

Northwestern University  
Minutes of the Faculty Senate  
Videoconference  
June 2, 2021

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The Northwestern University Faculty Senate held its standing monthly meeting on June 2, 2021, over Zoom videoconference. President Therese McGuire called the meeting to order at 5:02 p.m. A quorum was present.

The president noted that the minutes from the May 12, 2021 meeting were approved and entered into the record.

The Senate then entered a closed session to consider honorary degree nominations.

The president then began her report.

For her final report the president said she decided to choose three significant accomplishments the Senate achieved this year, each an example of the Senate's deliberative, representative process and of the robust nature of shared governance at Northwestern.

The president first highlighted the [resolution](#) from the March 10, 2021 Faculty Senate meeting calling on the University to provide more information regarding the allegations of racist and sexist practices with respect to the Cheer Team. One part of that resolution asked the administration to report to the Faculty Senate's Executive Committee on a quarterly basis on the status of the situation and the actions taken. The president said that Provost Hagerty joined the Executive Committee at its final meeting of the year on May 24, 2021. She then summarized Provost Hagerty's report: The situation with the Cheer Team began in January 2019. The Cheer Team wrote a letter to the leadership of the Athletics Department complaining about the behavior of the Cheer Team coach. The Cheer Team met with the Office of Equity, the Office of Equity met with the Athletics Department, and the Athletics Department took several actions. Namely, guidelines on hairstyles were rewritten, the Cheer Team

would no longer participate in tailgate events, the Office of Equity took the entire Athletics Department staff through training on discrimination, harassment, and reporting, and by the end of Summer 2019 the Cheer Team reported to the Office of Equity that they were pleased with the changes. In June 2020, the Cheer Team sent to the Office of Equity a new report with complaints about the coach. The Office of Equity investigated and found the coach had engaged in discrimination, harassment, and retaliation. The coach was let go in the fall of 2020. Approximately six months later, in January 2021, Hayden Richardson, a cheerleader, filed a lawsuit against Northwestern. The lawsuit is ongoing. The University took further steps by hiring a new coach—the Cheer Team was involved in interviews with the candidates—moving supervision of the Cheer Team from the marketing wing of the Athletics Department to the acting Athletic Director and the head of Diversity, Equity, and Inclusion for the Athletics Department, creating a healing space for the Cheer Team, and hiring an outside investigator to review the situation and to explore if there were other problems. The latter investigation is ongoing.

The president said the summary above is an example of the Senate addressing an issue that arose organically amongst the faculty. Faculty members raised the issue with their senator who then brought it to the attention of the Senate. The events since the March 10 meeting, including the hiring of Mike Polisky as Athletic Director, led those same faculty members to approach their senator again. The president said that later in the meeting the Senate will consider three follow-on resolutions to the Senate's March 10 resolution.

The president turned to the second example of a major accomplishment this year. For at least two and a half years, she said, the Senate and several standing committees have been working on revising the academic freedom language in the Faculty Handbook. This year, beginning in fall 2020, a combined effort by the Faculty Handbook Committee, led by Senator Ceci Rodgers, and the Faculty Rights and Responsibilities Committee, led by Senator Harris Feinsod, began revising the language once again. Later in the meeting, the president said, the Senate will see the results of their tireless work and highly collaborative approach. Over the last few weeks, she said, faculty responded to requests from their senators for feedback on the proposed revisions to the academic freedom language. Because the Faculty Handbook is a joint document between the Faculty Senate and the Provost Office, Senator

Rodgers and Senator Feinsod met with various members of the administration, including the Office of General Counsel, the Office of Equity, the Provost Office, and the Deans' Council to review the language and seek feedback. Before finalizing the version before the Senate today, she said, Senator Rodgers and Senator Feinsod reached out to their committees for further feedback. And while the process isn't yet complete, the president said the light at the end of the tunnel is visible.

The third item the president highlighted in her report is the ongoing efforts on the part of the Senate's Governance Committee, the Provost Office, and the Office of Administration and Planning, to write a proposal for amending the Faculty Assembly Bylaws. At a meeting on April 23, the president said the Governance Committee under Senator Mark Witte's leadership discussed the proposed amendments, edited them slightly, and then voted unanimously to move the proposal forward. Over the course of this summer, the Senate leadership will continue to refine the proposal and continue to vet it with the Office of the General Counsel, the Provost Office, and the Office of Administration and Planning. The latter office is critical to the collaboration, she said, because any change to the Faculty Assembly Bylaws must be consistent with the University Statutes and approved by the Board of Trustees. The proposal to amend the Bylaws of the Faculty Assembly will come up for a vote at the fall meeting of the Faculty Assembly. If there is not a quorum at the Faculty Assembly, the proposal will then come before the Faculty Senate for consideration and vote at one of the Senate meetings in the fall.

The president concluded her report.

The president then moved to the next agenda item, which was the vote for the Faculty Senate President-Elect. The Executive Committee nominated Senator Ceci Rodgers, who was the only candidate up for election. The Senate approved Senator Ceci Rodgers as the next President-Elect of the Faculty Senate. Senator Rodgers said she was honored to have the opportunity to serve the Senate and to advance faculty priorities.

The Senate then welcomed new Chief Investment Officer Amy Falls. The president indicated that Ms. Falls will be joining the Senate again in the fall when she will make a presentation and field questions from senators.

CIO Falls said she is incredibly excited to join Northwestern at what she believes is an important moment in time. She said she also believes, as a Chief Investment Officer, in being deeply embedded in the University community. She noted that she does not subscribe to the separate company-management-model other institutions employ regarding their endowment. She said it is critical the investment officer be profoundly apart of the Northwestern community. CIO Falls also expressed excitement about working with the Advisory Committee on Investment Responsibility and thinking about how her office might better support their work. Communication remains a cornerstone of her office, she said, and this visit and the one in the fall she hoped are, and will be, gestures towards that value. Finally, she said she hopes to bring in top decile returns as she did at Rockefeller University because those returns ultimately help support the work being done throughout the University. Returns though, she reiterated, are only part of the story. How those investments impact society matter as well, she said.

The president then introduced Senator David Uttal, who also is the Chair of the Advisory Committee on Investment Responsibility (ACIR).

Senator Uttal said it was appropriate he followed CIO Falls because ACIR, the Investment Office, and the Board of Trustees work in tandem to consider the University's investments. He said this year had been a transitional one for ACIR for two reasons, one being the departure of the last CIO in October and the other being the Board of Trustee's rejection of ACIR's proposal, put forth by Fossil Free NU, to divest from the top 200 carbon producing companies globally. Following the rejection of that proposal, Senator Uttal said there was a lot of frustration expressed by the students and it left the committee somewhat in limbo as to its next steps. ACIR decided to take a more proactive and activist approach following models that other schools and businesses have implemented. He invited faculty and senators to get involved with ACIR and with student groups working on causes faculty might also believe in.

The president then opened the floor for questions.

Senator Luís Amaral presented a couple of questions for CIO Falls to keep in mind for her presentation to the Senate in October. He asked for clarification on how investments versus gifts to the University are managed, how liquidity levels are determined, and how investments in stocks versus bonds is determined. His final point alluded to the decision-making power resting solely with the Board of Trustees regarding financial decisions at the University and he wondered if the Senate could consider how the University is governed more broadly. CIO Falls says the first set of questions she has answers for and will prepare slides to bring to the Senate in the fall. She says they do have data on how gifts are invested and managed. She said liquidity is also a very important topic. She stressed the volatility of looking at year-to-year data in relation to ten-year data assessments. She prefers to examine rolling ten-year periods to get a clearer picture of performance. She added that faculty can email her directly if they have additional questions.

Senator Rodgers and Senator Feinsod then reported on the feedback on the proposed academic freedom language they received since the May 12 Senate meeting. Senator Feinsod began by reminding senators of the process the president detailed in her report. He said, as before, he and Senator Rodgers feel the [current proposal](#) represents a significant upgrade in faculty protections. He then went through the goals of the revision, including updating and enhancing reference to AAUP standards, extending academic freedom to all officers of instruction (tenure-eligible and NTE), including all campuses and branches of the University, as well as work abroad and outside the classroom, expanding academic freedom in research/publication to include creative activities, public-facing work, and print and electronic venues, clarifying academic freedom's relation to University policies, removing language interpreted as limiting academic freedom, adding new language protecting faculty shared governance as it relates to academic freedom, and affirming the faculty appeals process. He then shared some areas of concern faculty expressed, such as reference to the Institutional Policy on Equity, requests to further strengthen shared governance protections, expressions of concern related to interpreted limitations on academic freedom, further reference to tenure, promotion, and contract renewal as criterion for appeal, and requests for minor changes like citations and standardizing references. Senator Feinsod said the Office of General Counsel had asked for reference to the University's policies. Noting faculty's objections in the context of the policy and knowing that faculty still must adhere to policies unrelated to academic freedom, the committees advocated for the proposed change at the end of section 1 of the

proposed changes. General counsel, he said, repeatedly asked to keep the phrase “faculty must adhere to all University policies,” but Senator Feinsod and Senator Rodgers noted that university faculty by nature and by practice are prone to question, and that questioning must not require blanket adherence to all policies, especially once that might not have had significant faculty input. Therefore, the language proposed reflects that faculty have the “responsibility to observe stated policies of the Faculty Handbook,” which the Faculty Senate co-authored with the Provost Office. Furthermore, Senator Feinsod said section 1d, the section on shared governance and academic freedom, includes a statement maintaining that faculty have the right “criticize and seek revision of University policies.” Some faculty, Senator Feinsod said, also took exception to the phrase “to the extent that applicable laws allow,” in the final paragraph in section 1. He said they made inquiries about removing such language. However, the administration has continually advocated for it. He said the administration’s case is that the phrase is not meant to limit faculty’s academic freedom rights, but rather to alert faculty to the extent, or rather limit, academic freedom will allow for legal protections in another country. Senator Feinsod also noted that changes to sections 1a and 1c are meant to reflect a balance of the rights and responsibilities academic freedom necessitates. He said they did not make wholesale changes to these sections because in their view faculty cannot claim the protections academic freedom affords without accepting the necessary responsibilities. Finally, he said, they accepted a suggestion to include the phrase “including denial or delay of tenure, promotion, or termination of contract” to the list of reasons for appeal. He thanked senators once again for soliciting feedback from their constituents as the proposal undoubtedly improved based on the comments they received from faculty. Senator Rodgers also expressed appreciation for faculty input.

The president then opened the floor for clarifying questions.

Senator Angela Lee asked why the qualifier “creative” was added to the word “practitioners” in section 1c. Senator Feinsod said they had previously included language that named other types of university activities, specifically creative activities, that didn’t quite fit within the broader term “scholars.” He said they received a comment from creative arts faculty asking to extend and standardize that reference throughout the document.

The Senate then took up continuing business from last meeting. A motion was made by Senator Karen Alter “to postpone any vote on the new academic freedom language until the fall.”

Senator Dan Foltz introduced a friendly amendment to the motion suggesting it be modified in the following way: “to postpone a vote on the new academic freedom language until a special meeting of the Faculty Senate in July.” The motion was seconded. The president said if the Senate voted in favor of the motion then a first reading of the proposed academic freedom language would take place tonight and a vote would be held during a special meeting next month. Senator Foltz added that the rationale for his motion to delay the vote until July was to allow senators more time to consider the revisions made to the proposal, while also not resetting the cumbersome process of finalizing proposed language, which a delay until the fall might cause. He also cited the fact that new senators will be joining in the fall and some current senators will be rolling off as one cause for the reset. He said delaying would also stop all momentum gained. Senator Heimer, who seconded the motion, added that she has been in dialogue with her constituents frequently in the past week and a half about the proposed changes and she’s concerned delaying a vote on the changes will stall the momentum of those discussions.

The floor was then opened for discussion on the amendment.

Senator Alter said her department (Political Science) discussed the motion to delay until the fall and the substance of the policy. She said she got the sense that her colleagues did not have enough time to fully digest the suggested changes to the academic freedom policy. She said she is open to the friendly amendment because it does allow for more time, but she suggested an open forum where all faculty discuss these changes.

Senator Kyle Henry thanked the Faculty Handbook and Faculty Rights and Responsibilities Committees for their efforts. He said July might not be long enough given the end of the quarter and end of the year obligations. He asked what the imperative is for delaying the vote only one month versus delaying until October or November.

Senator Kathy Martinez spoke in favor of the motion citing the time-consuming education she's performed with her colleagues on the pertinent issues. She said she does not want to go through the educative process again in six months for new senators.

Senator Amaral said he appreciates the friendly amendment and that he supports it for two reasons: postponing will actually not provide time for more discussion because faculty will simply postpone talking about the changes until the fall, and the educational component must not be lost. He said he can now present the changes at a faculty meeting in his department before the special meeting in July. He added that he agrees that the changes are a huge improvement on the current document and expressed gratitude for the committees that worked on those changes.

Past President Lois Hedman spoke in favor of making a decision on the changes to academic freedom language in July. She viewed it as a good compromise in that it both provides faculty more time to look over the document and it does not delay until there is a new Senate. For example, she said, the current chair of the Faculty Handbook Committee will become the President-Elect next year and will no longer lead the committee, which represents a significant disruption.

Senator Robert Hariman said he gathers that the friendly motion is coming from the Executive Committee. He said he trusts their deliberations and sees it as a good compromise. He also said a good number of departments have not voiced their concerns at this meeting or before it. He said they could potentially be ready to vote because they are in favor of the language as it stands, and their lack of objection should be recognized in balance to those objecting. Noting the role of senators, Senator Hariman said while they are oftentimes couriers of information, he believes senators were also elected for their judgment. Delaying would both undermine their elected duties and the Senate's processes as well as put faculty, particularly NTE faculty, at risk.

Senator Candy Lee echoed Senate Hariman's argument. When she and her colleagues canvassed at Medill, there was overwhelming support for the immediate adoption of the policy, particularly for the protections extended to NTE faculty.

Senator David Schoenbrun worried many of his colleagues might not be able to make a July meeting. Delaying might actually run the risk of lowering participation, and his department was in favor of the proposed changes as they currently stand.

Senator Josh Hauser spoke in favor of the amendment. He said he thinks July gives the Senate both extra time and a deadline. The disruption of a new Senate means both a personnel change and a shift in momentum.

Senator Regan Thomson said the Chemistry department, those who responded at least, offered positive feedback. He said his interpretation is that the Faculty Handbook is never set in stone. He said he believes the Senate should either vote on it now or at a special meeting in July.

Senator Fred Turek said academic freedom does not change every two years—he cited reference to the 1940 AAUP document as evidence of academic freedom’s long history. He felt academic freedom should not be reconsidered every other year because it is vulnerable to subjective outside forces. He said he is in favor of delaying until July.

Senator Julie Myatt thanked the committee members and the chairs for their work. She said she was in favor of not delaying any further than July. She cited similar reasons—a chance the policy won’t be completed and protecting faculty as soon as possible— for not wanting to delay.

Senator Judy Franks said she fears the discussion on the policy had reached a point where, to use a term from her industry, senators are “optimizing the head of a pin.” She said the Senate should consider the opportunity cost of delaying the new policy versus the incremental gain of any new edits. She encouraged the Senate to vote this evening or no later than July.

Senator Henry referenced his original question: what were the potential dangers of keeping the current policy in place for a few more months versus voting as soon as July? Senator Hariman said any faculty member in the NTE category is vulnerable. Senator Feinsod agreed with Senator Hariman. He also

noted the importance of the educative process, but he doesn't think that process should be extended at the expense of the protections afforded to NTE faculty.

President-Elect Bob Holmgren said covering NTE faculty should not be undervalued, nor should the impact of Senate turnover.

Past President Hedman then called the question. The motion was seconded. The Senate then voted to end debate on the friendly amendment.

With debate having ended, the Senate then voted to approve the friendly amendment.

The Senate then voted to approve the original motion with the friendly amendment, which once again was to “postpone a vote on the new academic freedom language until a special meeting of the Faculty Senate in July.”

Senator Rodgers then moved that the Senate accept the proposed academic freedom language given to the Senate on May 28, 2021 as a substitute to the language presented at the May 12, 2021 Faculty Senate meeting. The motion was seconded. Senator Arend Kuyper then called the question. The Senate voted to approve ending debate on Senator Rodger's motion.

With debate having ended, the Senate approved the substitution of the May 28, 2021 version of the proposed academic freedom language for a first reading.

Senator Rodgers once again went through the May 28, 2021 proposed changes to the academic freedom language in the Faculty Handbook.

The floor was then opened for questions.

Senator Amaral asked about the “extent that applicable laws allow” phrase Senator Feinsod mentioned earlier. He wondered if that phrase applied to the United States only or all countries. He also asked—

pertaining to section 1b—what constitutes a faculty member’s “subject.” He was wary of limiting what a professor could talk about if it might apply to their field. Senator Rodgers said that in regard to the applicable laws phrase, it is meant to protect faculty to the extent the University has the power to do so, knowing that some countries do not have the same speech protections as the U.S. Senator Feinsod said the phrase “their subject” was quoted verbatim from the AAUP guidelines. He said they removed a clause in a previous draft about introducing controversial subject matter. He said they want faculty to be able to define their subject given they are the experts. Senator Amaral said with the increase of interdisciplinarity, and faculty being hired outside of their subject, he thought specificity about faculty defining their subject would be warranted.

Senator Henry asked about when faculty had to list a disclaimer when they were speaking on behalf of Northwestern and when they weren’t. Senator Feinsod said they referenced the AAUP’s Statement on Professional Ethics and felt that responsibility to disclaim is a reasonable professional standard. Senator Henry then posed a question regarding a sentence in the final paragraph, in which it says faculty “accept their responsibilities for the governance of the institution...”. He wondered if it might restrict faculty’s right to protest. Senator Rodgers said the Faculty Handbook already references the University’s demonstration policy, which states that the goal of the University is to allow for freedom of expression and peaceable demonstration on campus while also respecting the University’s operations. Senator Henry then returned to the phrase to the “extent applicable laws allow” and suggested NTE faculty in Qatar might be more at risk than if the statement were removed altogether. Senator Alter spoke up and said she similarly felt the line should be struck because she worries the contract signed with the Qatar Foundation might be law and might stipulate that NTE faculty can only have one-year contracts, for example. Senator Rodgers said the Office of General Counsel was insistent upon adding that line, but she said they would once again broach the topic of applicable laws with them. Senator Henry then made his last point regarding not including the sentence from the 1940 AAUP Statement and its reference to tenure. Senator Feinsod said they have sought to make consistent reference to tenure throughout the document. He said they also attempted to balance the document with reference to all officers of instruction, including NTE faculty.

Senator Abraham Abusharif said he is a professor in Qatar and that he wanted to make a few clarifying remarks related to the applicable laws statement. He said contracts are decided by the administration and that Qatari law does not prevent faculty from having lengthier contracts. He said each American school in Qatar has a separate contract with the Qatar Foundation, which is run by the Qatari government. He said he does not believe there has been a challenge at the University to Qatari law, but he does know that the Evanston campus negotiated with the Qatar Foundation about academic freedom. He said the Senate should consult the lawyers who made that agreement. For his part, he said that he says whatever he wants in his classroom and he doesn't feel any self-censorship.

Following discussion, the president announced the date of the special meeting: Wednesday, July 14, 2021.

Senator David Schoenbrun then introduced the following resolution on the incidents pertaining to the Cheer Team:

WHEREAS the University has alluded to an ongoing independent investigation into allegations associated with discrimination, harassment, and retaliation against members of the Cheer Team, and

WHEREAS the Faculty Senate resolved on March 10, 2021, that the University must “conduct a comprehensive, swift, and transparent review of the situation,” and

WHEREAS the University has not informed the community how the investigator was selected, what the remit of the investigation is, and with whom the final report will be shared, therefore

BE IT RESOLVED that the University publicly respond to the following questions: Through what process was the investigator selected? Is the investigator or her firm serving in any other role in relation to the University? What were the precise instructions given to the investigator? When the investigation is complete, with whom will the final report be shared?

The motion was seconded. The floor was then opened for discussion.

Senator Candy Lee said the ongoing investigation, in her mind, needs to be resolved before any resolution be passed. The president said answers to the four questions is what the resolution is seeking, not a new investigation.

The Senate then approved the resolution.

Senator Schoenbrun introduced a second resolution on the incidents pertaining to the Cheer Team:

WHEREAS current and former Cheer Team members have alleged that they brought concerns about harassment, discrimination, and retaliation to various members of the Athletics Department, including trainers, physicians, the Deputy Athletics Director, and the Athletics Director, and

WHEREAS Cheer Team members have alleged that some Athletics Department staff members did not report their complaints to the Office of Equity as required by law, and that some staff members were dismissive about their testimony, all of which slowed the process of remediating the alleged discrimination and harassment, and

WHEREAS the University has not indicated that it has initiated a process for evaluating whether the staff training and reporting structures in the Athletics Department are sufficient to secure the safety and well-being of student-athletes, and

WHEREAS the Faculty Senate resolved on March 10, 2021, that the University must “ensure an environment for the Cheer Team that is free from discrimination and harassment, that provides support for students, and that guarantees effective oversight of the program,” therefore

BE IT RESOLVED that the University conduct a needs assessment for training and accountability measures within the Athletics Department, and

BE IT FURTHER RESOLVED that the University report on the outcome of the needs assessment to the Faculty Senate Executive Committee.

The motion was seconded. There was no discussion. The Senate then voted to approve the second resolution from Senator Schoenbrun.

Senator Schoenbrun introduced a third resolution on the incidents pertaining to the Cheer Team:

WHEREAS there have been allegations that the Office of Equity mishandled complaints of sexual harassment and discrimination brought by the Cheer Team, and

WHEREAS a 2018 report of the Provost's Advisory Council on Women Faculty declared sexual harassment a serious concern, noted faculty dissatisfaction with the Office of Equity, and recommended that the University examine the operations of the Office of Equity along with other areas of the University, and

WHEREAS the policies and processes laid out in the University's *Comprehensive Policy on Sexual Misconduct* are opaque, therefore

BE IT RESOLVED that the Associate Vice President for Equity, who oversees the Office of Equity, together with the leadership of the Faculty Senate, create and appoint a temporary working group, comprised of the Associate Vice President for Equity, two faculty members, two staff members, and two students, to solicit feedback from stakeholders, review past practices, and write a report that (a) documents and explains the Office's handling of the cheerleaders' complaints of harassment and discrimination, (b) describes the role of the Office, including the limits of the role as well as the interface between the Office and other units at the University, and  
(c) makes recommendations for improvements to the Office's operations and policies.

BE IT FURTHER RESOLVED that the Associate Vice President for Equity present the report to the Faculty Senate at one of its Fall 2021 meetings.

The motion was seconded.

Senator Candy Lee then mentioned the investigation once again and how it might be prudent to wait until the investigation is complete. The president said this resolution pertains solely to the Office of Equity.

Senator Hariman noted that each resolution was broader than the one before. He said it was worth noting some of the criticisms that the Office of Equity has faced and that he supports the resolution.

Senator Henry said the Office of Equity, in his view, has had issues of transparency beyond the cheerleading incident, and an internal investigation would be useful.

Senator Feinsod said he supports this motion because it is good to have the Office of Equity reporting to the Faculty Senate at some level. He suggested proceeding with caution as it relates to questioning the practices of the current iteration of the Office of Equity.

President-Elect Holmgren raised a practical issue about the timeline raised in the resolution given that there are only two Senate meetings in the fall. He said it might be more realistic to expect a report in the winter quarter.

The Senate then voted to approve the third resolution. Senator Schoenbrun then thanked President McGuire for her service on behalf of the Senate. He also thanked his colleagues in the History Department for the efforts on these resolutions.

The president thanked the Senate leadership, Senate staff, the Executive Committee, the parliamentarian, and all the senators for their work this year.

With no further business, the meeting adjourned at 7:34 p.m.

Respectfully submitted,

Jared Spitz

Secretary to the Faculty Senate