

2015-16 UNIVERSITY OF MINNESOTA

MAY 5, 2016

**UNIVERSITY SENATE MINUTES: No. 3
FACULTY SENATE MINUTES: No. 3
STUDENT SENATE MINUTES: No. 3**

The third meeting of the University Senate and the Faculty Senate for 2015-16 was convened in Coffman Theater on Thursday, May 5, 2016, at 2:31 p.m., as a joint meeting of the two bodies. System campuses were linked by ITV. Checking or signing the roll as present were 11 academic professional members, eight civil service members, 104 faculty/academic professional members, and 12 student members. President Kaler presided.

**1. SOCIAL CONCERNS COMMITTEE
Resolution Regarding Charge to the Committee
Information**

FOR INFORMATION:

The Social Concerns Committee wishes to express its concern over the committee's inability to fulfill the charge as they understand it, due to restrictions on Senate and Senate committee membership of labor-represented employees, and due to restrictions on conversations the committee is allowed to have with labor-represented employees.

**RANDY CROCE, CHAIR
SOCIAL CONCERNS COMMITTEE**

2. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY

FACULTY/ACADEMIC PROFESSIONALS/STAFF

Berhanu Alemaw
Attendant
Coffman Union Dining
1950 – 2016

Wayne Daley
Director
Medical School Dean's Office, University of Minnesota Duluth
1929 – 2016

Norton Hintz
Professor
Physics and Astronomy
1922 – 2016

Clifford Hokanson
Associate Professor
University of Minnesota Waseca
1920 – 2016

James Larson, Jr.
Delivery Service Driver
U Market Services Logistics
1958 – 2016

Joel Ness
Information Technology Professional
ITSS Department Administration, University of Minnesota Duluth
1956 – 2015

Emil Pfender
Professor
Mechanical Engineering
1925 – 2016

Stephen Prager
Professor
Chemistry
1928 – 2016

Marvin Ross
Educational Program Manager
CBS Itasca Biological Station
1947 – 2016

Frank Rudnik
Building and Grounds Worker
Facilities Management
1954 – 2016

Warren Warwick
Professor
Pediatric Pulmonary and Sleep Medicine
1928 – 2016

Beverly Wilson
Associate Administrator
Law School Administration
1936 – 2015

STUDENTS

Ellen M. Beggs
University of Minnesota Crookston

Judith Krueger
College of Continuing Education

Kendra Lindfors
College of Liberal Arts

3. ADVOCACY FOR 2016 LEGISLATIVE SESSION
Discussion with Mike Miller, Office of Government and Community Relations

Mike Miller, legislative advocacy coordinator from the Office of Government and Community Relations, joined the meeting to discuss advocacy for this year's legislative session. He said that in the past the University rallied supporters around projects, which lead to waning support once funding decisions were made on these projects. This year, he said, the focus is to rally support around the University itself. His office is asking everyone to talk with their legislators and tell them why the University is important, why people choose to work or go to school here, the best part of the University, and what makes it special.

The message to University supporters is to tell a personal story to legislators. This creates a personal relationship between the person, the legislator, and the University, and also means that a legislator is more likely to take action. He said that the University believes that personal stories are more impactful than statistics.

He urged all senators to complete a postcard, which his office will send to legislators. The timing is great as the legislative session will be ending soon.

4. PRESENTATION OF OUTSTANDING SERVICE TO UNIVERSITY SENATE GOVERNANCE RECOGNITION

The recipients of the 2016 Outstanding Service to University Senate Governance Recognition - Donald Cavalier, Ann Hagen, and Naomi Scheman - were presented with their certificates.

5. SENATE CONSULTATIVE COMMITTEE REPORT

Professor Colin Campbell, chair of the Senate Consultative Committee (SCC), said that the committee only met once since his last report. That meeting was focused on review of a new drone policy and discussing ways to keep the Regents Scholarship issue moving forward.

6. MINUTES FOR MARCH 3, 2016
Action by the University Senate

MOTION:

To approve the University Senate and Faculty Senate minutes, which are available at: <http://www1.umn.edu/usenate/usenate/minutes/160303sen.pdf>

JENNIFER ALEXANDER, CLERK
UNIVERSITY SENATE

DISCUSSION:

With no discussion a vote was taken and the motion was approved.

APPROVED

7. EQUITY, ACCESS, AND DIVERSITY COMMITTEE
SOCIAL CONCERNS COMMITTEE

STUDENT SENATE CONSULTATIVE COMMITTEE
Resolution to Implement System-Wide Restroom and Locker Room Access Action

MOTION:

To approve the following resolution:

Resolution to Implement System-Wide Restroom and Locker Room Access

The University Senate recommends that the University of Minnesota implement system-wide restroom and locker room access policies and practices that support transgender and gender non-conforming persons; individuals who need the assistance of a caregiver who may be of a similar or different gender; and parents or guardians who need to help a child of a different gender.

COMMENT:

1. The University of Minnesota does not tolerate harassment or discrimination based on gender identity or gender expression. The University may deem it harassment or discrimination if individuals are asked to leave or not enter restrooms or locker rooms due to their gender identity or gender expression, as perceived by another person.
2. The University will provide access in the following ways. The below recommendations¹ are based on national recommendations for creating more inclusive campus environments for transgender and gender non-conforming individuals and communities.
 - (a) Students, faculty, staff, and visitors to all University of Minnesota buildings may use the restrooms and locker rooms consistent with their gender identity.
 - (b) The University of Minnesota will provide accessible² gender-inclusive restroom facilities in main areas of all campus buildings, and require at least one accessible gender-inclusive restroom facility in all renovated or newly constructed buildings. Main areas refer to primary building entrances, on main thoroughways and floors, and in proximity to other restrooms.
 - (c) All gender-inclusive restrooms locations will be publicized on main campus maps and websites. These maps should be reviewed and updated quarterly, and updated whenever new data is available.
 - (d) Single-occupancy gender-specific restroom and locker rooms will be re-signed as single-occupancy, gender-inclusive restroom and locker room facilities when building codes allow³.
 - (e) Signs will be posted outside all gender-specific restroom and locker room facilities indicating the location of the nearest gender-inclusive restroom or locker room within a building.
 - (f) Posting of temporary gender-inclusive restroom and locker room signs over current gender-specific restroom and locker room signs in campus buildings where events are

¹ From: *Promising Practices for Inclusion of Gender Identity/Gender Expression in Higher Education*, 2011. Created by The Pennsylvania State University LGBTQA Student Resource Center: Emily A. Johnson, & Allison Subasic. With guidance from Genny Beemyn, Ph.D., Chicora Martin, Sue Rankin, Ph.D., & Nancy Jean Tubbs. Supported by the national Consortium of Higher Education LGBT Resource Professionals. Visit <http://www.umass.edu/stonewall/uploads/listWidget/25137/promising-practices.pdf> for a full copy.

² Meeting current laws and codes for accessibility and open during the full business hours of the building.

³ Per Resolution 2014R-394, the City of Minneapolis “strongly encourages educational facilities within Minneapolis who offer single-user restrooms to provide such facilities in a gender-neutral manner wherever possible... [and] directs its regulatory-compliance, zoning, and similar departments and staff to affirmatively promote gender-neutrality in the provision of single-user restrooms in existing or new construction within Minneapolis.”

occurring in the absence of any available and accessible gender-inclusive restrooms or locker rooms within the building will be allowed.

**DEENA WASSENBERG, CHAIR
EQUITY, ACCESS, AND DIVERSITY COMMITTEE**

**RANDY CROCE, CHAIR
SOCIAL CONCERNS COMMITTEE**

**ROBERT STEWART, CHAIR
STUDENT SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

With no discussion a vote was taken and the motion was approved.

APPROVED

**8. SENATE CONSULTATIVE COMMITTEE
Administrative Policy on Individual Conflicts of Interest
Action**

The draft to be approved is available at:
http://www1.umn.edu/usenate/usenate/docs/160505individual_COI_draft.pdf

COMMENT:

The University's Individual Conflicts of Interest administrative policies are being considered for revision. The attached draft policy combines two current policies, *Individual Conflicts of Interest* (<http://policy.umn.edu/operations/conflictinterest>), and *Individual Conflicts of Interest: Standards that Govern Those Involved in Clinical Health Care* (<http://policy.umn.edu/operations/clinicalcoi>). In addition, the draft policy includes a new "no income" standard for human participant study investigators.

Previous versions of the revised policy have been discussed at the November 5, 2015 and March 3, 2016 University Senate meetings. The current version is a result of those discussions as well as discussions with several Senate committees and with other committees and individuals across the University. Most of the discussion had been about the new "no income" standard, which is Section II.B. of the revised proposal.

The changes to Section II.B. from the version discussed at the March 3, 2016 Senate meeting include: 1. Narrows who is covered to "investigators." 2. Adds a time period definition. 3. Clarifies where money can go under the External Sales Agreement (ESA) provision. 4. Eliminates the requirement for a reporting plan under ESA provision (still can be required by Conflict Panel.) 5. Removes the IRB from the exception approval process. 6. Added, then removed, "perception of influencing the study" language. Also, in Section II.E., the language was changed from "sponsored by business entities" to "sponsored by companies."

**COLIN CAMPBELL, CHAIR
SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

Professor Will Durfee said that previous versions of this administrative policy were discussed by the University Senate in November and March. The change being proposed is to combine two current policies on conflicts of interest into one new policy. Other changes being proposed in the new policy include no simultaneous consulting income standard for human participant study investigators, clarification of standards governing relations with business entities, and revisions to language to align with Regents and federal policies.

The current version is the result of discussions from the past two Senate meetings, with Senate committees, other committees, concerned faculty, and with David Strauss, the consultant brought in by the University to advise on the human research protection program.

Professor Durfee said that the changes since the March Senate meeting are listed on the agenda. The provision on no simultaneous consulting income is not being proposed due to abuse of the current policy. He said that the opposite is true. The current process of flagging conflicts of interest and managing them through a conflict plan has been working well. The point of this change is to make a strong statement on where the University wants to be in regard to relations between industry and faculty who do clinical research.

He acknowledged that faculty are passionate about this topic and opinions vary widely. There has been strong pushback from clinical faculty, who feel that the new income standard goes too far because, if implemented, the University would be one of only three institutions in the country with this standard, joining Mayo and the University of California San Francisco. He said that other institutions are involved if consulting income rises above \$5,000.

He noted that clinical faculty feel that collaborating with industry to advise on next generation drugs and devices is one of the best ways of ensuring that the very best advancements will reach patients. Overly restrictive relationships with industry will be harmful to patients and the University.

However, he continued, other faculty feel that this revision does not go far enough, and they would prefer that the no simultaneous consulting income standard apply to any industry-funded research, instead of singling out human participant research. Other faculty do not want there to be any option for an exception, or prefer that there are more restrictions on use of funds that come in under the external sales agreement provision.

Professor Durfee said that the draft before senators is a compromise policy as a result of consultation. He then noted that the University Senate is an advisory body for changes to administrative policies and is not binding on the President's Policy Committee (PPC). If the University Senate votes 'yes' today, he said that his understanding is that the PPC will take no action on implementing the policy until the faculty unionization process has been resolved. The reason for no action by the PPC is that a change in this policy may not be allowed under the Maintenance of Status Quo order. Thus, the earliest that the policy could go into effect would be fall 2016. However, if the faculty vote to unionize, then implementation of the policy may need to wait for collective bargaining.

Professor Jon Wagner, alternate, thanked Professor Durfee for his fair presentation of the pros and cons to this proposal, and said that he has stated numerous times that he feels that this proposal is overly restrictive due to two issues. The first is the no simultaneous consulting income standard. As companies have gotten larger and their portfolios have expanded, one company might have very disparate types of products. If a researcher has a trial taking place in one arm of that company, they would not be allowed to work with anyone in another arm of that company. While there is a possibility for an exception, it is problematic in its practical implementation. If approved, this policy will have real ramifications on future research being done by the University. If the proposal was to impose restrictions on remuneration related to a

particular project, rather than the whole company, it would be more acceptable to researchers. Professor Wagner then said that his second issue is with the definition of “investigator”, which is very broad in the proposal. A consequence might be that investigators will refuse to work on a specific trial with another investigator so that they can continue to do their own, separate work with the same company. While he said that he agrees that the University should be setting a high standard, but he believes that can be done in a different way. One easy way would be to rename Section II.B. from “Receiving Personal Remuneration from a Company While Participating in a Human Participant Study Sponsored by that Company” to “Receiving Personal Remuneration from a Company for Work Related to the Study with Human Subjects Sponsored by that Company.” He also recommended that the definition of investigator be revised to exclude those with only a minor role in the study.

Professor Joseph Konstan, Faculty Consultative Committee member, stated that he has comments that have been made at other meetings, but that these issues are still present in the latest draft. He said that there is not an effective distinction between businesses or entities setup for the benefits of businesses and scholarly societies, non-profits, and non-profit, non-public institutions. As he reviewed the proposal, he said that the language allows him to accept a meal from a business entity if approved in advance. Therefore every time he attends a program committee meeting, which is sponsored by a non-profit, scholarly society of which he is a member, he asked if he is expected to ask for approval to accept the meal, even when he is paying personally to attend the meeting. He agreed that the language has improved since the first draft, but he said that he would prefer that the policy define the entities that could cause concern for the University, such as for-profits and industry associations that are set up to benefit the industry. The current language will interfere with people’s ability to participate in the activities of their profession.

Professor Durfee replied that it is difficult to distinguish between non-profit and for-profit for all fields. Therefore one way to handle society meetings is to address it in a FAQ.

Professor Jon Wagner, alternate, said that researchers can be involved in a study for one product and then be asked by the same company to consider another product that has nothing to do with the first product. The proposed policy would prevent researchers from accepting other remuneration in this circumstance. These are unintended consequences that need to be considered.

Senator Karen-Sue Taussig said that she feels that this draft still does not go far enough but it is a compromise. She reminded senators that there have been high profile cases of conflicts of interest at the University in recent times, but there has been no attention from the Medical School faculty until the proposal of this new policy. The example that was just provided seems to represent the type of problem that exists, which is the increasing corporatization of the academy, and faculty who are more interested in generating research ideas from business, instead of generating research plans on their own and then seeking funding. She said that the academy should be generating new knowledge and ideas.

With no further discussion a vote was taken. The vote was first announced as approved via a voice vote. Then a counted vote was taken and it was announced that the motion was approved with 68 in favor, 38 opposed, and six abstentions. However, after reviewing the number needed for quorum, it was determined that the motion was not approved. It was decided that this item would be sent for an electronic vote.

NOT APPROVED

9. FACULTY CONSULTATIVE COMMITTEE

Freedom of Speech Discussion

This discussion will focus on the core principles document, available at:
http://usenate.umn.edu/usenate/docs/160505free_speech_core_principles.pdf

The addendum and recommendations are available for information at:
http://usenate.umn.edu/usenate/docs/160505free_speech_addendum.pdf
http://usenate.umn.edu/usenate/docs/160505free_speech_recommendations.pdf

DISCUSSION:

Professor Colin Campbell, chair of the Faculty Consultative Committee (FCC), began the discussion of the document “Free Speech at the University of Minnesota: Four Core Principles” by providing some background. He noted that during his first week as FCC chair he received a letter from the Foundation for Individual Rights and Education (FIRE) asking him to champion endorsement at the University of a free speech document from the University of Chicago. In consultation with his colleagues on the FCC and the Academic Freedom and Tenure Committee (AF&T), it was felt that the Guiding Principles section of the Board of Regents statement on Academic Freedom was sufficient.

This statement reads: “The Board of Regents (Board) of the University of Minnesota (University) reaffirms the principles of academic freedom and responsibility. These are rooted in the belief that the mind is ennobled by the pursuit of understanding and the search for truth, and the state well served when instruction is available to all at an institution dedicated to the advancement of learning. These principles are also refreshed by the recollection that there is *commune vinculum omnibus artibus*, a common bond through all the arts.” (http://regents.umn.edu/sites/regents.umn.edu/files/policies/Academic_Freedom.pdf)

However, Dale Carpenter, a professor of law and member of the FCC, felt that the Regents statement was not adequate for today’s culture on campus. Professor Carpenter then drafted a document that was reviewed by the FCC and provisionally approved for the purposes of consultation with AF&T, President Kaler, Provost Hanson, Vice Provost Katrice Albert, the Student Senate Consultative Committee (SSCC), and senators, via a comment period. Professor Campbell said that over 100 comments were received and used to produce the draft at today’s meeting and the two companion documents. He said that he hopes that today’s discussion can focus on the core principles document. He then invited Professor Carpenter to speak.

Professor Dale Carpenter, FCC member, stated that at the Law School, he teaches courses in freedom of speech and expression, freedom of religion, and other constitutional law questions. While the FCC considered not creating a statement as the Regents statement already exists, the committee realized that the University did not have a recent statement devoted to the question of free speech, and ultimately concluded that there was a need for one in light of recent events on campus and across the country. While FCC gave provisional approval, input is being sought from everyone.

He said that the document is based on other speech statements that are being considered by campuses across the country and draws from other work on this subject, including a past statement called the Woodward Report from Yale in the 1970s.

Professor Carpenter said that the principles are meant to be straightforward. One is that the University has a responsibility to foster an environment where many different ideas can be heard. As a public institution, the University has constitutional and legal obligations to protect that speech. The second basic idea is that there cannot be a prohibition or regulation of speech on the

grounds that some people regard it as offensive, uncivil, or hateful. He noted that there is no hate speech exception to the protections of the First Amendment. The third principle is that there should not be a regulation of speech based on any administrative office's or officer's views on who has too much access to speech or too much power. While long discussions can be held on this issue, he said that as a matter of constitutional law for the past 50 years, those kinds of regulations are not permissible. Fourth is that speech should be the paramount value at the University when it comes into conflict with things such as a commitment to fostering a climate that is welcoming to all people. There are many things that the University can do, is doing, and should do more of to foster this positive climate, but regulating speech cannot be one of the means by which it does so. Furthermore, free speech is a part of the climate at any academic institution, and is an essential part of that climate. He said that free speech has been essential to the causes of people who are marginalized and without power over past decades. He noted that this is not the final version of this document so input is being sought today. He is eager to hear views from senators and answer any questions.

Senator Steve McLoon began by asking whether, if he is lecturing in a class and someone disagrees with him, if that person would have the right, due to this document, to stand up in the middle of class and take the floor from him. Does someone have the right to disrupt a presentation by an unpopular speaker? He also noted that this document seems to be focused on speech and does not recognize that much of the academic pursuit is through research, which may not have a speech component.

Professor Campbell said that a student is not allowed to disrupt a class as this conduct is governed through the Student Conduct Code. Individuals also do not have a right to disrupt an event, even in a public space.

Professor Carpenter responded that the University already has policies that deal with research and freedom to research, which is an important aspect of an institution. The point of this document was to outline the University's commitment, specifically, to the freedom of speech.

Naomi Scheman, a non-senator, addressed point three, the issue of power, and access to speech. She said that this document is informed by the spirit of John Stuart Mills *On Liberty*, the notion of the marketplace of ideas, and the belief that ideas that people find deeply problematic are best countered with more speech. While she agrees with this on one level, she reminded senators that the marketplace is decidedly uneven and there are extraordinary differences in power and privilege. The focus in this document is how to address these disparities, possibly by regulating the speech of the more powerful. Except in certain, clearly-delineated contexts, suppression of speech can only be done in a content-neutral basis. However, she said that this is not all that a institution can do. Institutions can realize that certain viewpoints need extra support in order to be heard. She said that an appropriate approach is to ask the marginalized group what they need in terms of extra resources to address feelings of marginalization and stigmatization. The University is well-suited to make this stance due to a Regents Policy and a response to the Garcetti opinion, both of which guarantee that public employees can be critical of the administration.

Rob Stewart, chair of the Student Senate Consultative Committee (SSCC), noted that this document was discussed by the Student Senate at their April meeting. Setting aside small tweaks in the language, one of the resounding questions from the student senators was whether this document is necessary when other Regents policies already exist on this topic. He stated that the conversation then moved into how this document was constructed and presented. For example, student senators felt that the third principle was inconsistent. The addendum talks about decorum, but, as a sociologist, he said that he would argue that decorum is a luxury of privilege itself. As this document was written by faculty, and is prescriptive in how speech can be exercised, it is difficult to dismiss the power differential. He said that those who do not enjoy

this elevated privilege or status are often ignored and met with equivocation. In order to be heard, many students have felt the need to shout and disrupt through civil disobedience. He then quoted a portion of the addendum, “Identity-based social movements—from the black civil rights movement to the women’s movement to the LGBT rights movement—have relied heavily on the protections provided by the First Amendment. These and other movements in positions of political weakness have used speech to dismantle traditions and practices of invidious discrimination. And through their powerful critiques of inequality and injustice they have mobilized their fellow citizens to join their efforts.” He said that this is an oversimplification of these movements. He said, from the student perspective, this seems like the faculty prescribing to the students how and when they can speak and protest. He hopes that this is an ongoing conversation as it could lead to a great document for the University at the end of the process.

Senator Brook Miller asked about the use of the word “regulated” versus “restricted” in point three.

Professor Dale Carpenter replied that “regulated” does mean “restricted” but it can be broader, such as prohibition or limitation that has the effect of reducing speech.

Rahsaan Mahadeo, a non-senator, said that there are some limitations regarding the first core principle, “No member of the University community has the right to prevent or disrupt expression.” Based on the response to a planned demonstration during this year’s State of the University Address, it is clear that some members are exempt from limitation, namely President Kaler. On March 3, student organizers were met by campus police and signs posted outside this auditorium, which threatened one year imprisonment and/or a \$3,000 fine for engaging in any type of disruptive behavior. He then asked why these same signs were not posted outside other events in which student disruptions took place. He said that there appears to be double standards and that some speakers have greater oratory value than others. He asked what good is freedom of speech when the University is equally free to repress and silence students through ongoing forms of intimidation and surveillance. Students may have the freedom to express their opinions, but the University infringes on this right, while also violating students’ right to privacy, in its ongoing campaign to criminalize dissent. He said that students are expected to resign themselves to complacent positions when sexist, racist, and hawkish speakers are invited to campus to speak and are then protected by the University police. However, he said that when students challenge the basis for such events, they are criminalized. Having the freedom to speak means little when University of Minnesota Police and other officials exercise extra legal authority to silence students. Additionally, he noted that under the fourth core principle it states that “Speech has been a powerful tool for dismantling unjust hierarchies or discrimination and marginalization.” This statement negates the fact that speech is only one ingredient for dismantling unjust hierarchies” Another key ingredient is action. However, the University remains intent on separating the two to criminalize students for their actions. Overall, this statement reads as another document that is setting the parameters for conversation and, in doing so, it also sets the terms and conditions under which students agree or disagree. He said that therefore students are forced to debate within already-constructed boundaries that limit their ability to push the baseline in any meaningful way. It is hard for some students to exercise their freedom or speech when they do not feel free as students on this campus.

Senator Leah Reinert asked senators to consider the implications of the ways in which power, exercised through speech, can create an environment directly antithetical to the University’s mission of fostering a welcoming and equitable campus climate. Further, she urged senators to consider how power and privilege operate to render some speech acts invisible while others reverberate with great intensity depending on the identities of the speaker, as well as the social context in which the University operates. She said that while she whole-heartedly supports academic freedom and free speech as theoretical concepts, she wonders how the University could advocate for an operationalization of the terms “threaten” and “harass” in the statement, as

written, that could take into consideration the harm certain speech acts might cause to those with less power to speak and, more importantly, to be heard. In addition, she asked that senators consider the following questions: Who is safe to speak? What can be spoken? What is actually heard? She said that she just completed her dissertation on women faculty and the use of silence. Therefore, she said that she can say that while speech is actually free, the feeling of being able to speak is not a freedom for many people. This document could be helpful to those who already have privilege and harmful to those who do not.

Professor Joseph Konstan, Faculty Consultative Committee member, stated that there is much being said nation-wide about free speech. Therefore, senators should remember that this document is attempting to do many things, some of which everyone agrees with, some of which not everyone agrees with, and some of which, with enough good discussion, could be agreed upon. This document is a reaction to two things. The first thing is administrative overreach in cases where people exercise academic freedom and constitutionally-protected free speech. The University does need a statement specifying that it is not the administration's role to judge the content of speech on campus. Second, this document is a reaction to the question of protests and their limits. This is an area, he said, on which the University community does not agree. This document is meant to be a statement of the University's shared values. He said that he feels that the community is close to agreement on the fact that there are certain forms of speech that are hateful, but immune from administrative response. However, that speech is not immune to consequences from a community that comes together to condemn it and assert that that speech is not welcome even if it is legal. He said that the University needs to go beyond the letter of the Constitution to express what the University feels is free speech and emphasize that there is a collective obligation to speak up when speech goes against the University's values.

Chris Phalen, a non-senator, agreed with previous speakers that this document is about power – the power to say to someone that they may not say something. This is not a power that a public institution should be willing to provide to anyone. He said that there are people who will disagree with this concept and instead attempt to tell someone that they cannot speak and, through force, make it so that others cannot listen to that person. These disruptive actions are not speech. He said that free speech means that if someone does not like what is being said, they can hold a sign or hold a separate rally. The University needs to protect all speech, including speech that other people at the University are trying to shut down through disruptions and other actions. The University community has a right to hold conversations without someone saying that the conversation should not happen.

Anna, a non-senator, said that free speech is not about the liberty that one has to express ideas, but the inability of targets of hate speech to defend themselves. The document is taking the responsibility out of the hands of those who choose to speak and putting it in the hands of those who attacked them. Hate speech is not freedom of speech, and the University needs to learn the difference. This difference lies with respect for others and the right to identify and treat hate speech. She said that another important factor is the fact that targets of hate speech are usually people of color and other marginalized and under-represented groups. It is because of documents like this, she stated, that hate-speech groups, such as the KKK, still exist today.

Jonathan Borowsky, a non-senator, read the following statement from the final Report of the Committee on Freedom of Expression from the University of Chicago: "The Committee has carefully reviewed the University's history, examined events at other institutions, and consulted a broad range of individuals both inside and outside the University. This statement reflects the long-standing and distinctive values of the University of Chicago and affirms the importance of maintaining and, indeed, celebrating those values for the future." He said that he does not believe that the same could be said regarding the posture of the document being discussed today. While there has been some consultation and examination of history, today's version is not the product of consensus. He said that there is great danger in relying on a single expert, even one

who is very well-respected. The statement that is finally adopted should be the result of a consultative process.

Melinda Lee, a non-senator, began by expressing her dissent with this statement. She stated that many policies are wonderful in principle, but look different once implemented. When according to Derrick Bell's Rules of Racial Standing, the value of people of color's experiences and words are not deemed as important as those of a white persons. This document only appears to protect free speech for a certain demographic of the University community, while directly discouraging others from speaking. She stated that it is easier to maintain peace instead of fixing something that has been harmful.

Senator Tommy Keller said that he was one of the student senators who questioned the necessity of this document. He then quoted the opening statement of the Regents Mission Statement, "The University of Minnesota (University), founded in the belief that all people are enriched by understanding, is dedicated to the advancement of learning and the search for truth; to the sharing of this knowledge through education for a diverse community; and to the application of this knowledge to benefit the people of the state, the nation, and the world." Regarding the phrase "the search for truth", he felt that truth about what free speech is and what it is not is nebulous and has continued to be grappled with since the inception of the country. He felt that it would be inappropriate for the University to prescribe to students what constitutes free speech. Instead, he said that each generation should be allowed to grapple with this idea and come to their own conclusions.

Professor Campbell thanked everyone for the comments expressed today and said that this topic will be an ongoing discussion next semester.

10. PRESIDENT'S REPORT

President Kaler began by thanking the senators for a great discussion on free speech and expression on campus. He then provided updates on a number of issues.

First he addressed leadership transitions at the University. There are four major searches taking place, three of which are for system-wide positions. He is hoping to announce the new Director of Intercollegiate Athletics for the Twin Cities campus in the next few weeks. Search committees are working on filling the General Counsel position being vacated by Bill Donohue, and the Director of Institutional Compliance position, as Lynn Zentner has announced her retirement.

He said that a search is also underway for a new position, Senior Vice President for Finance and Operation, which is being created upon Vice President Pfutzenreuter's retirement. This position will oversee Human Resources, Information Technology, University Services, and Budget and Finance, and will provide an opportunity to strategically foster collaboration and create greater efficiency and effectiveness. The duties of the Senior Vice President will include strategic financial leadership and operational leadership system-wide, service as the Board of Regents' Treasurer and staff liaison to the Finance Committee of the Board, oversight of the budget process, and leadership of system-wide long- and short-term financial planning and analysis.

With the creation of this new position, the title of the provost, who is currently Senior Vice President, will be changed to Executive Vice President and Provost to recognize her responsibilities for global programs, civic engagement, and the University's academic mission.

President Kaler then turned to the situation at the legislature. First he noted that the Senate's bonding bill is at \$1.5 billion, the Governor's recommendation is \$1.4 billion, and the House

proposal is only \$600 million. While the low total from the House is a concern, the bigger concern is that the session may end without a bonding bill being passed. He said that he feels that it would be irresponsible for the legislature to adjourn without passing a bonding bill, or addressing the supplemental state budget request from the University.

Regarding human fetal tissue research, there is language in a House omnibus bill requesting that the University conduct a study on the sourcing of human fetal tissue used in research and requiring additional Institutional Review Board (IRB) oversight on fetal tissue. However, he noted that the House has not allocated any additional resources for these activities. As no language on this topic has been offered by the Senate, differences will need to be resolved in conference committee before the session ends on May 23.

He reminded senators that at the start of this legislative session, the University was threatened with the elimination of \$15 million in promised funding for the Medical School from Governor Dayton's Blue Ribbon Commission on the Medical School. As unexpected things happen at the end of the session, the University will remain attentive to all issues. He then asked senators to advocate for the University's priorities by contacting their legislators.

President Kaler next addressed the University's budget for fiscal year 2017, which will be reviewed by the Regents next week. He said that he knows that next year will be hard for the University if there is no new state support. However, he is proposing a 2.5 percent merit increase for employees and a 2.5 percent tuition increase for Twin Cities campus Minnesota resident students.

His budget does not include a tuition increase for the system campuses, as they are in different markets and need to remain competitive with their peers. He said that he is recommending a 9.9 percent tuition increase for non-resident, non-reciprocity students as a way to move the University towards the middle of the pack in the Big Ten. However, he is committed to keeping the University geographically diverse with a national student pipeline.

Another part of the budget process is reallocating administrative costs to the core missions of teaching, research, and public engagement, which is becoming harder to do. At the end of this fiscal year, he said that the University will have reallocated \$73 million of the proposed \$90 million goal to reduce administrative spending. The University will have two years to reduce the final \$17 million.

Regarding University of Minnesota Health, President Kaler said that the integration of University of Minnesota Physicians with Fairview to create a new academic health care system is advancing. After six months of complex negotiations, the plan is to bring an agreement to the Regents for review during the following week, and for approval in June. The negotiations have resulted in an organization that is academic and physician-led, with a guaranteed base level of funding for the Medical School. The hiring of a CEO for University of Minnesota Health is also in the late stages.

President Kaler noted that with a large transaction, it is not easy to work out all the internal cultural challenges and business integrations, but this is an exceptional opportunity to provide better patient care and advance the University's research and health professional training. He praised the work done by many faculty and administrators to bring this plan to completion. He said that he believes that this integration will boost the Medical School and change the landscape of health education for the state.

Besides his work with the legislature, he has been engaged in other activities. He said that he spent two days in Duluth during the previous week meeting with members of the campus community. He is pleased with the progress the campus has made to address its budget shortfall.

He said that there were sixth through eighth grade students from Parkway School in St. Paul on campus the previous day as part of the University's effort to confront unacceptable educational achievement and opportunity gaps. He thanked Professor Desai, co-chair of the Faculty Consultative Committee, for her work in bringing these students to campus.

President Kaler also spent time with students at Sanford Middle School in Minneapolis where the University has science student teachers working with students. He always wants to encourage young learners to take rigorous courses to prepare for life as college students, hopefully at the University. He also strengthened the University relationships with the agricultural community by accepting an honorary degree from the state's Future Farmer's of America.

Regarding University students, he said that he had student governance leaders at his house the previous night and met with students from student cultural centers at Coffman. His monthly office hours have been full, and the previous Friday 1,000 students filled Northrop Auditorium for a TedTalk at which he was one of the speakers. As commencement season has started, he is hosting year-end events for graduating students, including the Shakopee Mdewakantan Sioux Scholars, and will be speaking at two commencements. He said that this time of the year reminds him of the great achievement of University students, wonderful mentoring by faculty and staff, and pride from families and friends.

In closing, he thanked all senators for their work helping celebrations to occur and for what senators do to keep the University of Minnesota great.

11. QUESTIONS TO THE PRESIDENT

Q: The University of Minnesota community has been fortunate over the last decade to have had few incidents of serious hazing, but Senator Gary Cohen said that he is concerned about the University's continuing resolve in prohibiting hazing and the willingness to impose significant sanctions for infractions. In light of the recently reported decision of the University to reduce the two-year suspension of a student fraternity to a one-year suspension and two-years' probation after a very serious hazing incident and excessive alcohol consumption at events in 2015, how committed are the University administration and the Board of Regents to maintaining the existing policy, to take a firm stand against any such activity, and to impose appropriately stiff sanctions?

A: President Kaler said that hazing is taken seriously and each allegation is reviewed on a case-by-case basis, which can result in sanctions against individual students or student groups. The University intends to maintain its stance on hazing, which is in the Regents Student Conduct Code policy, and applies to students and student groups; including fraternities and sororities. Hazing awareness programs are provided by the Office for Fraternity and Sorority Life for Greek organizations and by Student Unions and Activities as part of the student group registration process. The University is very committed to preventing hazing and sanctioning those individuals or groups who commit or promote it. Sanctions have the opportunity to enter the legal system and when lawsuits work against these sanctions, those conditions are part of the realm of the Regents Litigation Review Committee. The Regents have the ability to alter sanctions, which happened in this case, but the administrative structure is strong.

Q: Naomi Scheman, a non-senator, said that the Regents recently approved a policy aiming for an average ACT score of 28 for incoming freshmen. Given the correlation of ACT scores with family income, this policy threatens stated commitments to access and diversity, and involves matters of importance to faculty. How were faculty involved in the decision to adopt this policy? Was the policy discussed and voted on in the Educational Policy Committee and the Faculty Senate?

A: President Kaler said he does not know the details of consultation on this topic, but there has been a longstanding effort by the Office of Admissions to raise the average ACT score for incoming freshmen and the Board of Regents have expressed support for this effort.

Q: Senator Peter Morrell asked if the actions of the Office of Human Resources, including filing an appeal, threatening merit raises, and releasing anti-union emails, are representative of his views and instructions to staff regarding the faculty vote on unionization?

A: President Kaler said that the University would prefer to work with individual faculty rather than through a third party. He recognizes that messages can be perceived as different from what was intended.

Q: Senator Arvind Boddupalli said that the Minnesota Student Associate has opposed a proposed tuition increase for non-resident, non-reciprocity students. The Finance and Planning Committee also expressed concern that the geographic diversity of the University will be impacted. How is the University reaching out to current international and non-resident, non-reciprocity students?

A: President Kaler said that communication has already been sent to non-resident, non-reciprocity students regarding the tuition increase. The communication to current students is that they will only see a 5.5 percent increase. The University's non-resident rate is the lowest in the Big Ten and there is pressure from the legislature and the Regents to increase this rate. He agrees that degrees need to remain affordable for non-resident, non-reciprocity students, while recognizing that state support needs to be directed more toward Minnesota students.

Q: Senator Arvind Boddupalli asked if the administration and Regents have considered how financial burdens due to tuition increases can impact students' mental health. Will additional resources be put towards scholarships?

A: President Kaler replied that the University has every intention of making the cost of education as affordable as possible consistent with resources that are available.

Q: Senator Teri Caraway said she attended the hearing at the Bureau of Mediation Services (BMS) and was shocked to discover that the administration has been represented by an outside attorney during the hearings. What is the cost to the University to hire outside legal counsel?

A: President Kaler said that he did not know the cost to the University to retain an exceptionally talented labor lawyer but could report this amount to the Faculty Consultative Committee.

12. UNIVERSITY SENATE OLD BUSINESS

NONE

13. UNIVERSITY SENATE NEW BUSINESS

NONE

14. UNIVERSITY SENATE ADJOURNMENT

The meeting was adjourned at 4:04 p.m.

15. EDUCATIONAL POLICY COMMITTEE
Administrative Policy on Scheduling Examinations, Final Examinations, and Study Days
Administrative Policy on Intercollegiate Athletic Events
Information for the Faculty Senate

FOR INFORMATION:

Amendments to the following policies were presented to the Educational Policy Committee for discussion and approval at the March 9, 2016, meeting:

Administrative Policy on Scheduling Examinations, Final Examinations, and Study Days
http://www1.umn.edu/usenate/fsenate/docs/160407exam_policy.pdf

Administrative Policy on Intercollegiate Athletic Events
http://www1.umn.edu/usenate/fsenate/docs/160407athletic_event_policy.pdf

SUE WICK, CHAIR
EDUCATIONAL POLICY COMMITTEE

16. EDUCATIONAL POLICY COMMITTEE
Approval of Alternate Teaching Evaluation Form at Rochester
Information

FOR INFORMATION:

Based on the request by the University of Minnesota Rochester, SCEP grants a five-year exception to the Administrative Policy on Evaluation of Teaching for the Rochester Bachelor of Science in Health Professions (BSHP) degree so that it may use the discipline-specific evaluation form required by the Mayo School of Health Sciences (MSHS) for courses and clinicals in this degree.

Approved November 11, 2015

SUE WICK, CHAIR
EDUCATIONAL POLICY COMMITTEE

17. FACULTY CONSULTATIVE COMMITTEE REPORT

Professor Colin Campbell, chair of the Faculty Consultative Committee (FCC), said that the committee has met 10 times since his last report. The Nominating Committee selected candidates, which will be approved later in this agenda, to stand for election to the FCC for the next academic year. FCC consulted on policy changes including those for the outdoor space and the Student Conduct Code, and discussed graduate education.

He said that the FCC has met with the chief of the University of Minnesota Police Department to discuss campus safety. Regular meetings were also held with President Kaler and Provost Hanson to discuss a number of topics including the legislative session, grand challenges, and the strategic plan.

Much time was spent by the FCC, he said, crafting a document entitled “Free Speech at the University of Minnesota: Four Core Principles: which was discussed earlier in the meeting. As he said at that time, this topic will continue to be discussed in the fall.

Finally he said that the FCC co-sponsored an informal forum on the potential implications of a Twin Cities faculty union.

18. FACULTY LEGISLATIVE LIAISONS UPDATE

Professor Gary Gardner, one of the Faculty Legislative Liaisons along with Professor Lyn Bearer, acknowledged that President Kaler discussed the legislative request earlier in the meeting, but he said that he would like to review a few items. The House has no funding for the University in the supplemental budget, has language regarding fetal tissue research, and has a requirement that the state ombudsman’s office oversee Department of Psychiatry clinical trials. The Senate recommendation for the supplemental budget is \$8.1 million and the Governor was very generous by recommending \$35 million.

He then said that the House target for all bonding projects is \$600 million but no details have been released, so the University does not know if any of its projects have been included. The Senate version recommends \$61.5 for HEAPR, the Chemical and Advanced Material Sciences building at Duluth, the Health Sciences Education building, the Plant Growth building, and funds for Glensheen. However, this bill failed on the floor today with a vote of 40 to 26. Because it is a bonding bill, he stated that it requires a three-fifths majority for approval, which is 41 votes. Another vote will not take place before next Monday, he said.

In closing, he reminded senators that the session ends on May 23 and any vote will likely be close. Therefore he urged all senators to contact their legislators to support the University’s request.

19. FACULTY CONSULTATIVE COMMITTEE Approval of Faculty Senate Officers Action by the Faculty Senate

MOTION:

To approve the following officers for 2016-17 as recommended by the chair of the Faculty Senate and the Faculty Consultative Committee:

Clerk – To be named
Parliamentarian – Professor Christopher Roberts
Faculty Senate Vice Chair – Professor Catherine French

**COLIN CAMPBELL, CHAIR
FACULTY CONSULTATIVE COMMITTEE**

DISCUSSION:

With no discussion a vote was taken and the motion was approved.

APPROVED

**20. NOMINATING COMMITTEE FOR THE TWIN CITIES MEMBERS OF THE
FACULTY CONSULTATIVE COMMITTEE
Slate of Candidates
Action by the Twin Cities Faculty Delegation and UMD Faculty Senators**

MOTION:

To approve the following eight people to stand for election to the Faculty Consultative Committee, from which one of each pair are to be elected by the Twin Cities and non-represented UMD faculty for a term beginning July 1, 2019.

FIRST PAIR

SHAWN CURLEY: 1986*, Professor of Information/Decision Sciences, Carlson School of Management. University Senate member: 2001-04, 2012-15. Senate Committee participation (past and present): Committee on Committees, 2012-15; Consultative, 2007-11; Educational Policy, 2000-06; ROTC Subcommittee, 2007-13; Student Academic Integrity, 2001-07; Chair: 2005-06; Student Affairs, 1988-90.

AMY PITTENGER: 2005*, Associate Professor of Pharmacy Cyberlearning and Outreach, College of Pharmacy. University Senate member: None. Senate Committee participation (past and present): None.

SECOND PAIR

TASOULLA HADJIYANNI: 1992*, Associate Professor of Design, Housing and Apparel, College of Design. University Senate member: None. Senate Committee participation (past and present): Research, 2015-18.

PETER TIFFIN: 2002*, Professor of Plant Biology, College of Biological Sciences. University Senate member: None. Senate Committee participation (past and present): Judicial, 2015-18.

THIRD PAIR

HEIDI BARAJAS 1994*, Associate Professor of Postsecondary Teaching and Learning, College of Education and Human Development. University Senate member: 2006-07. Senate Committee participation (past and present): Consultative, 2015-16.

ROBERT BLAIR: 2002*, Professor of Fisheries, Wildlife, and Conservation Biology, College of Food, Agricultural, and Natural Resource Sciences. University Senate member: 2002-03. Senate Committee participation (past and present): Social Concerns, 2003-04.

FOURTH PAIR

CARL FLINK: 1996*, Associate Professor of Theatre Arts and Dance, College of Liberal Arts. University Senate member: None. Senate Committee participation (past and present): Academic Freedom and Tenure, 2007-08, 2012-14; Co-Chair: 2012-14; Faculty Affairs, Ex Officio: 2012-14.

PEGGY NELSON: 1999*, Professor of Speech, Language, Hearing Sciences, College of Liberal Arts. University Senate member: None. Senate Committee participation (past and present): None.

*Date of initial appointment at the University.

FOR INFORMATION:

The Faculty Consultative Committee serves as the executive committee of the Faculty Senate and forms the faculty membership of the Senate Consultative Committee. Senate legislation has merged the Twin Cities faculty and non-represented UMD faculty for purposes of Faculty Consultative Committee elections. Should a non-represented UMD faculty member be elected, that individual will be a member of the Senate and Faculty Consultative Committees.

Additional nominations of eligible faculty, confirmed as willing to serve, may be made by: (1) petition of 12 voting members of the Twin Cities faculty, provided that the petition is in the hands of the clerk of the Senate the day before the Faculty Senate meeting; (2) nomination on the floor of the Faculty Senate by members of the Twin Cities Faculty Delegation when the slate is presented. If the nominees are paired, any additional nomination shall specify against which pair the nominee will run. The clerk of the Senate shall present the slate to the Twin Cities Faculty Delegation for its approval. In the event there are additional nominations, the Twin Cities Faculty Delegation will reduce the slate to twice the number to be elected by voting by secret ballot. The slate as approved shall be presented to the faculty for an election.

Members with terms continuing at least through next year are:

Colin Campbell, Medical School
Dale Carpenter, Law School
Jigna Desai, College of Liberal Arts
Greta Friedemann-Sanchez, Public Affairs
Joseph Konstan, College of Science and Engineering

The terms of Karen Mesce (College of Food, Agricultural, and Natural Resource Sciences), Christopher Uggen (College of Liberal Arts), and Jean Wyman (Nursing) expire at the end of the academic year. Additionally, Marlene Zuk's term on the Committee continued until 2018. However, due to an administrative appointment, she has resigned her seat on the Committee. That seat is being filled for the remainder of her term.

**CATHERINE FRENCH, CHAIR
NOMINATING SUBCOMMITTEE**

DISCUSSION:

With no discussion a vote was taken and the motion was approved.

APPROVED

**21. COMMITTEE ON COMMITTEES
Slate of Faculty Candidates**

Action by the Twin Cities Faculty Delegation and UMD Faculty Senators

MOTION:

To approve the following people to serve on the Committee on Committees for a term beginning July 1, 2016.

SARAH CHAMBERS: Professor of History; College of Liberal Arts.

SAUMAN CHU: Associate Professor of Design, Housing and Apparel; College of Design.

DOUG ERNIE: Associate Professor of Electrical and Computer Engineering; College of Science and Engineering.

DAVID KIRKPATRICK: Associate Professor of Genetics, Cell Biology, and Development; College of Biological Sciences.

INGRID SCHNEIDER: Professor of Forest Resources; College of Food, Agricultural, and Natural Resource Sciences.

FOR INFORMATION:

Of the faculty/academic professional members, 1 shall be from the Morris campus and the remainder from the Twin Cities campus. All faculty members of the Committee shall be elected by the faculty members of the Senate from their respective campuses. The Twin Cities faculty members of the Faculty Committee on Committees shall be nominated by the current Twin Cities faculty members of the Faculty Committee on Committees and shall be selected so that the membership of the committee corresponds approximately with the number of tenured and tenure-track faculty in each college.

The current membership of the committee is available at:
<http://www1.umn.edu/usenate/committees/conc.html>

**DAVID KIRKPATRICK, CHAIR
COMMITTEE ON COMMITTEES**

DISCUSSION:

With no discussion a vote was taken and the motion was approved.

APPROVED

**22. FACULTY SENATE BYLAW AMENDMENTS
Membership Changes
Action by the Faculty Senate**

MOTION:

To amend Article IV of the Faculty Senate Bylaws, as follows (language to be added is underlined; language to be deleted is ~~struck-out~~). As this motion is an amendment to the Faculty Senate Bylaws, the motion requires either a majority of all voting members of the Faculty Senate (82) at one regular or special meeting, or a majority of all voting members of the Faculty Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

ARTICLE IV. COMMITTEES OF THE FACULTY SENATE (Changes to this article are subject to vote only by the Faculty Senate)

...

5. Faculty Senate Committee Charges

...

A. ACADEMIC FREEDOM AND TENURE COMMITTEE

...

Membership

The Academic Freedom and Tenure Committee shall be composed of:
at least 7 faculty members (including at least 5 who are tenured and at least one from a system campus),
2 academic professional members whose responsibilities are primarily teaching or research,
1 postdoctoral fellow/associate,
2 graduate students, and
ex officio representation as specified by vote of the Faculty Senate.

Faculty, academic professional, and student ~~M~~members shall be appointed by the Committee on Committees. The postdoctoral fellow/associate shall be appointed by the Postdoctoral Association. The academic professional, postdoctoral fellow/associate, and graduate student members may not vote on any issue related to faculty tenure; the decision about whether a matter relates to tenure shall be determined by the chair. The chair of the committee shall be a tenured faculty member.

...

F. FACULTY AFFAIRS COMMITTEE

The Faculty Affairs Committee is concerned with policies and procedures that influence the personal and professional welfare of the faculty and postdoctoral fellows/associates.

Membership

The Faculty Affairs Committee shall be composed of:
at least 10 faculty members,
2 academic professional members,
1 graduate assistant,
1 undergraduate student,
~~1~~ 2 postdoctoral fellow/associates, and
ex officio representation as specified by vote of the Faculty Senate.

Faculty, academic professional, and student members shall be appointed by the Committee on Committees. Postdoc members shall be appointed by the Postdoctoral Association. The chair of the committee shall be a tenured faculty member.

Duties and Responsibilities

- a. To examine all policies and procedures of the University which influence the professional and personal welfare of the faculty and postdoctoral fellows/associates, and to recommend improvements in the design and implementation of faculty personnel policies, including such matters as tenure and promotion (in conjunction with the Academic Freedom and Tenure Committee), salary and benefits, faculty development, and hiring and retirement alternatives.
- b. To examine and propose University policies and programs associated with faculty development.

- c. To examine and propose benefit options and benefit option counseling available for current and retired faculty (with the assistance of the Employee Benefits Department).
- d. To review the options, performance, and reporting of the Faculty Retirement Plan, with the assistance of the University's Office of Asset Management and Employee Benefits Offices and recommend appropriate changes.
- e. To monitor any legislation and other policies affecting faculty or postdoctoral fellow/associate welfare.
- f. Interact with the ~~Council of Academic Professionals and Administrators (CAPA)~~ P&A Consultative Committee on all items that jointly impact academic staff and faculty, such as benefits and retirement.
- g. To recommend to the Faculty Consultative Committee such actions or policies as it deems appropriate.

...

COMMENT:

The Academic Freedom and Tenure Committee is recommending the addition of a postdoctoral fellow/associate so that their views are represented in committee discussions.

The Faculty Affairs Committee is recommending that welfare for postdoctoral fellows/associates be added to its charge. The additional changes are simply clean-up to remove references to previous governance bodies.

**DAVID KIRKPATRICK, CHAIR
SENATE COMMITTEE ON COMMITTEES**

DISCUSSION:

With no discussion a vote was taken and the motion was not approved with only 78 votes in favor. It will be sent for an electronic vote.

NOT APPROVED

**23. LIBRARY COMMITTEE
RESEARCH COMMITTEE
Administrative Policy on Copyright Ownership
Action by the Faculty Senate**

The draft to be approved is available at:
<http://www1.umn.edu/usenate/fsenate/docs/1604copyright.pdf>

COMMENT:

The Regents Policy on Commercialization of Intellectual Property Rights claims for the University ownership in software, but excludes ownership of copyrighted works covered by other policies. The Regents Policy on Copyright gives copyright ownership in academic works to faculty and faculty-like authors. Two issues are presented by these two policies: software, once written, may be copyrighted. Further, in some disciplines, software may be considered an

academic work. The additional language in the Administrative Policy on Copyright Ownership clarifies conditions under which software may be covered under the Regents Policy on Copyright.

These changes were approved by the Library Committee on February 20, 2016, and the Research Committee on February 15, 2016.

**DAVID FOX, CHAIR
LIBRARY COMMITTEE**

**LADORA THOMPSON, CHAIR
RESEARCH COMMITTEE**

DISCUSSION:

Wendy Lougee, University Librarian, said that this amendment is an intent to clarify an ambiguity between two policies that deal with intellectual property rights for software.

Professor Joseph Konstan, Faculty Consultative Committee member, stated that there has been much work put in to resolving the conflict between these two policies. He strongly suggested that careful communication is needed once approved so that faculty understand intellectual property rights going forward.

With no further discussion a vote was taken and the motion was approved.

APPROVED

24. PROVOST'S REPORT

Provost Karen Hanson said that while President Kaler mentioned some searches taking place for system-wide positions, her office is handling some for the Twin Cities campus as well. Searches for the deans of the Law School and College of Science and Engineering are nearing completion. The search for the College of Design dean has been reactivated and the search for the College of Pharmacy dean is just beginning. She announced that Professor Scott Lanyon has recently been named the new dean and vice provost for graduate education.

Provost Hanson then acknowledged the accreditation that took place earlier this academic year for Crookston, Rochester, and the Twin Cities, with Morris scheduled for 2019-20 and Duluth for 2017-18. She stated that much effort went into accreditation preparation and this was handled by an exceptional team of faculty and staff. The report highlighted that four-year graduation rates have increased by 30 percentage points since the last accreditation and nearly 300 doctoral degrees are awarded each year. Their comments on the faculty were that they are committed to shared governance; are distinguished scholars and members of national academies; are committed to teaching, research, and service; have a historical commitment to academic freedom and responsibility; and should be praised for supporting student learning.

No revisit has been scheduled, so now the University can move along to other items. One of those items is general education requirements which have been in place for many years and may need to be refreshed. However, this can be a slow process as the requirements are developed in conjunction with MnSCU to help transfer students.

Provost Hanson said that she feels that the budget process needs to follow principles established each year. This year's process involved reallocations related to the Twin Cities campus Strategic

Plan. The Grand Challenges Research team has developed recommendations and their next step is to request research proposals that can be awarded funding.

25. QUESTIONS TO THE PROVOST

Q: Senator Meredith McGill said that in the last few months various administrators have issued statements regarding the high value placed on the existing system for shared governance during the unionization process. The Faculty Senate allows for faculty-like academic professionals to serve as voting members on the body. These faculty-like representatives are elected by, for, and on behalf of faculty. The University has filed an unsuccessful motion with the Minnesota Court of Appeals to prevent the Bureau of Mediation Services (BMS) from even holding hearings to determine if certain faculty-like employees belong in the same bargaining unit. Considering the strong support that the administration espouses for this existing system of government, how can the University's administration reconcile its contradictory position that faculty and faculty-like employees share a community of interest for governance purposes but not for collective bargaining?

A: Provost Hanson noted that the community of interest is a technical term being used by BMS. The administration's view is that the welfare of the University involves everyone, and that is not a contradictory position.

Q: Naomi Scheman, a non-senator, said that the University's budget principles are set to follow the intellectual mission of a department. However, much work in graduate education is done outside one's home department and there is departmental resistance due to budget principles and metrics. One area this affects is requiring home departments to pay tuition for graduate assistants. Has the University considered tuition waivers for these positions, as is done by other institutions?

A: Provost Hanson agreed that academic priorities need to drive budget allocations but this is a complicated process. She agreed that budget decisions, principles, and transfers for tuition dollars need to be more transparent so that they can be more easily communicated.

Q: Senator Bill Beeman said that if the University supports interdisciplinary work, why is the message to departments to discourage cross-listing of courses?

A: Provost Hanson said if a message is being sent, it is not a directive from her office. The focus of the campus plan is to encourage ways to do this.

Q: Senator Bill Beeman asked for an update on changes to the academic leave policy.

A: Provost Hanson said that Vice Provost Rebecca Ropers-Huilman is taking the lead on the proposed changes. She has discussed the proposal with deans to confirm the feasibility of the new policy.

26. FACULTY SENATE OLD BUSINESS

NONE

27. FACULTY SENATE NEW BUSINESS

Naomi Scheman said that this is her last meeting before her retirement. Therefore she would like to take this opportunity to thank the caring staff of the Senate Office for their work with faculty governance. Senate staff were then given a round of applause.

28. FACULTY SENATE ADJOURNMENT

The meeting was adjourned at 4:33 p.m.

Rebecca Hippert
Abstractor