

Report of the ad hoc Committee
on Intercollegiate Athletics
December 16, 1992

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The ad hoc Committee on Intercollegiate Athletics was appointed and charged by the Twin Cities Assembly Steering Committee on April 26, 1991. The Steering Committee established the ad hoc Committee because of concerns, expressed through the Twin Cities Campus Assembly and by faculty individually, that faculty governance of athletics was not functioning well. Thus the charge to the ad hoc Committee, in brief, was to advise the Assembly Steering Committee, and then the Assembly and the administration, about ways in which faculty control of athletics could be strengthened.

Because of a misunderstanding about our charge with the faculty members of the Assembly Committee on Intercollegiate Athletics (ACIA), the ad hoc Committee did not begin meeting until November, 1991. The two student members were unable to attend the meetings, so this report does not bear their names.

The Committee has met eleven times and interviewed President Nils Hasselmo, Senior Vice President Robert Erickson, Dean Robert Stein, Professor Jo-Ida Hansen, Professor Byron Egeland, Professor Ted Labuza, Professor Robert Serfass, Professor Deon Stuthman, Dr. McKinley Boston, Ms. Chris Voelz, and Dr. Elayne Donahue. In addition, the Committee was provided with a number of materials related to the governance of athletics, including relevant ACIA policies, Big Ten and NCAA documents, and the Knight Commission Report.

The Committee, following these interviews, review of materials, and deliberation, offers the comments and recommendations which follow. We can readily find major difficulties with college sports, but many of these problems are national in scope. There are, however, local problems which the ad hoc Committee has tried to address; we have developed a set of statements and recommendations which we believe will be practical and helpful to the faculty, the student-athletes, and the University.

One fundamental issue that the ad hoc Committee tried to come to grips with is the meaning of the term "faculty control of athletics." The charter language of the Big Ten Conference, which remains in the "membership" clause of Chapter 2 of its organization and procedure, includes the proviso that "only a University having full and complete faculty control of its intercollegiate athletic programs may hold membership in the Conference. . . . While the Conference recognizes that final authority over all units of the member universities, including the faculties, rests in their governing bodies--trustees or regents--a member university becomes ineligible for membership in the Conference if it fails to respect the control, which it has delegated the University agency, for the

University's intercollegiate athletics program." (The NCAA, by comparison, identifies the President as the locus of final authority for intercollegiate athletics.) The ad hoc Committee wishes to strongly affirm the principle of faculty control and to affirm the responsibilities of ACIA. It is ACIA that serves as the mechanism for faculty control at the University of Minnesota, Twin Cities, and faculty control will only be effective to the extent that ACIA is strong and effective.

In our judgment, the biggest contribution that this report makes to the practice of faculty governance of athletics is to clarify functions and responsibilities: the Faculty are in charge of academic matters and that should be the primary focus of their activities. The changes we propose will permit the faculty to deal with those matters with which they are most familiar and know most about; ACIA need only become involved in other matters to the extent they impinge on academic issues.

Our comments and recommendations are as follows.

1. Revise the bylaws chartering ACIA to make it an exclusively faculty body which deals primarily with academic standards, compliance issues, and ethics and equality issues.

2. It must be clearly understood by all that ACIA is an independent faculty body responsible to the Assembly Steering Committee and the Twin Cities Campus Assembly; it is not responsible to the departments of intercollegiate athletics or to the University administration, but it advises both on the conduct of athletics. If ACIA is not performing its duties, the Assembly Steering Committee and the Assembly must bear the responsibility for correcting problems. The relationship between ACIA and the governance system should be strengthened; it may, for example, be appropriate for the Assembly Steering Committee to meet twice per year with the chair (and members) of ACIA.

3. The ad hoc Committee also found that ACIA, within the limits of the available faculty time and resources, has been actively striving to uphold and carry out "faculty control" of athletics. It is our hope that the changes we have proposed will permit ACIA better to carry out its responsibilities with less stress for its members.

4. The "ACIA Policy on the Selection and Responsibilities of the Faculty Representatives for the Department[s] of Intercollegiate Athletics" contains the following language:

The Faculty Representatives for the two intercollegiate athletic departments have, as their principal duty, the representation of the University of Minnesota--Twin Cities at all the athletic governing organizations of which the institution is a member. In fulfilling that responsibility, as well as performing other duties enumerated in this policy, the faculty representatives act at the direction of the University faculty as given voice through the deliberations and instructions of ACIA. . . .

The NCAA definition of institutional control of athletics differ[s] from that of the Big Ten Conference in that it recognizes the chief executive officer . . . as the locus of final authority. . . . In order that the University of Minnesota--Twin Cities faculty representative[s] not be put in the position of having split accountability (to ACIA in Big Ten matters and to the President in NCAA matters), he or she is established by this policy to have a single responsibility regardless of the group or entity to which he or she is representing the University: to ACIA. . . .

The Faculty Representative is appointed by the President for a term of six years. An evaluation of the performance of the Faculty Representative will be conducted during the third year of the term. If the performance is unsatisfactory, the individual may be removed. If the Faculty Representative elects to serve a second six-year term, the Search Committee will review the performance of the individual and communicate its recommendation to ACIA and the President.

The ad hoc Committee is concerned that ACIA may not be asserting its proper role with respect to the activities of the faculty representatives. ACIA must carry out its own policies (approved by the President) with respect to the selection, direction, and evaluation of the faculty representatives; if it does not do so, too much authority may become vested in the faculty representatives--thus diluting real faculty control.

5. The Committee is impressed with the steps that have been taken to ensure budgetary controls over the departments (especially men's athletics). The Committee strongly endorses the separation of the expenditure budgets from the revenue budgets as well as the move to an all-funds budget. The Committee concurs that expenditure budgets should not be linked to income and that any surpluses of income over expenditures should be used at the direction of the central officers (preferably in consultation with the Senate Committee on Finance and Planning and ACIA, through whatever joint consulting mechanism the committees might devise).

Primary responsibility for review of financial issues associated with intercollegiate athletics should rest with the Senate Committee on Finance and Planning. The ad hoc Committee recommends that the Committee on Finance and Planning promulgate a statement to advise the administration on how surpluses and deficits in the intercollegiate athletics programs should be addressed.

6. The ad hoc Committee endorses the recently-initiated practice of building clauses into the contracts of athletic directors and head coaches which provide incentives for reducing costs and improving both athletic and academic performance.

7. The intercollegiate athletics programs should not report directly to the President. The Committee believes that the President has (should have) insufficient time to pay attention to the routine administrative needs of the departments. The Athletic Directors

should report elsewhere in central administration, to the best individual the President can identify for the job; the ad hoc Committee makes no recommendation about which individual or central officer would be most appropriate.

The ad hoc Committee recognizes, however, that presidential responsibilities for athletics, both at the level of the Big Ten and the NCAA, require some presidential involvement in the governance of athletics. It is our judgment that at present ACIA acts nearly in a vacuum with respect to the President. A strong, independent, and effective ACIA will express its views to the President and ensure that the faculty voice on athletic issues is heard. We are doubtful that such communication occurs at present.

8. All athletic academic counseling staff and tutors should be hired by and responsible to the Athletic Academic Counseling Office (AACO). The ad hoc Committee has been made aware that there have been attempts by some individuals in athletics to hire individuals for counseling and tutoring outside the purview of this office; we strongly abjure this practice and urge that it be prohibited.

The ad hoc Committee recognizes, and agrees, that primary academic counseling ought to be provided by the academic units--either the college or the major department. We also recognize, however, that the larger colleges especially are seriously understaffed for academic advising. The AACO should be the sole liaison between academic major departments and the intercollegiate athletic programs; we encourage the AACO staff to work as closely as possible with academic units.

The ad hoc Committee strongly commends the AACO staff and believes it serves as a model to which the rest of the University could aspire with profit. The treatment of students at risk, and the principles the AACO office has articulated for advising students, seem to us practices which should be employed across the University.

9. In addition to its procedures for reviews of the academic performance of student-athletes (the "audits"), ACIA should develop a clear statement of a) the sanctions which are to be levied when a team fails to meet satisfactory academic standards, and b) the rewards to be achieved when such standards are exceeded. Appropriate steps must be taken to ensure that student-athletes are afforded the opportunity to improve their academic standing, which might include withholding them from practice and competition.

We are persuaded, after considerable discussion of this point, that faculty involvement in some kind of auditing or review procedure is both necessary and desirable. It is the faculty who are responsible for upholding academic standards, and although the AACO staff can do much in the way of providing and synthesizing the information required for an audit, ultimately it is the faculty who bear the responsibility for evaluating the information and reaching conclusions about the appropriate steps to be taken when teams fail academically.

10. The ad hoc Committee is concerned that student-athletes' lives are too tightly

regulated and that they are not permitted to lead lives similar to those of other non-athlete students. In general, student-athletes should be treated like all other students and should be permitted to lead as normal a "student life" as possible. On the other hand, we also recognize that as representatives of the University, student-athletes can and should be held to a higher standard of behavior than those who do not serve in a representative capacity. (We note, too, that this same logic applies to other students who represent the University in various kinds of non-athletic events.)

We recommend that ACIA take action in the following areas:

- Develop a statement on ethical behavior and appropriate conduct and how the issues associated therewith should be the subject of continuing activity in the departments of intercollegiate athletics;
- Establish or clarify the responsibilities of the coaching staff and the department administrators in emphasizing the importance of ethical behavior to student-athletes.
- Develop a statement on how misconduct on the part of student-athletes should be considered when reviews of coaches are being conducted (because it is the coaches who are responsible for recruiting the student-athletes who make up the teams).

11. The ad hoc Committee recommends that the practice of providing season tickets to ACIA members cease. The ad hoc Committee does accept the proposition, however, that ACIA members should be familiar with the conduct and atmosphere of events and should be afforded the opportunity to view those events. We recommend that some season passes for each sport be available to be shared among Committee members.

12. The ad hoc Committee was informed repeatedly that there were insufficient faculty members on ACIA to perform the tasks required. We believe that by adding two faculty to ACIA (for a total of 8), those burdens can be lightened and the tasks performed. We urge, however, that ACIA consider carefully whether it has delegated appropriate tasks to its staff.

While we do not believe that the Athletic Academic Counseling Office should be considered "staff" to ACIA, the ad hoc Committee nonetheless finds that the AACO should be the principal source of information useful to ACIA members. We wish to acknowledge and strongly endorse the healthy and active relationship between the AACO and ACIA, because the AACO has significant responsibility for advising ACIA on the development and implementation of its policies. This working relationship must continue.

MOTION

To amend Article III, Section 3 of the Bylaws, and Article III, Section 2 of the Rules, of the Twin Cities Campus Assembly to change the composition and responsibilities of the Assembly Committee on Intercollegiate Athletics (ACIA), as follows [*Bracketed items in italics are commentary on each proposed bylaw change but are not intended to be part of the motion*]; new language is underlined and language to be deleted is ~~struck out~~:

(Article III, Section 3 of the Bylaws)

3A. INTERCOLLEGIATE ATHLETICS COMMITTEE

The Twin Cities Campus Assembly delegates to the Committee on Intercollegiate Athletics faculty control of intercollegiate athletics. This delegation includes the formulation, adoption, and supervision of appropriate policy. ~~The Twin Cities Faculty Assembly may only strike down a policy passed by the Committee on Intercollegiate Athletics if the Steering Committee specifically singles out the policy after it has been passed, and brings it forward to the Faculty Assembly for specific debate and vote, with the motion framed as "Shall the Faculty Assembly disapprove of the following policy adopted by the Committee on Intercollegiate Athletics: . . ."~~

I. Membership

The Intercollegiate Athletics Committee shall be composed of 8 regular faculty members and other ex officio representation as specified by vote of the Assembly. The 2 faculty representatives to the Big Ten and NCAA shall also serve as ex-officio members. 8 faculty/academic professional members, including the 2 ex officio voting faculty representatives to the Big Ten and NCAA; 3 students; 3 alumni representatives of the University (2 of whom shall have voting privileges as determined by the committee each year; one civil service staff member; and other ex officio representation as specified by vote of the Assembly.

~~Faculty/academic professional and student~~ members shall be nominated by the ~~Committee on Committees~~ Faculty Assembly Steering Committee in consultation with the Committee on Committees and with the approval of the Faculty Assembly. ~~Faculty/academic professional~~ members shall serve one term of three years that may be renewed by the ~~Committee on Committees~~ Faculty Assembly Steering Committee for one additional three-year term.

The faculty representatives shall be nominated according to procedures approved by the Intercollegiate Athletics Committee.

~~Alumni members shall be appointed by the president in consultation with the director of~~

45 ~~alumni relations and shall include one representative from each of the men's and women's~~
 46 ~~athletic alumni groups.~~

47
 48 ~~The civil service member shall be appointed by the president in consultation with the Civil~~
 49 ~~Service Committee.~~

50
 51 *[This change removes everyone but regular faculty members from ACIA and changes the*
 52 *nominating body from the Committee on Committees to the Faculty Assembly Steering*
 53 *Committee (the Twin Cities faculty members of the Faculty Consultative Committee).]*

54 55 Chair and Vice Chair

56
 57 The chair of the Committee on Intercollegiate Athletics ~~shall be a faculty member~~ shall be
 58 designated by the Faculty Assembly Steering Committee and shall should have at least one
 59 year's experience as a committee member.

60
 61 The committee shall elect a vice chair from among its members.

62
 63 Staff *[This heading is not new; it is underlined in the existing bylaw]*

64
 65 The president shall ensure that the committee receives staffing and an office to hold its
 66 records. Such staffing ~~shall consist of the appointment of a staff position responsible to the~~
 67 ~~chair of the committee.~~ shall be provided by the office of the University Senate; duties of
 68 the staff person shall be those a prescribed by the committee in consultation with the
 69 president and the chair of the Faculty Assembly Steering Committee.

70
 71 *[With the assent of the president, the staff to ACIA shall be a part of the staffing provided to all*
 72 *Senate and Assembly committees through the Senate office. The individual who serves as staff to*
 73 *ACIA will be responsible both to ACIA and to the Faculty Assembly Steering Committee; this*
 74 *change ratifies existing practice.]*

75 76 II. Duties and Responsibilities

77 78 1. Policy-Setting

79
 80 a. To promote high academic standards in intercollegiate athletics; to ensure as
 81 much as possible that intercollegiate athletics do not interfere with the
 82 academic responsibilities of student-athletes and, when this cannot be
 83 completely accomplished, to ensure that student-athletes be given a fair
 84 opportunity to complete their education.

85
 86 b. To promote the operation of athletic programs which comply with the spirit
 87 and the letter of all applicable external governing organization rules
 88 and all applicable University rules.

89
 90 c. To initiate, review, and vote on: all legislative matters pertaining to rules and

91 regulations; policies and procedures controlling the eligibility of
 92 students for participation in intercollegiate athletics; and such other
 93 policies and procedures it deems necessary and appropriate to govern
 94 the conduct of intercollegiate athletics programs on the Twin Cities
 95 campus.
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- 97 d. To direct the faculty representatives for intercollegiate athletics with respect
 98 to positions on issues these faculty representatives consider at meetings
 99 of the Big Ten, of the NCAA, of the WCHA, and of any successor or
 100 other athletic governing organizations of which the University of
 101 Minnesota, Twin Cities, is a member, recognizing, however, the
 102 ultimate authority of the president to specify final directions to these
 103 representatives.
 104
- 105 e. To devise policies governing eligibility for awards based in any part on
 106 academic performance for student-athlete participation in the Twin
 107 Cities intercollegiate athletics programs.
 108

109 2. Administrative
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- 111 a. To formally review at least once every three years the performance of the
 112 faculty representatives and to advise the president thereon, to make
 113 recommendations to the president about the continuance in office of
 114 the faculty representatives, and to participate in the selection of faculty
 115 representatives when vacancies occur.
 116
- 117 b. To debate and approve or disapprove of, or amend all any schedules of varsity
 118 and junior varsity events, subject only to the authority of the Senate
 119 Committee on Educational Policy to approve events which would fall
 120 during the period of Study Day through Finals Week. of the Twin
 121 Cities campus.
 122

123 *[Makes more general the authority of ACIA over schedules of competition, makes it clear*
 124 *that the authority runs to all events and that the committee may change the*
 125 *schedules as well as approve or disapprove the ones formulated by the*
 126 *intercollegiate athletics departments, and recognizes the authority of SCEP,*
 127 *per Senate policy, to make decisions about events which might occur during*
 128 *the period from Study Day through Finals Week.]*
 129

- 130 c. To periodically review ~~conduct on a team-by-team basis, an in-depth annual~~
 131 ~~periodic review~~ of the academic progress and performance of all Twin
 132 Cities campus student-athletes participating in intercollegiate athletics.
 133 This review will be conducted with the participation of ~~the faculty~~
 134 members of the committee, the director of academic counseling for
 135 intercollegiate athletics, and with the coaches and their staffs,
 136 according to policy and procedures determined by the committee.

Further, The reports which result from these academic audits shall be considered in the annual evaluation of all head coaches.

- d. ~~To be given the opportunity to~~ participate in the search for and evaluation of the intercollegiate athletic directors, the director of academic counseling for intercollegiate athletics, and the compliance officer when such searches or evaluations take place. ~~In addition,~~ The committee shall be given the opportunity to participate in searches for all head coaches and such other administrators in the departments of intercollegiate athletics as may be prescribed by policy adopted by the committee.

[This requires that ACIA participate in searches for the athletic directors, the director of academic counseling, and the compliance officer; it provides for the committee to have the opportunity, at its discretion, to participate in other searches for athletic personnel.]

- e. To review and approve reports to external governance bodies which pertain to compliance.

[Requires that ACIA be involved in the drafting of reports from the University to the NCAA or Big Ten or other bodies which have to do with allegations of rules violations.]

- f. To regularly receive reports from the compliance officer about the status of rules compliance in the departments of intercollegiate athletics.

3. Judicial

- a. To determine the eligibility for participation in intercollegiate athletics of student-athletes who are alleged to have violated any rules of athletic governing organizations, and to determine, within the limits permitted by those rules, the appropriate sanction if it is determined that the violation(s) occurred.

- b. To retain final authority over the determination of eligibility of a student for participation in intercollegiate athletics irrespective of the cause or locus of any dispute which casts doubt on his or her eligibility.

4. Advisory and Consulting

- a. To advise the president and central administration and the directors of intercollegiate athletics and the director of academic counseling for intercollegiate athletics on all policies affecting personnel, budget, and facilities relating to the intercollegiate athletic programs of the Twin Cities campus.

- 183
184 b. To review annually, in cooperation with the Senate Committee on Finance
185 and Planning, the budgets of the departments of intercollegiate
186 athletics and of the office for academic counseling for intercollegiate
187 athletics. This review should occur prior to the approval of the budget
188 by the central administration. The committee shall establish a review
189 process in consultation with the Senate Committee on Finance and
190 Planning.
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192 *[This provision is intended to give effect to the recommendation of the Page-Merwin ad hoc*
193 *committee on athletics; it specifically restores to ACIA the responsibility to*
194 *review expenditures and income in athletics and to advise the central*
195 *administration thereon. The budget review is intended to take place*
196 *jointly with the Senate Committee on Finance and Planning in a way to*
197 *be worked out between the committees.]*
198

- 199 c. To consult periodically, but at least annually, with student-athletes.
200

- 201 d. The chair and the vice chair of the committee shall meet at least quarterly
202 with the President.
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- 204 e. To consult with the Recreational Sports Committee and such other
205 committees about concerning items of common concern.
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207 5. Reporting
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- 209 a. To make ~~timely~~ regular reports to the Twin Cities Campus Assembly and to
210 the wider University community on items of importance with respect
211 to its governance of intercollegiate athletics. ~~Such reports shall consist~~
212 ~~of, but not be limited to, composite team statistics of quarterly grade~~
213 ~~reports for intercollegiate athletic teams; reports on graduation rates of~~
214 ~~student athletes by team and year; other data of relevance to the~~
215 ~~conduct of intercollegiate athletics on the Twin Cities campus, such as~~
216 ~~admissions qualifications of recruits by team, ethnic make up of the~~
217 ~~body of student athletes, and reports of discussions or essays which~~
218 ~~would be of interest to the Twin Cities Campus Assembly and to the~~
219 ~~wider University community.~~
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- 221 b. To ensure that the chair of the committee or his or her designee shall be
222 present at the regular quarterly meetings of the Twin Cities Campus
223 Assembly and shall be afforded time to report and shall be ready to
224 respond to questions concerning published reports of the committee or
225 other items of interest to Assembly members.
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- 227 c. To report all policy adoptions and changes to the Faculty Assembly Steering
228 Committee.

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d. To submit an annual report to the Twin Cities Campus Assembly.

6. General

Notwithstanding any other provision to the contrary in these bylaws, to promulgate any such policies and to take any such actions that it deems ~~necessary and~~ appropriate to ensure that intercollegiate athletics are conducted in a fashion suitable for the students, faculty, and staff of the University of Minnesota, for the University of Minnesota generally, and for the people of the State of Minnesota. It is to be understood that this is a plenary grant of authority subject only to review by the Faculty Assembly and to the final responsibility of the president and the regents for the governance of the University.

[The committee can act when it deems action "appropriate"; "necessity" should not be required.]