be covered by existing policy, although there may be a need for special advising at those times. Professor Gaugler suggested there be policy links among all the related policies; Professor Wells said the copyright policy should be included with those links.

Professor Clayton said that a message should come from the Committee in September, recommended in Section 3, and remind the University of the points made in Section 4.

The Committee turned next to Section 5 of the recommendations, "Coordination with Other Universities."

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### Coordination with Other Universities

Recognizing new challenges of various kinds, the University of Minnesota administration should initiate collaboration with other institutions of higher education to affirm and defend academic freedom.

University of Minnesota leaders should confer with their counterparts at other universities to monitor and respond to the numerous contemporary challenges to academic freedom. Specifically, they should initiate conversations with their colleagues in such organizations as the American Council on Education, the Association of American Universities, and the National Association of State Universities and Land Grant Colleges. Unlike professional organizations such as the Association of American University Professors, which has created a Special Committee on Academic Freedom and National Security in Times of Crisis, most of these institutional organizations have not yet highlighted academic freedom as an area of central concern.

At a minimum, the University community should, in our view, reaffirm the Academic Freedom and Responsibility Statement adopted by the Board of Regents on September 8, 1995, which reads, in part,

Academic Freedom is the Freedom 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 without institutional Discipline or Restraint. Academic Responsibility implies the faithful Performance of Academic Duties and Obligations, the Recognition of the Demands of the Scholarly Enterprise and the Candor to make it clear that the Individual is not speaking for the Institution in Matters of public Interest. [Capitals in the original]

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Professor Clayton commented that all of these recommendations seem good; the question is how to implement them. Professor Miksch suggested circulating the changes in the Academic Freedom and Responsibility policy language to the CIC schools. She related that she recently attended a conference and everyone she spoke with was aware of the Minnesota proposal and wants to see it. Professor Clayton suggested that a copy be sent to the Thomas Jefferson Center for the Protection of Free Expression, which has been interested in the development of the University's policy revision, and that copies be sent to the American Council on Education and the Association of American Universities. Professor Loken asked about media coverage, such as in *The Chronicle of Higher Education* and *Inside Higher Ed*; Professor Clayton responded that a press release could be issued.

Professor Miksch said that while the media might report on the policy change, there is no ongoing way to talk with colleagues about academic-freedom issues. The Committee discussed the possibility of the University' serving as host to an annual conference on academic freedom and how it might be sponsored.

It was agreed that Professors Clayton and Gaugler would draft a recommendation for the Faculty Senate on the question of an annual conference.

The Committee returned to Section 1 of the recommendations, "Modeling Disciplined Debate."

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### Modeling Disciplined Debate

University students, faculty, and the public are increasingly exposed to undisciplined debate as the model for discussion of important topics. The internet provides enormous amounts of information with a few keystrokes, but the pursuit of truth involves much more than the acquisition of information.

We encourage the University to consider a variety of options for inviting students and the citizenry more generally to support, stimulate, and nurture disciplined debate of ideas on campus and in the wider community. These options might include, but should not be restricted to:

1. Establish a debate series on campus, perhaps three a year, where divisive topics of general importance are debated by experts from opposing perspectives following rules of disciplined debate and analysis. These debates should be enhanced whenever possible by drawing from the arts, in addition to other disciplines on campus. Their impact would be enhanced by radio and internet broadcast. Such a program should include a description of disciplined debate and its links to academic freedom and the role of the University in fostering such debate and in training young minds to question and analyze information and perspectives.
2. Ask the alumni association to work with the faculty in creating forums and opportunities for discussion of issues relevant to academic freedom. This might include written pieces for alumni publications and/or creating popular versions of the discussions/debates for presentation to alumni groups and others outside the University.
3. Invite community-related programs such as the “Compleat Scholar” to offer short courses that revolve around disciplined debate.
4. Provide funds to support “noon forums” held in public areas where students and faculty are invited to discuss “hot topics” of general, campus-wide concern. Topics about which scholars disagree, such as the social significance of and remedies for obesity, the consequences of gay marriage, and the values underlying stem cell research, provide opportunities for the University community to be engaged and educated about the issues themselves as well as the principles of academic freedom that guide the debate.
5. Encourage faculty to include a statement about the rights and responsibilities of academic freedom in their syllabi. Encourage departments to include longer statements in their graduate handbooks and Web sites.
6. Give information about academic freedom to parents sending their children to the University. A brochure could explain the tenets of this cornerstone of University life, and outline the opportunities it creates for their children’s growth and development. This information should include their children’s rights within a community devoted to the values of academic freedom and it should include explanations of the obligations of academic freedom and the concept of peer review. It should also include an invitation for them to participate in the campus culture of disciplined debate, perhaps giving a calendar of the coming year’s lectures and forums related to controversial issues.

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Professor Wells said she liked the idea of a syllabus statement, suggested in subsection 5. The Committee agreed that the Committee on Educational Policy should be asked to consider adding a statement on academic freedom to the list of policies that should be mentioned in course syllabi.

Professor Wells suggested also that there be a podium at the University where anyone can get up and pontificate. There should be a place for such speaking, she said.

On the general question of sponsoring disciplined debate, Professor Gaugler asked who would choose the topics. And how would the University create an environment so the atmosphere at such a debate would not deteriorate? There should be a committee responsible for topic selection, Professor Clayton suggested; Professor McLoon said that one way to ensure disciplined debate is to be sure there is more than one point of view represented.

The Committee agreed that it would draft an additional recommendation to the Faculty Senate that would ask the Provost to take the responsibility for sponsoring such debates. One model might be the "Great Conversations" hosted by the College of Continuing Education, but expanded to be a debate rather than a conversation, with two people exchanging views. The recommendations contained in subsections 2 and 3 could be folded into such debate. Subsection 4 could also be part of the disciplined debate recommended in subsection 1. There would need to be moderators, Professor McLoon said, individuals not involved in the debate, who could ask questions. The individuals could come from outside the University, Professor Clayton added.

As for subsection 5 (statement in the syllabus), the Committee agreed it would draft a statement that faculty could consider using.

Professor Clayton said the recommendation in subsection 6, providing information about academic freedom to the parents of students coming to the University, is interesting. Professor McLoon expressed doubt that anyone would read such a brochure and said that it would be a pointless exercise. Perhaps a paragraph about academic freedom could be included in a welcome letter from the President. Professor Clayton said that such a brochure could do no harm and some might read it. There is an office responsible for parent orientation, Professor Miksch said, and it should be involved in providing the information about academic freedom. The topic is one that should be discussed in parent orientation, Professor Gaugler said, and might be especially important for the parents of first-generation college students, so they are made aware that college is more than just job training. The Committee agreed that there should be a discussion with those responsible for parent orientation.

Professor Clayton said that the President could perhaps also include two or three sentences in his speech at convocation.

Now the Committee turned to Section 2 of the recommendations, "Curricular Component."

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### Curricular Component

The University should develop a curriculum titled *Creation, Scrutiny, and Protection of Knowledge* that could be adapted to the content of many introductory courses. Students could be required to take at least

one course containing the module. Assignments (reading, interviewing, observing), classroom activities (discussion, debate, role playing, guest speakers), work-products (position papers, policy statements, essays, videotapes, questionnaires, works of art) and assessment would be established by a faculty work group and piloted to establish feasibility and sustainability. Contemporary issues to be used could be suggested by a course committee (including upper classmen and graduate students) prior to a specific semester or could be selected by course directors according to their interest. Specific attention would be paid to how academic work is credited, critically scrutinized, and debated. The ethics of academic freedom, we believe, is best taught through engagement of real examples and problems related to course material. This curriculum would also address how academic freedom relates to plagiarism.

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The Committee concluded it would not endorse development of the curriculum recommended. Professor Miksch pointed out, however, that academic freedom could readily be part of the "civic life" theme in the new liberal education requirements for the Twin Cities campus, and instructors could be encouraged to talk about it in such classes.

The Committee agreed to make a recommendation to the Council on Liberal Education that academic freedom be a topic for "civil life" theme courses.

The Committee had already completed its work on Section 3 of the recommendations, "Policies Concerning Responsibilities." The Academic Freedom and Responsibility policy will be distributed annually to the faculty and others who teach courses; the Committee declined to endorse the recommendation that faculty sign any statement.

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### Policies Concerning Responsibilities

We believe that most faculty members have only vague awareness of the tenets and obligations of academic freedom, and few have read the defining documents. A systematic effort should be undertaken to increase the awareness of academic freedom among faculty.

Specifically, two policies that might usefully be adopted are to

-- send copies of academic freedom and tenure regulations to all faculty when they are hired and at such time as they receive tenure at the University; and

-- request that faculty recommended for promotion sign a statement agreeing to uphold academic freedom regulations as a condition of tenure, a policy already in place at the University of Illinois.

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### 3. Medical School Reviews

Professor Clayton suggested that the issue of reviews of department heads is a more appropriate agenda item for the Committee on Faculty Affairs; the Committee agreed. Professor Clayton said he would bring it to SCFA.

**4. "Is Tenure a Trap for Women?"**

Professor Clayton noted that the Committee has touched on the issues raised in the article "Is Tenure a Trap for Women?" off and on all year and on the need to loosen the tenure apprenticeship to accommodate families, and now is the time to recommend additional accommodation. Professor Miksch reported that the Women's Faculty Cabinet had open forums on family issues; perhaps its leaders could be invited to this Committee for a discussion. They might have ideas about how to deal with structural issues.

Professor Clayton said he would invite them to the next meeting and ask them to focus their comments on the tenure code.

Professor Clayton adjourned the meeting at 10:40.

-- Gary Engstrand

University of Minnesota