

## **2016-17 UNIVERSITY OF MINNESOTA**

**NOVEMBER 3, 2016**

**UNIVERSITY SENATE MINUTES: No. 1**

**FACULTY SENATE MINUTES: No. 1**

**STUDENT SENATE MINUTES: No. 1**

The first meeting of the University Senate and the first meeting of the Faculty Senate for 2016-17 was convened in 25 Mondale Hall on Thursday, November 3, 2016, at 2:30 p.m., as a joint meeting of the two bodies. System campuses were linked by ITV. Checking or signing the roll as present were 17 academic professional members, 8 civil service members, 102 faculty/academic professional members, and 21 student members. President Kaler presided.

### **1. ADMINISTRATIVE RESPONSES TO SENATE ACTIONS Information**

#### **UNIVERSITY SENATE**

Resolution to Implement System-Wide Restroom and Locker Room Access

Approved by the University Senate: May 5, 2016

Administrative Response:

The University administration supports the resolution of the University Senate. Issues around restroom and locker room access have been administered on an individual campus basis, but the administration will continue to work with all system campuses to implement practices that support the categories of individuals mentioned in the resolution. On the Twin Cities campus, there is an effort to make certain that the distribution of gender-neutral restrooms is broad and readily accessible to most members of the campus community. Facilities Management is working toward its target of 425-450 total gender-neutral restrooms. The remainder of the project involves getting signs in place and ensuring the University's space database is accurate for capture on the GIS enabled gender-neutral restroom layer on the interactive campus map. The two units with the most locker room space on the Twin Cities campus are Recreation and Wellness and Intercollegiate Athletics. In the Recreation and Wellness Center on the Minneapolis East Bank campus, there are 7 individual changing rooms available to all center users which include restrooms & showers. In addition, lockers are available for rent or daily use located adjacent to the changing rooms. There are also two changing rooms with a restroom and shower in the St. Paul Gym and 1 changing room with a restroom and shower in the Student Recreational Sports Dome. The Department of Intercollegiate Athletics has pledged to provide locker room accommodations to any Gopher student-athlete, visiting student-athlete, or other any other facility user needing special accommodations, such as the specific situations listed in the resolution.

Administrative Policy on Individual Conflicts of Interest  
Approved by the University Senate: May 20, 2016  
Administrative Response: **PENDING**

## **FACULTY SENATE**

Administrative Policy on Copyright Ownership  
Approved by the Faculty Senate: May 5, 2016  
Administrative Response: **PENDING**

## **2. CLERK OF THE SENATE REPORT Electronic Vote Results Information**

### **FOR INFORMATION:**

Following the May 5, 2016, University Senate and Faculty Senate meetings, electronic votes were taken to pass a set of proposed Faculty Senate Bylaw amendments and to approve amendments to the Administrative Policy on Individual Conflicts of Interest. At the end of the three working day voting period, the Faculty Senate Bylaw amendments were approved by the Faculty Senate with 95 votes in favor, 10 opposed, and 6 abstentions. Amendments to the Administrative Policy on Individual Conflicts of Interest was approved by the University Senate with 96 votes in favor, 39 opposed, and 24 abstentions.

**ROBERT GOLDSTEIN, CLERK  
UNIVERSITY SENATE**

## **3. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY**

### **FACULTY/ACADEMIC PROFESSIONALS/STAFF**

Alec Abasov  
End User Support  
OIT Application Management  
1951 - 2016

Wilbert Ahern  
Professor  
History, University of Minnesota Morris  
1941 - 2016

John Arthur  
Professor  
Sociology and Anthropology, University of Minnesota Duluth  
1958 - 2016

Jason Beddow  
Research Assistant Professor  
Applied Economics  
1974 - 2016

Carol Berkenkotter  
Professor  
Writing Studies  
1940 - 2016

Joseph Brocato  
Assistant Professor  
Family Medicine  
1963 - 2016

Thomas Casselman  
Dental Ceramic Technician  
Dental Prosthodontics  
1949 - 2016

Theresa Cassidy  
Research Support Manager  
Pediatric Nephrology  
1955 - 2016

Jean Cusick  
Accountant  
Financial Management/Payroll Services  
1950 - 2016

Dietrich Dehnhard  
Professor  
Physics & Astronomy  
1934 - 2016

Donald Doughman  
Professor  
Ophthalmology  
1933 - 2016

James Fuchs  
Professor  
Biochemistry, Molecular Biology & Biophysics  
1943 - 2016

Edward Gale  
Library Assistant  
Law Library  
1951 - 2016

Arthur Harkins  
Associate Professor  
Organizational Leadership, Policy & Development  
1936 - 2016

Brian Hendrickson  
Art Research Studio Technician  
Art & Design, University of Minnesota Duluth  
1956 - 2016

Heidi Knutsen  
Principal Office and Administrative Specialist  
Controller's Office, University of Minnesota Duluth  
1953 - 2016

Kelli Kuhlmann  
Building and Grounds Worker  
Facilities Management  
1957 - 2016

Richard Moreland  
Assistant Extension Professor  
University of Minnesota Extension  
1944 - 2016

Todd Oakes  
Assistant Coach  
Baseball  
1960 - 2016

Jeanne Purdy  
Lecturer  
Academic Administration, University of Minnesota Morris  
1941 - 2016

Richard Rodine  
Laboratory Animal Attendant  
Research Animal Resources  
1957 - 2016

Mollie Roediger  
Research Fellow  
Biostatistics  
1978 - 2016

John Rynders  
Professor  
Educational Psychology  
1933 - 2016

Jihua Yang  
Researcher  
Mechanical Engineering  
1965 - 2016

## **STUDENTS**

Aric Babbitt  
College of Education and Human Development

Amanda Carlson  
College of Education and Human Service Professions Duluth

Elsbeth Carlstrom  
College of Continuing Education

Ashley Hasti  
Medical School

Mark Hohman  
University of Minnesota Crookston

Brian Johnson  
University of Minnesota Crookston

David Miller  
College of Biological Sciences

Charles Olson  
University of Minnesota Crookston

Catherine Schurstein  
University of Minnesota Crookston

Christina Stolz  
College of Liberal Arts

Sean Turner  
College of Science and Engineering

Thomas von Drashek  
College of Continuing Education

Anne Woodfin  
Carlson School of Management

**4. MINUTES FOR MAY 5, 2016  
Action by the University Senate**

**MOTION:**

To approve the University Senate and Faculty Senate minutes, which are available on the Web at the following URL.

<http://usenate.umn.edu//usenate/minutes/160505sen.pdf>

**ROBERT GOLDSTEIN, CLERK  
UNIVERSITY SENATE**

**DISCUSSION:**

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

**APPROVED**

## **5. FACULTY CONSULTATIVE COMMITTEE REPORT SENATE CONSULTATIVE COMMITTEE REPORT**

Professor Cathy French, vice chair of the University Senate, read the following report from Professor Colin Campbell, chair of the Senate Consultative Committee (SCC) and Faculty Consultative Committee (FCC):

Mr. Chair, thank you.

The Faculty Consultative Committee (FCC) is the consulting body to the president and the executive committee of the Faculty Senate. It is comprised of ten elected members (nine from the Twin Cities and eligible Duluth faculty and one elected from Morris) and a number of additional members, including the vice chair of the senate; the past FCC chair; chairs of the Senate Committee on Finance & Planning, Senate Committee on Educational Policy, Academic Health Center Faculty Consultative Committee, Senate Committee on Faculty Affairs, and Research Committee; and the legislative liaison(s). These individuals represent the broader University community, not their individual units. Before presenting this brief report on the FCC's actions this semester, I want to thank a number of individuals. First, thanks to the vice chair of the University Senate, Cathy French, for delivering this report in my absence. Second, I want to acknowledge the tremendous support the FCC and indeed all of the senate committees receive from University Senate Office staff. In particular I'd like to recognize the excellent support of the FCC staffer, Renee Dempsey, and also the invaluable assistance and advice that we receive from Vickie Courtney, who directs the University Senate Office. I also want to acknowledge the support and valuable work the members of FCC have provided thus far this term, and in particular the efforts of the FCC vice chair, Professor Joe Konstan, who was also unable to be here today.

The FCC had a 1.5 day retreat on August 23-24, at which we focused on a number of issues with particular emphasis on an overview of the mission, structure, and goals of the FCC, and agenda setting for the upcoming year. We met with Mr. JD Burton, interim special assistant to the president, Government and Community. In addition to discussing the work of his office, we discussed the now ongoing process of identifying candidates to assume the responsibility of legislative liaisons for the current academic year. (Interviews are ongoing and we anticipate that these individuals will be selected in the near future.) In addition, we had a number of visitors. In addition to the provost and the president, we met with Vice Provost and Dean of Graduate Education Scott Lanyon and Vice Provost for Faculty and Academic Affairs Rebecca Ropers-Huilman, and with Kathy Brown, vice president, Office of Human Resources. A broad range of topics were addressed, the great majority of which will be subject to further discussions and possible actions later in the semester. Finally, we invited the respective heads of faculty governance bodies from all of the Twin Cities collegiate units to join us to share observations, best practices, etc. The discussion was illuminating; however, in candor, only a relatively small number of colleges were represented, and notable amongst those absent were most of the 'larger' units. We hope to return to this topic and possibly have another discussion with representatives from these latter units later in the term.

The FCC nominating subcommittee - which Professor French chairs - continues to meet and is making progress in the process of identifying a slate of candidates who will stand for election later in the academic year. This is obviously important work, and I know the subcommittee works diligently to identify suitable candidates and (more importantly) to do their best to persuade these individuals to agree to stand for election. I am not part of this subcommittee, but look forward to seeing the results of their efforts when they complete their work.

The FCC held regular meetings on September 8 and 22, and October 6 and 20. Amongst topics discussed at these meetings were: 1. A possible reorganization of the Senate Committee on

Educational Policy to permit it to tackle issues relevant to postdoctoral and graduate students more effectively, 2. A discussion with members of the Bias Response Team, and 3. Ways to create tools or infrastructure that would permit interested faculty to gain a deeper understanding of University finances and looming budgetary challenges facing the University. In addition, the FCC had a number of opportunities to engage in discussions with the provost and the president.

This concludes my report; thank you, Mr. Chair.

## **6. SENATE CONSULTATIVE COMMITTEE** **Senator Responsibilities** **Information for the University Senate**

### Responsibilities of Faculty Senators

In order to ensure that the faculty governance system operates effectively to represent faculty concerns and perspectives, individuals serving as Faculty Senators should:

1. Attend all University and Faculty Senate meetings in their entirety or arrange for an alternate to attend.
2. Review docket materials prior to Senate meetings and be prepared to discuss and vote on issues presented. In order to conduct business at a meeting, a quorum is required. The requirement of quorum is a protection against unrepresentative action by a smaller number of senators.
3. Share draft policies and policy amendments with colleagues for discussion before Senate action.
4. Distribute to colleagues in their college information on significant matters before the Senate and solicit faculty views on such issues.
5. Bring to the Senate, or one of its committees, issues of concern from their colleagues.
6. Communicate regularly with faculty and governance bodies in their academic unit.
7. Consider serving on a Senate committee.
8. Remember that, while they are elected as a delegate from their academic unit, “[e]ach member of the University Senate shall represent the University as a whole.”
9. Standard rules of decorum apply at all Senate meetings; be respectful of other senators, University administrators and guests.
10. Senators need to stay on the topic being discussed. If a senator goes off topic, he/she will be called out of order.

Adopted unanimously by the Faculty Consultative Committee on 8/17/06 and revised on 11/05/15.

### Responsibilities of Student Senators

In order to ensure that the University governance system operates effectively to represent student

concerns and perspectives, individuals serving as Student Senators should:

1. Attend all University and Student Senate meetings or arrange for an alternate to attend.
2. Review docket materials before Senate meetings and be prepared to discuss and vote on issues presented.
3. Share draft policies and policy amendments with constituents and relevant student organizations for discussion before Senate action.
4. Distribute to constituents and relevant student organizations information on significant matters before the Senate and solicit student views on such issues.
5. Bring to the Senate, or one of its committees, issues of concern to their constituents and relevant student organizations.
6. Communicate regularly with student governance bodies.
7. Consider serving on one of the Senate committees.
8. Remember that, while they are elected as delegates from their academic units, “[e]ach member of the University Senate shall represent the University as a whole.”

Adopted unanimously by the Student Senate Consultative Committee 9/14/06.

## **7. PROVOST’S REPORT**

Provost Karen Hanson said that an email was sent earlier this semester to announce a year-long conversation series. The first speaker is Moustafa Bayoumi, author of *How Does It Feel to Be a Problem? Being Young and Arab in America*, and will be on November 16, 2016. This is the first in a series of speakers talking about race relations and immigration. Two other speakers, and a number of other events to rebuild a sense of campus climate, will work towards the Ford Lecture on March 28, 2017, given by Nicholas Kristof, a *New York Times* columnist.

She announced that the Joint Task Force on Student Mental Health, which is a topic later in today’s meeting, has begun its work. The Grand Challenge Research teams have been announced and teams are starting to engage in their work. The Office for Undergraduate Education has issued a call for interdisciplinary courses. She said that she is also asking the campus to reflect on the issue of liberal education. The discussion on this topic is just beginning and there will be opportunities for faculty input.

Provost Hanson said that many graduate education priorities came out of the Strategic Plan, but this year’s focus will be on diversity in graduate education. There is a strong consensus among the deans and the Office of the Vice Provost for Graduate Education that diversifying the professoriate and graduate student cohorts should be the highest priority this year.

Another pillar of the Strategic Plan, she said, is engagement. Campus will be engaging with the local community around some of these pressing issues. This effort also intersects with campus climate work being done.

Lastly, she noted that President Kaler has charged a group for System-Wide Strategic Planning. Their work will be to connect the individual plans developed at each campus to see what items



the campuses have in common and what elements are distinctive to a campus. Vice Provost Rebecca Ropers-Huilman and Chancellor Stephen Lehmkuhle are the co-chairs for this group.

## 8. QUESTIONS TO THE PROVOST

NONE

## 9. SENATE CONSULTATIVE COMMITTEE What Role Can Instructors Play Regarding Student Mental Health Discussion by the University Senate

In Fall 2016 a Joint Task Force on Student Mental Health (JTFSMH) was charged by Provost Hanson and the Faculty Consultative Committee. The second item in the JTFSMH charge was to:

Develop strategies for:

- a. engaging University faculty and instructional staff in the student-mental-health conversation, as well as fostering a sense of ownership of the institutional need to find solutions to problems of student mental health;
- b. educating University faculty and instructional staff about the status of and resources for student mental health on the Twin Cities campus;
- c. training faculty and instructional staff to recognize and respond to behaviors that signal student mental health concerns; and
- d. encouraging University faculty and instructional staff contributions to positive student-mental-health environments and to the reduction of stigma associated with mental health problems.

This topic will be introduced by Professor Sue Wick, professor of Plant and Microbial Biology and the Biology Teaching and Learning and co-chair of the JTFSMH. Following will be a presentation by Matthew Hanson, assistant director of mental health at Boynton Health Service, on recognizing and responding to student mental health concerns in the classroom. The floor will then be open for a discussion among senators focused on the following questions in an aim to begin to address (a) and (d):

- Questions for Instructors ("instructors" is meant to refer to anyone who teaches: faculty, teaching assistants, instructional staff)
  - How can instructors avoid contributing unnecessary stress in their courses? How can we maintain the necessary rigor and assess student performance fairly?
    - How do you or your unit foster a positive student-mental-health environment in courses?
    - What are the challenges you or your unit face in making changes in courses to foster a more positive student-mental-health environment?
    - What are examples of course changes that have been implemented to foster a positive student-mental-health environment? Have they been effective?
  - What can instructors and units do to better equip themselves with knowledge of campus resources and techniques for dealing with stressed students?
  - What can instructors do to increase the level of buy-in in their units to achieve greater sensitivity to the problem, awareness of students manifesting distress, and willingness to refer students to available resources?
- Questions for Students
  - What can instructors or units do to contribute to positive student-mental-health environments?

- What are examples of course strategies that you have seen which have been helpful?
- What strategies would you recommend instructors or units make in their courses?

For additional background information, senators are asked to review the following items prior to the meeting:

- Cornell University's Gannett Health Services – Role of Faculty:  
<http://www.gannett.cornell.edu/notice/roles/faculty.cfm>
- California State University – Assisting Students in Distress:  
<http://usenate.umn.edu/usenate/docs/161103Red-Folder-Fullerton.pdf>
- JTFSMH Charge and Membership:  
[http://usenate.umn.edu/usenate/docs/jtfsmh\\_members\\_charge.pdf](http://usenate.umn.edu/usenate/docs/jtfsmh_members_charge.pdf)

**COLIN CAMPBELL, CHAIR**  
**SENATE CONSULTATIVE COMMITTEE**

**SUE WICK, CO-CHAIR**  
**JOINT TASK FORCE ON STUDENT MENTAL HEALTH**

## **DISCUSSION:**

Professor Sue Wick introduced herself as the co-chair of the Joint Task Force on Student Mental Health (JTFSMH), along with Dr. Gary Christensen from Boynton Health Service. The task force is comprised of 14 members, including faculty and instructional staff, students, a postdoctoral student, and staff who are in student-focused administrative or support roles. From the information provided in the agenda, she said, the heart of the charge is to develop strategies to engage, educate, train, and encourage instructors on matters of student mental health.

She said that student mental health is a topic of concern across the country. Several University student groups weighed in last year with their concerns about timely access to clinical services for undergraduate, graduate, and professional students.

She stressed that the JTFSMH and today's discussion are focused on a different aspect, that of the instructor's unique role in creating a healthy learning environment, and in recognizing and responding to students in distress. For purposes of this discussion, she said, "instructor" refers to all those individuals who interact with students in a learning environment. Also, while most people might think about in-class interactions, it is important to acknowledge that graduate, professional, postdoctoral, and undergraduate students doing research have extensive interactions, one-on-one, with an instructor outside the classroom.

Professor Wick said that today's discussion is a way to engage instructors in the conversation and provide resources to train instructors to recognize and respond to indicators of student mental health concerns. She then introduced Matt Hanson, assistant director for Mental Health at Boynton Health Services and member of the Provost's Committee on Student Mental Health, to provide a presentation on recognizing and responding to student mental health concerns.

Matt Hanson said that he is at this meeting on behalf of his colleagues from Student Counseling Services, Disability Resource Center, the University of Minnesota Police Department, and Housing and Residential Life, who also serve on the Provost's Committee on Student Mental Health. This committee meets monthly to talk about student issues related to mental health. The formal mission of the committee is to raise awareness about issues related to mental health, affect meaningful policy change, improve conditions on campus for students with mental health conditions, and serve as a model of collaboration for other campuses and universities.

He said that his comments will draw from a 90 minute training that the committee has developed. He then walked the senators through a presentation on Responding to Students in Distress: We All Have a Role, highlighting the following information:

- Nation-wide, student mental health has become the number one public health concern
- More than 75 percent of the over 5000 incoming Twin Cities freshmen expressed a likelihood for seeking personal counseling or therapy as part of their transition to the University
- The prevalence of a diagnosis in students is high and continues to increase
- One in three students has been diagnosed with a mental health condition while others are experiencing mental health issues but are not seeking help
- The majority of students seen on campus are experiencing anxiety, though others experience Attention Deficit Hyperactivity Disorder, depression, psychosis, and eating disorders
- Many students also use alcohol and drugs to cope with mental health conditions
- Mental health conditions have a great impact on student performance and the drop-out rate is four times higher
- Students are seeking help in record numbers – therapy appointments at the Boynton mental health clinic for the past ten years have nearly doubled, which can create accessibility issues
- The campus has installed multiple providers at Student Counseling Services and the Boynton mental health clinic
- As of this fall, there is no wait list at the Boynton mental health clinic, even though October 2016 data showed a 20 percent increase in new Boynton mental health intakes
- While clinics nationwide are seeing more patients, less than half of students with a diagnosed condition are seeking care
- Stigma is still one reason that students do not seek care
- In trying to improve conditions on campus, an interactive training has been developed for faculty, staff, and students
- Training is done using the 4R model which highlights different considerations when dealing with students - recognize, role, respond, resources
- Someone does not have to be a mental health expert to be able to help a student; instead training participants are coached to have a more responsive and emphatic stance to students who are in mental health distress and to gather good information
- When asked if talking about personal information is appropriate with students, the answer is yes; if someone has concerns about a student's behavior, talking allows that person to gather good information to make an appropriate referral
- Student mental health advocates started this week; they are willing faculty and staff who are trained to serve as a resource in departments or units. These advocates also have additional resources and direct access to the care manager, Emily O'Hara, and staff at Student Counseling Services and Boynton's mental health clinic.
- Behavioral Consultation Team (BCT) is a resource for responding to students who might represent a potential risk to themselves or others

In closing, Matt Hanson noted that resources are available at [mentalhealth.umn.edu](http://mentalhealth.umn.edu) and that he can be contacted to schedule a full training session for a department or unit.

Professor Sue Wick said that numerous senate committees have identified student mental health as a topic for this year, including the Disabilities Issues Committee, the Student Senate Consultative Committee, the Senate Committee on Student Affairs, The Senate Committee on Educational Policy, and the Equity, Access, and Diversity Committee. Members from those committees have been invited to participate in today's discussion and any non-senator is able to speak during this discussion without being yielded time by a senator. She then said that she was reminded of an old saying, learning leans into areas of discomfort. She believes that this means

that there is no learning in the comfort zone and no comfort in the learning zone. By its very nature, she said, learning pushes people and can be stress inducing in a good way. However, there are situations and actions that cause unnecessary stress and distress for students. She then opened the floor for discussion.

President Kaler thanked Matt Hanson for his comprehensive presentation and list of resources. He inquired of faculty if they are aware of these resources. By a show of hands, most faculty senators seemed to express that they are aware of these resources.

Senator Irene Duranczyk said that her method for reducing student stress for major assignments is to scaffold the work during the semester. She said that by having students turn in small parts of a large assignment throughout the semester, it eliminates a student having to complete a major assignment the week before it is due. She also distributes points throughout activities during the semester instead of having all points coming from a few assignments.

Senator Jean Pfeiffer stated that she believes that a clear grading rubric is key which explains to students exactly what is required by the instructor. Students also need to know how and when an instructor will answer questions quickly.

Senator Carl Thon said that one technique he appreciates is when an instructor allows a student to drop one low score during the semester. This accommodates students who are having an off day during an exam or cannot complete an assignment due to workload. He then said that one issue he has is when he is about to take the final examination and still does not have a clear idea of his grade in the class and whether he will pass the class.

Senator Steven McLoon said that instructors are now required to include a syllabus statement on student mental health which sends students to a website. However, there are many other websites with information on student mental health, so students are not always sure where to go among the various options. He suggested that this information be streamlined, if possible, to make it easier for students to find the correct resource. He then said that he has a concern that students hide behind stress and disability accommodations as a way to get out of taking an examination and requesting that he develop an alternate way to grade and evaluate the student. Instructors need guidance on how to address these concerns and keep a course progressing for a student.

Senator Maddie Schwartz stated that she would recommend that instructors mention mental health resources more than just during the first class when the syllabus is being reviewed. Other good times would be before midterms and final examinations. She also recommended that more resources be provided to instructors since they do not have the same training in this area as student advisors.

Senator Jonathan Borowsky recalled that a former student talked to him about a workload concern due to a family health issue. He recommended that instructors have more understanding for students' outside obligations, especially when they concern a family or health issue.

Senator James Pacala stated that if a student came to him for help, he would do everything that he could. The bigger problem is that, despite encouraging students to talk with their instructors and making one's self accessible, instructors often only recognize a student in distress when they are caught cheating or when they miss an assignment. At this point, it might be too late to prevent serious issues.

Senator Meredith McGill said that some student stress is structural, such as taking 18 credits and being a non-native English speaker, and not only caused by mental health. Student debt and job

insecurity contribute to student stress. She then suggested that a video be shown at orientation for freshmen and at other times for returning students.

Senator Tipheret Peña suggested that instructors build relationships with their students so that students feel that they are approachable. Many students do not always realize that they need help until it is late in the semester and they may choose not to approach the instructor unless there is an established relationship. Using other forms of technology, such as chat and video, can also help students who cannot be on campus during office hours.

Senator Lauren Mitchell said that as a psychology student, she developed a training module to train students to respond to friends who are in distress. When she showed the module to fellow counseling and psychology students, they asked if the module was safe since it was referring distressed students to University services that were already overburdened. She said that she was upset when she thought that instructors could be doing students a disservice by sending them for help when resources might not be available. Related to the instructor buy-in question, if instructors are going to engage with students, they need to trust that the services and resources are available.

Senator Rob Proulx said that this is a complex issue. He agreed that instructors need to make expectations clear and then spread assignments throughout the semester so that students can gauge their own progress. To make information more accessible for students, he said that He maintains a calendar of lectures and assignments and posts grades electronically.

Senator Nicholas Goldsmith said that it is important that instructors embrace diversity and diversify their curriculum. From his experience, many queer students wonder if they will be safe in class or going to a function, as well as retaliation and academic harassment. This safety concern can take a toll a student's mental health. He suggested that instructors show that they are also vulnerable, as talking about one's own issues with a graduate advisee makes a lasting impression.

Senator Ian Ringgenberg said that this topic should not be limited to instruction in the classroom but should include instruction in research mentorships. These one-on-one relationships between instructors and students can be more damaging than the coursework of any class. While there are many amazing instructors, some graduate students, upon starting, are told that work weeks of up to 80 hours will be the expectation for success and are then subjected to insulting and demeaning behavior. Those standards also run off on undergraduates. He asked other instructors to stand up for students who are vulnerable and for the advisors to make themselves available for help.

Professor Sue Wick concluded the discussion by stating that while her task force is only concerned with the Twin Cities campus, the general principles being developed will apply system-wide. She encouraged senators to send any further feedback to her at [swick@umn.edu](mailto:swick@umn.edu).

**10. SENATE CONSULTATIVE COMMITTEE**  
**Draft Shield Amendment**  
**Discussion by the University Senate**

The draft to be discussed at the meeting is available at:  
[http://usenate.umn.edu/usenate/docs/161103shield\\_amendment.pdf](http://usenate.umn.edu/usenate/docs/161103shield_amendment.pdf)

**COLIN CAMPBELL, CHAIR**  
**SENATE CONSULTATIVE COMMITTEE**

## **DISCUSSION:**

Professor Teresa Kimberley, co-chair of the Academic Freedom and Tenure Committee (AF&T) along with Professor Phil Buhlmann, said that the language being proposed is to add a scholarly exemption to the Minnesota Government Data Practices Act (MGDPA). AF&T would like to bring this item for a vote spring semester, so this discussion is to ascertain whether the University Senate wants to endorse a resolution asking the legislature to include an exemption to the MGDPA for scholarly work. She noted that the proposed language may need to be modified to fit within the customary language in the legislative act therefore edits are not being requested.

For reference, she said, between 2013-14, then co-chair AF&T, Professor Karen Miksch, engaged in extensive discussions on this topic, the result of which is the current proposal. This language was unanimously approved by AF&T, the Faculty Consultative Committee (FCC), the Research Committee, and the Faculty Affairs Committee (SCFA).

Professor Karen Miksch, former co-chair of AF&T, then said that this topic is sometimes referred to as a 'sunshine law' which is seen in every state. The MGDPA is meant to provide more transparency in government and there is strong support nation-wide from higher education for these provisions.

She said that there are three questions regarding this topic. 1) Is it data? 2) Is the data public or private? 3) Do any federal or state exemptions already apply?

For the first question, she said, that anything that is created in a government agency in Minnesota, which includes the University, and is maintained as part of the work process is considered data under the law.

The second question then deal with what type of data it is. If the data is private, it belongs to the individual; if the data is public, it may be subject to an open records request. As the University allows employees to use work email accounts for some private work, this question needs to be asked regarding the data. If the data is private, there is an exemption under the current state law. However, if the data is work related, it is considered to be public data. She said that it does not matter if the data is being stored on a home computer, Yahoo account, or smart phone; this data is still public.

The third question to ask is if there are any exemptions under federal law, such as student records covered by the Family Educational Rights and Privacy Act (FERPA) and health care records under the Health Insurance Portability and Accountability Act (HIPAA). Under state law, there are exemptions for donor lists, personnel files, or a trade secret.

Professor Miksch said that while most people would agree that open data is preferred, there is a concern that the purpose for some requests is a fishing expedition or a way to keep a researcher from finishing their research. This issue came forward to AF&T as colleagues at other institutions were being asked to produce all of their notes on works in progress on a particular topic, including being asked to produce information that the faculty member had promised to keep confidential under an approved institutional review, and the state law had no exemption.

She noted that Minnesota law does not require someone to state why they are requesting the data, so if the data is public and work-related, it would have to be provided. AF&T decided to make a request to have an exemption added to the MGDPA. The drafting process has been done in consultation with the Office of the General Counsel as that office is involved in working with the faculty member to fulfill a data practices request.

Professor Miksch stated that three states have a scholarly exemption, so the draft exemption was modeled after one already in place in Utah. It is meant to protect faculty work in progress, work that may be controversial, and data that is promised to be kept confidential through an institutional review process.

Q: Senator Shawn Curley asked why this draft was just being presented to the University Senate now, as it was approved by senate committees in 2014.

A: Due to changes in the AF&T chairs and staff in the Office of the General Counsel, this issue was dropped for a bit before being brought back for action.

Q: Senator Angela Panoskaltzis-Mortari asked whether current data requests will be delayed until the law is changed.

A: Any current data requests would be handled under the current law which does not include the scholarly exemption.

Q: Senator Angela Panoskaltzis-Mortari asked if the change being proposed to the legislature can ask a requester to state the purpose for their request.

A: Adding a purpose for a data request would be a change to state law instead of an exemption.

Q: Senator Conrado Aparicio asked if work done by faculty members in collaboration with companies under privacy agreements would be considered public or private.

A: If a faculty member has a specific concern regarding their research contracts, they can speak to the Office of the General Counsel before a data request is made. Case law shows that some agreements with companies may be covered by the trade secrets exemption. However if work does not fit under this exemption, which is a difficult bar to achieve, it can have a chilling effect on industry collaboration with faculty.

Q: Senator Conrado Aparicio asked how research notes are classified.

A: Whether electronic or paper, drafts with comments, research observations, or notes on an interview are all data.

Q: A non-senator asked why the Institutional Animal Care and Use Committee is not mentioned in the preamble.

A: One of the edits being recommended in the next draft is language to cover both human and animal work.

Q: Senator Elizabeth Ambrose asked how a trade secret is defined by the University and state, and what exemptions are in place for trade secrets.

A: State law is very brief with little defining text, so most of the definition is provided through case law.

Senator Angela Panoskaltzis-Mortari questioned why specific faculty names have been provided under previous requests for faculty working on a topic. When names are released, the faculty are not protected by the University.

Q: Senator Deborah Levinson asked a question regarding survey research. She explained that when data sets are released at the end of the study, they are de-identified, but the identifying information is retained in order to do follow-up studies. How is this data covered under the proposal?

A: The data set from the survey is considered work-related data under the current law and would be released under a request unless the data falls under one of the exemptions. Faculty are not concerned about releasing a data set that is de-identified at the end of the research study. However, identifiable data cannot be kept confidential unless there is an exemption to the MGDPA.

## **11. PRESIDENT'S REPORT**

President Kaler began by addressing about the troubling events that took place on the Twin Cities campus in the days before this meeting. There were two hated-based incidents that caused great concern and fear amongst members of some communities. First, there was a poster and social media campaign from an outside group, the Horowitz Freedom Center, against a campus student group, Students for Justice in Palestine (SJP). He said that he was sorry for the hurt and fear, and he has sympathy for the members of SJP who feel threatened.

Vice Provost Danita Brown Young sent a communication to students about this incident. As she said in that communication, the manner in which hateful literature was promoted on campus, "is not consistent with our University values or commitment to an inclusive campus environment."

President Kaler said that recently he also learned that the Muslim Student Association's panel on the Washington Avenue Bridge was defaced with the word 'ISIS'. The University of Minnesota Police Department (UMPD) and the Office for Student Affairs met with students affected by this incident and continue to work closely with them and others. At the request of the Muslim Student Association, the defaced panel was painted over the morning of this meeting.

In response to both incidents, he said that campus officials are working closely with the affected student groups on next steps. An email was sent to the campus community earlier that day, which included this text: "We condemn these incidents. They are abhorrent actions that will not be tolerated on our campus. The University of Minnesota must be a safe and welcoming campus for all students, including, of course, members of our Muslim community. Such hateful speech runs counter to the values of our institution, which must include a climate that encourages the thoughtful and respectful exchange of ideas. We can disagree on issues, but cannot accept targeted hate."

He encouraged those feeling vulnerable or needing support to seek out safe and healing spaces with friends, colleagues, students, cultural centers, or affinity groups. When students are targeted and made to feel fear, the community suffers. Repugnant actions like these must strengthen the campus resolve to ensure the campus is a safe, welcoming, and respectful space.

President Kaler then addressed the conversation that had just taken place regarding student mental health. He said he believes that this conversation was important and he thanked the presenters for their work on this topic. The administration had taken input about the need for additional student mental health resources, he said, and in June, Provost Hanson and he committed resources to add six and one half full-time equivalent clinicians and counselors who work directly with students seeking mental health services. He said that he remains attentive to this issue. This semester Provost Hanson and the Faculty Consultative Committee jointly formed a task force, as was discussed earlier in the meeting. The charge for the task force is to engage faculty and instructors in the student mental health conversation.



Another area that faculty and staff play a critical role is in supporting students if they are victims of a sexual assault. He said that a recent Star Tribune article focused on a University student, Abby Honold. He noted that the article was not clear as to the responsibilities of the Minneapolis Police Force, the UMPD, and city and county prosecutors. Resolution in this case took the tireless work of a UMPD officer to bring Ms. Honold's rapist to justice.

After the article was published, President Kaler said that he met with Ms. Honold. While he learned many things from her, two messages guide him moving forward. One is how supportive her professors were in this situation. Ms. Honold told President Kaler that, without exception, faculty were sympathetic and understanding regarding academic requirements as she recovered from her trauma. This message was heartening to him, and he said that he is thankful to those individuals. A second message from his meeting is how hard it is for a victim to come forward and press charges. There is still, in society and among friends, stigma attached to victim survivors. He said that in order for there to be more successful prosecutions, there needs to be more work to make victims feel safe when coming forward by creating a culture that supports reporting. Again, faculty and staff are often key points of contact, and can guide victims to appropriate campus resources.

President Kaler then addressed the faculty unionization drive and the question raised last spring by the Faculty Senate regarding University expenditures on this topic. He began by saying that the University supports and respects the rights of its employees to make an independent choice regarding union representation in accordance with state law, and advocated for a timely election last spring for Unit 8 – tenured and tenure-track faculty.

However, when the Service Employees International Union (SEIU) made an unprecedented request to create a bargaining unit that does not conform to state law, the University engaged experienced legal counsel to guide its response. This response is common in complex and difficult cases. One-time fees covered research, a four week trial with more than 40 witnesses, and extensive legal briefs and counsel. The costs expended by the University are substantial, \$545,000 as of today. These costs are necessary to fully address the issues, which will impact faculty, staff, and students far into the future. The University needs to make sure that the right decision is made, which is why it has expended these resources.

President Kaler then turned to leadership transitions across the system. He said that he was at Crookston on the previous Monday to charge a search committee to find the successor to Chancellor Fred Wood, who said last month that he is retiring at the end of his five-year contract so that he can return to Northern California to be with his family. President Kaler said that Chancellor Wood is leaving the campus in a much better place, and he is grateful for Chancellor Wood's work. He is confident that a new chancellor will be in place for the 2017-18 academic year.

He said that the search for the Morris chancellor is in its final stages. The day before this meeting, he announced that Vice President Herman had resigned effective December, 2016, 31 and will return to the faculty. Provost Hanson and Vice President Jackson are co-chairing the search committee. Since the last senate meeting, the University has hired Brian Burnett as the new Senior Vice President for Finance and Operations, who will begin November 17, 2016. This position was created after the retirement of the long-time Chief Financial Officer, Richard Pfitzenreuter. Lastly, the new compliance officer, Boyd Kuhmer, started this fall.

President Kaler reminded senators that the following Tuesday was Election Day. He encouraged everyone to vote for candidates who support the University. He said that this year's budget request is ambitious but prudent, with a goal of keeping the University excellent, affordable, and accessible. Three major components of the request are new funds to promote student success,

core operating support, and MnDRIVE 2.0. More details will be provided as the legislative session approaches.

In closing, President Kaler thanked senators for all that they do for the University and for their commitment to governance.

## **12. QUESTIONS TO THE PRESIDENT**

**Q:** Chuck Turchick, a non-senator, said that for the last 10 years the University has included self-reporting criminal background questions on its admissions application forms. For the last two years the claimed rationale, both orally and in writing, has been that this is done to enhance campus safety. However there is no evidence to support this claim. For two years he has been asking administrators to point him to any evidence supporting this rationale. He has suggested looking at campus safety before and after the questions were asked, or comparing the University's campus safety with institutions that do not ask these questions. All such requests for evidence have been met with silence. The few studies that have been done conclude that asking these questions has no effect on campus safety, while numerous other studies conclude that people of different races, particularly African American males, are treated differently at every step in the criminal justice process. In this era when issues of race have become so prominent, how is it possible for the University to base a policy on an empirical claim which has no supporting evidence and has clear racial implications?

**A:** President Kaler responded that evidence does matter and much of the claims being stated are true. The University is in the process of eliminating this question from the admissions application. However, as next year's application cycle has begun, the change to the application will not take effect until fall 2017. The University is moving to use the common application, which has a version of this question on it, but the University will ask that the responses to this question not be transmitted to the University.

## **13. UNIVERSITY/FACULTY SENATE OLD BUSINESS**

**NONE**

## **14. UNIVERSITY/FACULTY SENATE NEW BUSINESS**

**NONE**

## **15. UNIVERSITY/FACULTY SENATE ADJOURNMENT**

The meeting was adjourned at 4:25 p.m.

**Rebecca Hippert  
Abstractor**