

University of Minnesota Morris Digital Well

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Campus Assembly

Campus Governance

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2-4-2020

### Campus Assembly minutes 02/04/2020

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Campus Assembly Meeting  
February 4, 2020  
Science Auditorium

**I. Chancellor's Remarks. Budget Update.**

"I typically devote this time to providing the campus with a variety of updates of interest and importance – items that have been recently resolved and items upcoming. I will use my time this morning, rather, to provide the campus with an update on our budget. There are many, many other things of interest on campus this spring that I don't really want to wait until our next Campus Assembly to let you know about, so I will send a communication with information on other items soon. At the same time, our Budget Compact meeting is eminent so this is the time to provide you with a budget update.

The numbers and solutions you will see this morning remain in flux. The Budget Compact meeting is almost a month earlier than usual so this update is earlier than I've typically done it, and our numbers are a month or so less firm than usual. Nevertheless, the picture that you'll see is consistent with what we've discussed about the budget over the last few years."

The content of the presentation is intended for internal audiences.

**II. For Action. From the Steering Committee. Minutes from 12/3/19 Campus Assembly meeting were approved as presented.**

**III. For Information/Discussion. Report from the Ad Hoc Committee to Investigate Reallocation of Committee Assignments. Barbara Burke walked through the suggested committee reassignments as found in the Assembly packet.**

Questions/comments:

- Based on the suggested reassignment of Faculty Development Day, Janet Ericksen said the U of MN Center for Educational Innovation offers consultations and programming. While she appreciates the willingness of ACE to take this on, this event has largely been coordinated by Adele Lawler in the Dean's Office and she believes Adele is still willing to do the coordination and then we couldn't have to burden ACE. David Langley, Education Program Specialist, will be on campus February 20 and again in early April.
- Nick Skulan believes this is a good recommendation from the ad hoc committee; however the Faculty Development Committee did have some concerns but this is probably the best solution given the Constitutional change. Faculty Development did recommend there could be a rotating basis of core standing committees and we'd like that to continue as an option. We'd like to keep ideas fresh and keep the content from stagnating from year to year. There was concern about that the number hands involved could lead to the possibility of miscommunication. Please make sure the division of labor is well defined.
- Heather Peters asked if there will be an entity in charge of the awards to make sure those get done. Dave Israels-Swenson said Student Activities, Conferences and Events will take the

responsibility for gathering all award nomination materials and dispersing them for review and award selection with various groups.

- Julie Eckerle asked why the Faculty Distinguished Research Award had not been announced and wondered if it will be awarded this year. Janet Ericksen said the division chairs have discussed briefly. There could be a delay this year while we figure out a process and then hand out the award at the Scholarly Accomplishments event in the fall. At this point, we do not have a finalized process. Julie responded that a process had been developed for the award and it feels like everything was in place except for the office that would get it started. She knows people who are already putting together nomination files and hopes there will be more conversation about what the proposal looks like. As a previous chair of the Functions and Awards Committee, Allisande Allaben said the committee did make decisions about some of these and a rubric had been developed along with an historic understanding of how to award these awards. She is worried the rubric is no longer part of the decision-making process. Sarah Buchanan added that she hopes the new process will provide better communication and of award results and winners. Please make sure the nominator and awardee are aware of the award.
- Sheri Breen asked what happens to the Faculty Coordinator of Study Abroad. Janet responded that it makes sense that the Curriculum Committee would make recommendations to ACE. Given the budget and oversight, ACE should have the final say in what gets offered. The ACE office will also review study abroad scholarships.
- Angie Senger asked if there will be equal employee representation on the committees after the reassignment of committee work. Barbara responded that in some cases, there were challenges building those and the ad hoc committee had not built membership of any of the committees.

#### **IV. Announcements.**

“My name is Mary Elizabeth Bezanson. I am also known as Dr. B. For more than three decades I have had the mostly pleasure of teaching at UMM. I have taught a number of classes in the rhetoric of free speech. These classes are these classes are the outgrowth of my research in the area. I joke that Tim Lindberg, who teaches constitutional law, knows all about the whole book. I know about eleven words: Congress shall make no law ... or abridging the freedom of speech.

I am a full professor. I am not a lawyer.

I believe that the administration's act in painting the tunnel is a violation of the Constitution's protection for free speech both the rights of speakers to post ideas in the tunnel and the rights of receivers to have access to those ideas.

Here's why:

The decision to paint the tunnel was motivated by the content of posts during the fall semester. The Supreme Court in *Tinker* determined, "Under our Constitution, free speech is not a right that is given only to be so circumscribed that it exists in principle, but not in fact." School officials have no power to proscribe what can be discussed in the hallways of a public educational institution.

In *Terminello*, Justice Douglas said, "a function of free speech under our system is to invite

dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger."

The appropriate response to speech that we dislike is more speech. This is precisely what happened. Color posters appeared throughout campus supporting the LGBTQ community and survivors.

The decision was also not viewpoint neutral. No controversy emerged from the posting of "supportive" posters, only those seen to be hurtful.

In *Rosenberger*, the Court declared, "When the government targets not subject matter but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. Viewpoint discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction."

Further, the Supreme Court has widely held that one can be free of intrusion in the privacy of your own home but not in public spaces. Simply put, in *Cohen* the Court argued, "Those in the Los Angeles courthouse could effectively avoid further bombardment of their sensibilities simply by averting their eyes."

There are, of course, acceptable Time, Place, and Manner restrictions but those must be content or viewpoint neutral. Much has been made of UMM's control of place. An acceptable example "restricting the size or placement of signs on government property." But this is not the situation in the tunnel.

A robust and well used channel of communication had been opened in the tunnel and functioned for years. Courts hate coincidence. Groups had been working on Morris Thrive for two years and in the break between semesters, the walls were painted. To survive First Amendment constitutional challenges, such restrictions must satisfy a three-prong test outlined by the Supreme Court in *Ward v. Rock Against Racism* (1989).

1. The regulation must be content neutral.
2. It must be narrowly tailored to serve a significant governmental interest.
3. It must leave open ample alternative channels for communicating the speaker's message.

In my experience of this situation, I do not believe that the regulation was content neutral. I do not believe that it was narrowly tailored-the entire tunnel was taken. A whale could fit in the tunnel. The space for two bulletin boards that have been put up might hold a tuna.

I do not believe there was a significant governmental interest. The materials from Morris Thrive appear all over campus. There was no reason that the materials suddenly had to manifest themselves in that space-in all the space.

Finally, I do not believe there are ample alternative channels. There was a vibrancy in the

tunnel that cannot be replicated. According to the report shared in the Student Activities committee there are only 30 bulletin boards open to all posting.

Beyond the legal concerns, I believe the decision runs counter to the stated goals of the mission statement. The Chancellor has spoken often about the need to have the Mission statement animate and guide our work. The decision runs counter to two prongs of our statement.

We are to promote the civic engagement of members of our campus community. The postings demonstrate civic engagement. They expressed a view that promoted others to think about their own views. They urged people to action. They spurred people to engage in more speech. Many were rhetorical.

None of us believes that civic engagement, while always peaceful, will always be quiet, non-confrontational, non-thought provoking. The walls should be left open.

Additionally, the mission statement says that we are committed to preparing students to be global citizens. Surely, that education must begin here and now. There is increasing evidence that college age students do not support the protection for freedom of speech as robustly as in the past. Protection for free speech is so hard to teach as a theoretical construct. We were living inside a perfect example. Could we not be trusted to live out a Constitutional principle?

Further, we provide an educational opportunity for a number of international students. The constitutions of other countries in the world also provide protection for freedom of speech. But there is often another clause that provides the exceptions. The U.S. Constitution does not.

The decision demonstrates to both domestic and international students that regardless of the strength of the First Amendment, the administration uses its power to curtail speech. This is the lesson throughout the world. Is this the lesson we wish to teach?

Repaint the wall.”

Sam Rosemark, MCSA President, announced the Prairie Gala will be held on April 24 from 5:00-9:00 pm. The theme this year is murder mystery.

## **V. Campus Committee Reports.**

### **James Wojtaszek, Chair, Planning Committee**

James announced there will be some upcoming business. As you may recall, a naming proposal was presented at Campus Assembly last year for Clifford J. Benson and it was not approved. Planning Committee supports the creation of the *Clifford J. Benson Center for Community Partnerships*, which will be comprised of the Office of Community Engagement, Center for Small Towns, and Office of Sustainability. Planning will work with Steering to bring the proposal to Assembly for approval.

## **VI. All University Reports. Jess Larson, Chair, Academic Freedom and Tenure Committee**

Jess announced the committee has dealt with two major issues:

1. A faculty member who teaches a Comparative Studies course on the Twin Cities campus learned of the damage an online harasser could inflict on a person's professional and personal life. The faculty member's personal computer, University computer and bank account were all compromised. The course was moved to a secret location on campus. OIT security recommendations for online harassment are the same safety measures and practices always recommended by OIT. This is a reminder to update your passwords and to use the two-factor authentication.
2. The committee will also be discussing the issue of sexual misconduct related to faculty. This includes sexual misconduct, power differentials, and gender. We will look at the existing process. At UMM, we are encouraged to go through our Human Resources office, but you can also go directly to EOAA on the Twin Cities.

**VII. Adjourned at 12:42 pm.**