WAYNE STATE UNIVERSITY
ACADEMIC SENATE

PROCEEDINGS OF THE POLICY COMMITTEE
February 13, 2023

Present: D. Aubert; L. Beale; J. Fitzgibbon; r. hoogland; P. Khosla; M. Kornbluh; J. Lewis; N. Rossi; B. Roth; S. Schrag; N. Simon

Guest: Christianne Malone, Chief Program Officer, TechTown & Asst. VP Econ. Dev., WSU

I.   DISCUSSION WITH CHRISTIANNE MALONE, CHIEF PROGRAM OFFICER, TECHTOWN & ASST. VP ECON DEV, WSU

Malone began her dual role as Assistant Vice President of Economic Development and Chief Program Officer at TechTown in November, overseeing the tech-based programs, small business services and entrepreneurial education, as well as managing the Goldman Sachs small business program and the Detroit Revitalization Fellows in the Office of Economic Development (OED). She noted some leadership gaps prior to her arrival, but she is excited to take on her role in entrepreneurship. The focus is on TechTown and OED as a resource around student entrepreneurship: how can we help departments and colleges with entrepreneurial efforts and serve as a thought leader around general entrepreneurship? How can we be a resource to assist students in their colleges or their dorm rooms operating a small business? How can we help boost efforts and interest around entrepreneurship on campus? Her next steps include introductions to the deans to better understand what is taking place in the schools/colleges. She hopes that TechTown can be a hub for entrepreneurship for the business community and the Wayne State community.

renée hoogland questioned whether Malone plans to reach out to departments. There are students in the English Department that do entrepreneurial work, but much of that work is invisible. Malone is willing to make those additional connections and appreciates any advice, thoughts, feedback and recommendations that Policy can provide.

Beale asked Malone to describe the relationship, if any, between the Office of Business Innovation (OBI) and OED. Provost Kornbluh explained the president has been consulting and making decisions about how to do a better job moving corporate business relations forward in general. At this point, there is a multi-office structure: Corporate Relations is under philanthropy, OED has work on entrepreneurship that also involves working relationships with corporations, and OBI reports to the Provost's Office. There have been Cabinet-level discussions of how best to restructure corporate relations. At other universities, the research vice president (VPR) is very involved, but our former VPR was less interested. The president plans to restructure these offices to smooth the path for the next president.

Beale noted that the university is siloed, which is why Beale thought it would be helpful for Malone to discuss how she foresees working with different offices. Malone's strategy is to get to know the different units, including professors and administrators. There is entrepreneurship in various areas, but no firm definition of what entrepreneurship means. If you are selling or providing a service and it is transactional, that is entrepreneurship. How can we be of assistance with expertise and know-how on both the TechTown side and the university side? She noted the Comerica Hatch Detroit contest closes next week, which is about driving brick and mortar and revitalization of neighborhoods through entrepreneurship. There is a need to increase communication to avoid TechTown being siloed away from the university: TechTown is now being promoted through Wayne State publications. She hopes to understand the cross

collaboration that exists among the programs she works with to simplify communication across programs. The main goal for 2023 is helping to bolster those relationships.

Beale was concerned that the faculty tie to economic development is not as good as it could be. The Goldman Sachs program works with MSU and does not have Wayne State faculty, yet in many ways we talk about it as though it is a Wayne program. She would like to see those kinds of programs reaching out where possible to use Wayne faculty expertise so that there is a clear association with the faculty and the marketing dynamic of having TechTown using our faculty in its educational programs. This is best facilitated through getting to know the faculty in the different departments, talking to the provost about programs that will need faculty if an opportunity comes up in that area, and then talking to those deans to determine the faculty who might collaborate in that area. The more that happens, the better the TechTown correlation with the academic work of the university would be.

Danielle Aubert recalled an innovation and entrepreneur initiative based in the undergraduate library that once worked with Graphic Design. Kornbluh explained both Ahmad Ezzeddine (VP, Academic Student and Global Engagement) and Ned Staebler (VP Econ. Dev. & CEO, TechTown) had done work with innovation and entrepreneurship in the past. The Corporate Relations function is currently under the Development office. Additionally, we have had budget cuts every year, making it difficult to put money into this area. Other universities work with student innovation and entrepreneurship, and there is donor money and alumni/Board interest in both Business and Engineering, which have new deans that will approach their roles differently than the previous deans. For example, Dean Abolmaali (Engineering) has his own lab at I2C.

Aubert noted that students in Graphic Design sometimes design clothing—for example, an alumnus has an entire clothing line—so it is important for students to know the mechanics of starting their own businesses. Kornbluh noted Engineering has the Anderson Institute, created from donor money, but that institute has a negative carryforward and has not functioned well lately. Jane Fitzgibbon added there are entrepreneurial undergraduate students in the business school that are selling their own products, yet nobody is helping them.

Noreen Rossi asked Malone to describe the process of making contact for someone who discovers an innovation. TechTown has team ambassadors who answer calls and route them to the appropriate person. There is also an inquiry form on the website. Malone is currently working to revise the website (TechTownDetroit.org) to make it more user friendly and less like a brochure. Currently, she is working with her teams on both the operations side and programs side to facilitate getting clients the answers they need. The first step is to identify the idea as tech-based or non-tech-based. If the idea needs to be brought to fruition, that process is fully fleshed out on the tech side. On the non-tech side, strategists will work with a business to help point it in the right direction. In Detroit, there is a more robust ecosystem around entrepreneurship on the non-tech side than there is on the tech side in terms of different resources that are offered at different places. The team will help walk an idea through to identify other partners within the ecosystem that can help with additional business plans or funding. On the tech side, the in-house team will take it from ideation all the way to the product, as well as securing funding that can help bring it to the next level.

Jennifer Lewis shared that she had reached out to TechTown a few years ago regarding a commercial application that grew out of her work. A TechTown representative advised her to speak with a lawyer and provided an hour of free legal service with a lawyer from a local, respected firm. Kornbluh noted the university has no intellectual property rights in student work, but there are intellectual rights in developing something related to your professional life, so the first step for faculty should be to contact OBI and Commercialization. That does not mean that they are going to claim funding from faculty: they will work with faculty on how to commercialize.

Beale suggested the need for more connection of university units with TechTown. For example, the Law School's business clinic works with the community and should be a resource to TechTown. Rossi agreed: this is especially important for students learning about the basics for starting a business. These people are creative: knowing what the process is will only help them develop further.

II.   APPROVAL OF PC PROCEEDINGS

Kornbluh requested additional time to review and comment on the January 30, 2023 proceedings. The February 6, 2023 proceedings were approved with revisions.

III.   REPORT FROM THE CHAIR

Education Decanal Search: Kornbluh thanked Policy members for meeting with the education dean candidates. He agrees with Policy's recommendations and will be making an offer as soon as the BOG's 48-hour comment period ends.

PhD Committee: Policy's recommendations are needed to help fill a committee charged with looking at PhD education. Representation is needed from different levels (deans, chairs and grad directors), across disciplines and experience levels, as well as members of the Graduate Committee. Beale will review with the provost a list of names from which to select Senate representatives for the committee, who will also keep Policy informed of issues as discussed.

Fall Opening: The provost is re-envisioning the start of the fall semester. Housing and orientation silos have led to communication problems, so this year the Provost's Office will take charge of the fall opening: a four-day event, beginning with freshmen move-in on Thursday, with special events for freshmen on Friday, and upper-level student move-in on Saturday, followed by New Student Convocation on Sunday. Classes begin on Monday, August 28th.

The fall opening will absorb FestiFall and Orientations I and II. The idea is to come to an academic consensus of what we want these four days to do (i.e., build community, teach students how to use Canvas, find a room in Old Main, learn about student groups). Kornbluh will work with Policy to ensure faculty and academic staff have input in engagement. Planning committees will be established, with faculty and staff as chairs. Dave Massaron (AVP, CFO) is supportive and will involve non-academic staff. A wine and cheese (or bagel and lox) gathering will welcome back faculty, and we may have a new president, so the provost would like this to be a fresh start all around. We will also engage the external community (DIA, Detroit Public Library, local restaurants). The new technology in State Hall can be used for educational purposes, computer games, or sporting events. These events will jump start the return to campus and make it feel vibrant.

In the past, FestiFall followed convocation. The new idea is to welcome families on Saturday and Sunday and invite parents to convocation as well. Instead of boring speeches, we will try to have good communication between parents and students. A bigger space for convocation will be needed and that may result in closing off Anthony Wayne Drive. A new version of FestiFall would follow, including academic booths as well as student/fun-themed booths. Food in various locations will be provided throughout the afternoon. Students and volunteers can earn points/rewards to use towards Pistons tickets or other things. Beale suggested inviting the departmental offices to have faculty participate.

Brad Roth pointed to the need for a clear way of describing what professors do at a research university. There have been various efforts over the years that have been poorly planned and tended to create situations where faculty members feel like a fifth wheel with no purpose for being there. This should be done in a way that makes sense to students and to faculty.

Some universities offer a checklist of what is needed to get started as a student. We could do this online and/or pass something out, such as first-year student planners. The purpose will be understood, and the rest can be filled with fun. We do not want to hold events that pose a violence risk. Private schools always hold a pre-orientation (hiking in the woods or travelling to Europe), and the public schools started competing with this—i.e., MSU offered four days of events, including a community service day. Some very large events at MSU and other universities have attracted crime in the past.

Aubert noted FestiFall prompted her department to figure out the officers for their student club ahead of time. Kornbluh explained student life has many social groups, and the departments have tools and organizations, so it is important to include the department-level student organizations.

In the past there were robust intramural club sports on this campus. Now that we have a new athletic director, the provost would like to reinvigorate intramural club sporting competitions with sign-ups for different groups (the provost is determined to have pickleball courts in time). He would also like to plan an e-sports event and offer high-tech games in the STEM building and State Hall.

The student response to FYRE (first-year residential experience) has been good, but it involves less than half our students. The fall opening provides the experience for all of them. Beale noted this is an opportunity for students to meet some faculty and be less shy of speaking to faculty than they would otherwise. Pramod Khosla suggested an alternative prospectus prepared by the students for the students. Kornbluh thought that could be workable: when he was president of the graduate representative organization at Johns Hopkins for five years, they published a guide to Charles Village in Baltimore.

Naida Simon pointed out that Orthodox students returning to the dorms cannot move in on Saturday—so that issue should be resolved before it is brought up by students.

Kornbluh will discuss the fall opening in Cabinet this week and suggested working on an outline with Policy and presenting that at the April or May plenary.

IV.   GRADUATE SCHOOL DOCTORAL TRANSFER CREDIT REVISION

Policy discussed the Graduate School doctoral transfer credit revision from the Graduate Council's Academic Programs Committee that fixed the language and addressed some inconsistencies. This language must be approved by the plenary and will be placed on the Senate's March 1 agenda.

V.   DRAFT AGENDA FOR MARCH 1 SENATE PLENARY

hoogland raised the issue of holding plenary in-person only. Beale finds it problematic that many Senators are simply choosing the convenience of not coming to campus, whereas formerly we had very few absences from in-person plenaries. She would like to try one more time this way—anybody that has a legitimate reason for not being able to attend in person will likely contact us and we can provide the link. This is an attempt to help us know each other: the small talk among members before and after meetings is useful. hoogland agreed that in-person conversations are more substantial and structured unlike people speaking from the screen. She believes hybrid makes it worse.

Even though an official statement will not be ready for the March plenary, Lewis thought it was important to have some discussion of academic freedom. Beale had planned to discuss this in the President's Report, rather than as an official agenda item. Fitzgibbon agreed it would be a good idea to have a member discussion, including information about the legal distinctions discussed in the working group memo. Roth supported the idea and agreed to lead the discussion at the March plenary.

VI. ACADEMIC FREEDOM DISCUSSION

Policy is considering what a clear statement of the Senate's position about academic freedom ought to be as it relates to what is going on nationally with respect to higher education, but also to education generally as relates to issues on campus, including the ability of the Academic Senate and Student Senate to freely address controversial issues and communicate about those issues with their own constituents.

Roth discussed the key ideas from a working draft memorandum developed in response to the provost's request regarding legal considerations. This working draft was developed by Jon Weinberg (Law), with one section contributed by Roth. For the most part it is an elaboration of the case law and the basic doctrines that pertain to questions about academic freedom, freedom of speech in the campus context, and making people aware of basic constraints. People have sometimes thought that they have the prerogative to do certain things when they do not legally have that prerogative: in particular, it is inappropriate to take censoring actions based on the viewpoints expressed or based on the idea that the expression does not properly balance different perspectives. The memorandum addresses various contexts, distinguishing matters of general principle and pragmatism from what is compelled by constitutional law. Roth took primary responsibility for Section IV on de-platforming, which proposed a delicate balance between the free speech rights of those who articulate controversial or offensive views and the free speech rights of those who protest the platforming of such views, allowing expressions of disrespect without licensing disruption. The idea is to acknowledge the right of other members of the academic community to be able to participate in an event even where there is reasonable disagreement about the event's legitimacy.

The last section covers the university's own speech. Again, this is not so much a question of constitutional law as what counts as a prudent action on the part of a university, keeping in mind that universities' speech can have some negative effects. It can make those of a different opinion feel as though they are not validly part of the academic community if the academic community seems to speak with one voice on a contentious question. Similarly, a university's condemnation of its own faculty members may have a deeply chilling effect on academic freedom. On the other hand, especially with respect to questions that go to academic freedom itself, there is no reason why the university should not articulate principles pertaining to such controversies. Indeed, it is appropriate for the university to denounce violations of principles of freedom of expression and academic freedom that take place elsewhere.

Roth noted that almost every term being used here is subject to multiple interpretations and that there is an inevitable question-begging, because there will always be an illustrative example that exposes an ambiguity. This memo could easily have been 111 pages instead of 11, and it still would not capture all of the issues. Nonetheless, Roth credits Weinberg with having done a superb job of laying out the basic parameters, giving us a start on in thinking through our role as a university and what sort of statements ought to be made collectively and what perhaps ought not to be stated.

Beale pointed to the well-written page three, part two of section I discussing the two categories of speech regulation as critical to understanding the issues pertaining to the conduct of public universities. The first category includes general time/place/manner restrictions without regard to the topics or the message expressed, whereas the second concerns limitations that apply differentially to speech based on the message's content. The first category of regulation is permissible where designed reasonably, whereas the second is generally impermissible.

Beale called attention to the growing movements in various places in the country to squelch what can be talked about within K-12 and even higher education institutions. The Senate can clearly make a statement about the way legislators are attempting to restrict content of educational discussions.

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Another point to draw attention to in the legal discussion on page five is the discussion of hostile environment—i.e., systematic discriminatory intimidation, ridicule, and insult that is sufficiently pervasive to alter the conditions affecting learning. Roth explained that is very different from what has been characterized as "harm" in some discussions. There are many things that we can probably all agree should never be said, that are bad to have said because they normalize various kinds of discriminatory attitudes. If we had a constitutional law like in Germany where freedom of speech does not include speech that undermines certain fundamental values of democratic society, then those statements could be limited. You would always have a problem figuring out where the borderline is between that and something else, but at least you would have a start on being able to distinguish between mere subjective reactions of people and fundamentally wrongful conduct. It is not wrong because it is offensive; it is offensive because it is wrong. In the United States, however, the First Amendment jurisprudence of the last two generations has cut off the possibility of making those kinds of distinctions.

There are, of course, further questions about freedom of expression as a matter of social convention rather than as a matter of governmental regulation. These questions become especially fraught when listeners interpret (whether justifiably or not) issues of principle and policy as implicating identity and then claim that their identity is under assault.

Further animated discussion explored the kinds of situations that can arise that create problems in the university context, whether it is discussion of a faculty member's tweet or university personnel experiencing political pressure from members of the broader external community about topics discussed within the university or topics about which there are strong passions or even community identities on different sides of an issue both within and outside the university. Kornbluh noted that the university has depended on a "crisis management team" to decide how to respond to such issues on an individualized basis, but it is his hope that the university can develop a more principled structure for deciding in what circumstances a university statement is appropriate—e.g., commenting on the humanitarian impact of the war in Ukraine or the Turkish/Syrian earthquake tragedy. Beale noted that the Senate's role is different and that the Senate may be able to speak out about humanitarian issues such as war, earthquakes or climate disasters more readily than a university administration, in some cases. We have not done that in the past, but our discussions about this issue over the last year or so suggest that we should consider what situations are appropriate or not for Senate statements. Certainly, on the broad issues of educational policy and academic freedom, there is strong reason for us to speak, since we represent the body that is affected by various organizational and governmental efforts to squelch academic speech.

hoogland commented on the slippery slope that exists in talking about these issues. Commenting on the humanitarian aspect should be relatively straightforward. What concerns her most is when a religious group seeks to impose its views about morality on others that are not members of that religious group by expecting them to comply with their religious rules. There is a power imbalance in the way that religious identity is often used to undermine LGBTQ+ and other groups that the religion group considers wrong. Extreme forms of religion seek power and are exclusionary and condemning of what they don't like. There is "almost reverence towards religions", even religions that have destructive consequences for people who do not fit within the narrow confines of their belief system. People who could speak out against such use of religious identity become too worried about offending on religious grounds to defend against the harm done.

Lewis added to the concern about religious extremism, noting that a future student group led by religious extremists could issue a hateful statement. She questioned the content-neutral restriction that would not allow the university to make decisions about statements that do harm. Roth responded that the Student Senate's statement on the Israeli-Palestinian human rights issues was treated as a religious statement opposing the religious views of those who complained to the university administration and prevented its

distribution. That amounted to an inappropriate content-based restriction of speech. Lewis acknowledged the legal limitations on restricting speech, and she suggested that the response is to use university events to cultivate norms. Beale agreed that the university cannot stop extremist groups from saying things we do not like, but we as educators can teach about social justice and the importance of community and understanding how speech can make different groups feel unaccepted. But in terms of the university's (or Senate's) playbook for responses, it needs to be clear that we cannot stop speech merely because it is offensive to us.

hoogland added that conferences and organizations do have statements of expectations of respect and the university can say that this is our aspiration, what we stand for as a university. Lewis suggested using the fall ppening to build expectations about showing respect for all persons and investing as much in that as in the playbook about legal guardrails. Kornbluh noted that these are things that higher education has consistently considered more important over the last few decades, and it is the reason that those on the far right are upset with higher education. They understand our emphasis on valuing diversity and inclusion as antithetical to individual freedom and hence are pushing for laws to restrict universities from valuing diversity and inclusion. Lewis noted that a university is a place where people hear ideas that make them uncomfortable and learn to analyze and counter other ideas. Beale added that the university is a place where controversial statements can be explored, and that exploration should not be squelched by "the powers that be", whether university, state or federal in nature. Those two things are key to what we might say as a Senate. Rossi noted the way social media has allowed a single person, be it a faculty or student, to broadcast personal views that may not be espoused by many in the university. That is a different issue from speaking on behalf of the university community. The university is a place where students learn critical thinking and recognize that differences of opinion will exist. Kornbluh agreed with the idea of the university as a community with certain inclusive values. There will be different positions that the English Department or the Modern Language Association or the Academic Senate might take on particular issues.

Roth noted the way our discussion has used the words "discomfort" and "harm." Often in discussions of statements that have been made, people describe what they experience from disliked speech as "harm" and what others experience as "discomfort." We are constitutionally precluded from establishing certain values as "public truths," so there is tendency to try to work around this by characterizing expression of offensive ideas as harmful action. It is easy for such claims to be weaponized. Roth noted as illustrative a claim with which he personally had to confront, as an advocate for Palestinian rights, that a faculty member's anti-Zionist statements can be characterized as making Jewish students feel unsafe. That logic, he said, led to the ouster of a Palestinian faculty member at the University of Illinois Champaign-Urbana. That approach gets used on both left and right, which creates genuine problems.

hoogland reiterated her view that the university should make a statement that "claims a space" about what the university stands for and what it aspires to be, to make it clear that offensive statements about minorities that do not fit into the rigid structures of thought/ideology should be off limits.

Beale agreed that these various issues are important, and the question is how to determine which issues the Senate should address. Our discussion has ranged over two somewhat different issues. One is the possibility of the Senate making a statement about standing for equity and inclusion and what that means. The other is the Senate making a statement about what academic freedom means for higher education generally and the importance of being able to talk about controversial issues. There are of course potential conflicts or at least difficult boundaries between those two things. We are discussing, in some sense, two different perspectives of a very large meta concern.

hoogland suggested these are parts of the same problem. She recounted an experience of marching in a pride parade in California when people protesting the march stood with gas masks and signs saying "death to you." They saw wishing death upon a group okay because of their religious beliefs. Rossi

noted that both parts of the issue can arise in a classroom. You cannot tell a student that they cannot voice an opinion contrary to the consensus. You want to have a discourse and refine ideas respectfully—trying to consider issues more clearly. Yet sometimes we have our own blinders.

Beale suggested that speaking about protecting the right to explore controversial issues is one of the things that we might want to do in the current political climate. Aubert noted the timing issue: the union is making a statement in support of teachers in Florida, because it can move quickly on these matters. It is not clear how the Senate would write something timely on disasters like the earthquake—statements about those kinds of humanitarian crises probably should come from a university office. Beale agreed, adding that the university and the Senate can speak about some of these issues in ways that other organizations cannot or will not speak. Kornbluh suggested that is a reason for trying to create a "playbook" for the university and the Senate on this question.

Various members suggested that it would be helpful to have an executive summary of the legal memorandum that focuses on the content versus time/manner/place distinction and provides a brief explanation of academic freedom as a special category of protected speech.

VII.   REPORTS FROM STANDING COMMITTEE LIAISONS

The Elections committee is holding the hearing panel elections. One of the nominees on the faculty hearing panel retired, leaving only seven faculty nominees. We need an eighth tenured faculty member on the ballot. Policy members suggested potential tenured faculty and Simon will follow up to determine their willingness to be placed on the ballot.

Approved as amended via email on February 23, 2023.