

Minutes\*

**Faculty Consultative Committee**  
**Thursday, December 20, 2002**  
**1:15 – 3:00**  
**238A Morrill Hall**

Present: Joseph Massey (chair), Susan Brorson, Les Drewes, Arthur Erdman, Daniel Feeney, Richard Goldstein, Marti Hope Gonzales, Candace Kruttschnitt, Leonard Kuhl, Marvin Marshak, Judith Martin, Scott McConnell, Paula Rabinowitz, Jeff Ratliff-Crain, Charles Speaks

Absent: Wilbert Ahern, Muriel Bebeau, Marc Jenkins

Guests: Randy Croce (Academic Staff Advisory Committee); Executive Vice President and Provost Robert Bruininks; Professor Joseph Warthesen

Other: Sharon Olson (Office of the Executive Vice President)

[In these minutes: (1) University participation in Arizona telescope project; (2) report from the Academic Staff Advisory Committee and discussion of P&A staff participation in governance; (3) discussion with Executive Vice President Bruininks (spending, searches, accountability riders, tuition policy, basketball and academic misconduct/plagiarism); (4) outreach]

**1. The Arizona Telescope**

Professor Massey convened the meeting at 1:20 and turned to Professor Kuhl to report on the issues surrounding the relationship between the Department of Astronomy and the telescope on Mt. Graham in Arizona.

Professor Kuhl provided a summary of the situation. The Astronomy department has for 20 years been trying to get involved in a major telescope project (the LBT project) and was invited by the University of Arizona to join this project. They are building a BIG telescope there; a gift from Hubbard Broadcasting made it possible for the University to buy a 5% share. The telescope will be the biggest and only one of its kind with ten times the resolving power of the Hubble). The arrangements with the University of Arizona are still being negotiated by the attorneys but the astronomers have reached agreement on what they want. Because of the amount of money involved, the project must be approved by the Board of Regents, which could come as early as the February meeting.

The project is located on Mt. Graham, a large mountain in southeastern Arizona, and is the site of Mt. Graham International Observatory, which already has two telescopes in addition to the new one under construction. The site has been a source of controversy since the late 1980s because of infringement on the habitat of the red ground squirrel. The dispute led to a court decision declaring the red ground squirrel endangered (the mountains there have large flat isolated peaks that develop their own ecology). The

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result was that the observatory is confined to 8.6 acres (out of 200,000 acres on the mountain and 1200 acres on the peak above 10,000 feet) and other restrictions were imposed. These issues were settled in the early 1990s.

At about that time, protestors began saying the site was sacred to the San Carlos Apache Indians; Professor Kuhi said he does not know the details about these claims. The local tribes, however, were invited by the U. S. Forest Service to public hearings about the observatory; two of them approved the project and one, the San Carlos Apaches, took no position. Later their Tribal Council passed a resolution that took a neutral stance in 1993-94.

This is what the Department of Astronomy knew in the late 1990s when it was invited to join the LBT project so it had no qualms about entering into an agreement with the University of Arizona. There have been 37 court cases related to the site; the protestors have lost every one. Therefore the department considered the issues settled.

Are the Indians the ones who are protesting, Professor Gonzales asked? The two individuals who came here are not Apaches as far as he knows, Professor Kuhi replied. He said he did not know where they came from and did not know how many protestors there are. When the group (the Mt. Graham Coalition) found out that the University of Minnesota and the University of Virginia were buying into the consortium, they came to Minnesota two and one-half weeks ago (it is not clear why; perhaps they thought this was on the agenda of the Board of Regents). They have talked to a lot of people, including him, Provost Bruininks, and Regent Hogan.

The University of Arizona did use all the means at its disposal, Professor Kuhi said, but it appeared that the situation was fully straightened out in the mid-1990s. Now the protest is being made on the basis that Mt. Graham is sacred ground; he said he did not know if this is true. The observatory is not on the peak, it is on a subsidiary site; his view is that with 8.8 acres out of 1200, there is room for everyone. The group is vocal and well-spoken. The University has sent letters to local Indian tribes (in response to letter from them after the protestors talked to them).

Professor Kuhi said he will meet with the American Indian Advisory Council on January 16; he also met with the Social Concerns Committee of the Senate. It has assigned tasks to committee members and will investigate the issues and hold hearings. Julie Sweitzer, Director of the AA/EEO office, believes the University should hear from the Indians. Professor Kuhi said he agrees--but the University should hear from official representatives of the Apaches and the tribes around Mt. Graham, not the protestors.

The San Carlos Apaches have a large reservation a few miles north of Mt. Graham and last June passed a resolution that opposes all future construction on the site. (The observatory in which the University is buying a 5% interest is considered "old" construction, since it was begun in 1993, the building is almost done, and the telescope is nearly completed.)

Is there any action the FCC should take, Professor Massey inquired? The chair should be aware of what the Social Concerns Committee is doing and talk to the chair, Professor Kuhi said.

It sounds like the telescope will be finished in any event, Professor Marshak said; the question is whether University astronomers will be involved. What other institutions are involved, Professor Speaks asked? 25% of the consortium is owned by German institutions, 25% by Italian, 25% by the University

of Arizona, Arizona State, and Northern Arizona, and the remaining 25% is to be shared by Minnesota, Ohio State, Virginia, and Notre Dame.

It needs to be understood that access to large optical facilities is not typically provided by NSF or other agencies, Professor Marshak said. Professor Kuhi said there IS a large national observatory, but with a smaller mirror, and there are two new observatories under construction, one in Chile and one in Hawaii, that are jointly owned by the NSF and by foreign countries. If Minnesota does not have a share in Mt. Graham, however, it is significantly restricted in observation time, Professor Marshak pointed out. Professor Kuhi concurred. One can make proposals for use of the Hubble, for example; one in five or six of the proposals is accepted. The beauty of guaranteed access is that they can do projects that they could not do with the Hubble.

What counsel should this Committee pass to the Social Concerns Committee, Professor Massey asked? That the Astronomy Department is amenable to discussions provided they are with representatives of the concerned tribes. It must be clear that the Department is committed to the project, Professor Kuhi added.

Dr. Bruininks, who had by this point joined the meeting, said he has tried to resolve with Vice President Gardebring who should speak for the University on this issue; it is important not to conduct a disconnected set of reviews. He urged that the Senate governance structure be in contact with Vice President Gardebring to be sure there is a balanced and reasonable assessment.

What mechanism is there to get information to the Social Concerns committee so it, too, can have an informed discussion, Professor Speaks asked? And for what purpose are they involved, he asked? The two protestors asked to be on their agenda, Dr. Bruininks said, and the committee thought it should hear what they had to say. He emphasized again that it is important the University not go off in all different directions on this matter. Professor Martin said her concern is that the Social Concerns committee has to do with the teaching and learning quality of life, not research. It is clear the committee felt there was a social issue here, Professor Kuhi said. The activists said they wanted a fair hearing for the Apaches; they will not accept the position that the department is determined to be involved with the project.

Professor McConnell related that he had spoken with Professor Kuhi about this issue and questioned whether the Senate Research Committee should be involved. He concurred with the concerns about coordination but noted two points with respect to the Research Committee: this is about research and there is a tension between Social Concerns and academic freedom. He said he did not wish to complicate the matter but said that if there is a helpful role the Senate Research Committee can play, it will be glad to do so. He said he will await direction before taking any action.

Professor Massey said he would contact the chair of the Social Concerns Committee to express the concern of the Faculty Consultative Committee and to ask that it work with Vice President Gardebring. Whether the Research Committee would be involved in the discussions was left to be decided as events unfold.

Professor Feeney urged that the Committee avoid making this a tempest in a teapot and getting people all stirred up over activities of people who are not the parties involved in the issue. The University needs to address this matter but it also has a lot of other things to do; it should take the position that

unless those who are involved represent the tribes involved, it will not spend time on it. He said he would not like to see groups of faculty get at odds with people who are not directly involved.

Professor Marshak noted that he is involved in a project (with the Homestead Gold Mine in Lead, South Dakota) that could bring up similar concerns. Part of the work is with local tribes and will use science for educational purposes for them. The tribes are interested; others, however, want to raise questions about whether the U. S. government stole the Black Hills over 100 years ago. Some people are committed to re-fighting all battles, he said. The Pine Ridge Reservation is in the poorest county in the United States; economic development could help it. Others are committed to going back to Custer.

Professor Massey thanked Professor Kuhl for the report.

## **2. Report from the Academic Staff Advisory Committee (ASAC)**

Professor Massey next welcomed Mr. Croce to provide an update on the activities of ASAC with respect to governance.

Mr. Croce explained that ASAC has been considering how the P&A staff should govern themselves. The P&A class was created in 1980 and there was also a council of eight members to advise the President. As the class matured, the council was converted to an elected body with representatives from all units. The P&A staff want to be more involved in governance and have considered several options: continue as a separate group that advises the President, create a P&A senate, or create a hybrid senate and continue ASAC. They decided to retain ASAC, to address issues specific to P&A employees, but not to duplicate existing committees and instead work with the faculty through Senate committees. This is not revolutionary, Mr. Croce concluded; many Senate committees have P&A representatives, and they are moving to coordinate P&A representation on the committees with ASAC.

One issue is problematic: about one-half the P&A staff are not qualified to be on Senate committees or in the Senate because (as required by Senate provisions) they are not in collegiate units or they hold administrative titles. They would like to see those individuals eligible for representation as well. It could be that representation on some committees (e.g., the Senate Judicial Committee, which deals with tenure issues) would be inappropriate, but expanding eligibility for some committees would make sense, Mr. Croce said.

In some cases, there could be a conflict of interest, Dr. Bruininks observed. It is not a question of a P&A majority on any committees, Mr. Croce responded, it is a question of a voice at the table. There have been concerns about administrators on committees, such as deans, and the conflict-of-interest problem is understandable in those cases, but there are many P&A employees who have no supervisory role or who would have any negative impact on faculty.

There is no timetable for these proposals, Mr. Croce said, and ASAC is open for discussion.

What Senate committees do not have P&A representation but which it would be appropriate for them to serve on, Professor Speaks asked? Finance and Planning is one, Mr. Croce said, but in the majority of cases, P&A employees are eligible to serve; whether they have representatives varies from year to year (because the membership category is faculty/P&A). There could, for example, be a

requirement for a minimum of one P&A staff member on the relevant committees, perhaps not all. There are Civil Service slots for some committees.

There are a number of P&A staff who do not hold faculty-like responsibilities (the primary criterion set by the Senate for P&A eligibility for Senate committee membership) but who could bring a valuable perspective, Mr. Croce said. This is a question of equity as well as having P&A staff help shoulder the load in governance.

Professor Martin suggested looking at the Senate bylaws to see who qualifies and be sure the Committee on Committees is aware that some P&A staff are eligible for service on committees. In terms of coordination between those P&A staff who serve on committees and ASAC, she added, that is the responsibility of ASAC. Mr. Croce agreed. He said that this is not an issue of "cataclysmic injustice" but they would like to see P&A representation institutionalized and expanded to the 2000 staff who are not now eligible. Right now those people are only represented in governance through ASAC.

Professor Rabinowitz said she favored representation in as many ways as possible, which is one of the reasons she has favored collective bargaining. At the same time, the faculty sees the continuing growth in the number of P&A staff and blurring between P&A, administration, and faculty roles, which is about undermining tenure in the long term. If the faculty do not continue to maintain the distinction between the faculty and other employee groups, the faculty are signing their own death warrant. Ever since the tenure debate--BECAUSE OF the tenure debate--they discovered a lot of people in teaching categories who were qualified to be in a faculty union. It would be good to have a more rationalized and organized way for groups to advocate for themselves; the more that occurs, however, the more the faculty question whose interests are being served, and it is not clear administrators have the same interests as faculty.

Mr. Croce said he is a supporter of tenure and would argue that if more P&A staff were faculty, that would be better, and he would like to see academic freedom expanded. The P&A staff can be allies of the faculty and they understand the problem of the erosion of faculty ranks.

Professor Feeney suggested that he, Mr. Croce, and Dr. Engstrand constitute a subcommittee of three to look at the bylaws and employee structures and bring back proposals to the Committee.

One problem is that often it is difficult to find people to serve on committees, Professor Kruttschnitt pointed out; would that be a problem if the number of slots on Senate committees were expanded to include P&A staff? Mr. Croce said it would not be.

The Committee unanimously approved Professor Feeney's suggestion. Professor Massey thanked Mr. Croce for joining the meeting.

### **3. Discussion with Executive Vice President Bruininks**

Professor Massey now turned to Dr. Bruininks for a discussion of several issues. Dr. Bruininks touched on a number of matters.

-- The President recently sent out a memo containing spending guidelines. The University does not know what will happen with the budget and there is a need to be cautious about spending; the

administration will revisit commitments that are not firm and is urging units to do the same. The intent is not to tie units in knots but everyone will be responsible for helping to solve the financial problem if the situation becomes severe.

-- Searches: Dr. Bruininks reviewed the status of several searches now underway, including those for deans of Law and the Humphrey Institute, director of the libraries, and associate dean for the Extension Service. He also noted that a search for the dean of the College of Natural Resources will also begin soon.

-- In terms of the legislative accountability riders, there will be a need for consultation on the University's responses during January; the responses will then go to the Board of Regents in February. The Committee discussed several issues, including the relationship of the University to K-12 education, system capacity and access to higher education in the metropolitan area, and graduation and retention rates. With respect to the first, Professor McConnell noted that some campuses of the University of California system have as a specific part of their mission building relationships with the K-12 system; this is both beneficial to the University as well as serving the public because the University can increase diversity as well as increase student preparedness for college. These issues need to be taken up by the Committee on Educational Policy for a more extended discussion, Dr. Bruininks concluded.

-- On tuition policy, it is not clear what will happen if the budget situation gets worse, Dr. Bruininks said. There is an institutional commitment to increase graduation and retention so there will be consideration of models to encourage more student success. It may be that not all changes will be made in one year. They will bring the results of the modeling to the Committees on Educational Policy and on Finance and Planning.

-- Is the University incurring additional debt (legal costs) in the attempt to recover funds from former Coach Haskins, Professor Kruttschnitt asked? Has there been a cost-benefit analysis of the effort? Dr. Bruininks said there has been; the University decided it has the inside talent needed to pursue the matter. Higher legal costs come when the University uses outside counsel.

As more individuals come forward and said they did work for students, that has done more harm, Professor Erdman commented, because the University did not discover what was happening for all those years. There is a fascination with stars, money, and sports, Dr. Bruininks agreed; he said he did not know what will happen but it is important that the University say it made mistakes in terms of oversight and that it has conducted internal investigations and made major changes in organization, oversight, and accountability. What was surprising to the outside investigators retained by the University was that the academic dishonesty was confined to a single sport; usually such practices are pervasive in a department where they are occurring. In Minnesota's case, it was the only sport where the academic misconduct was found within a single sport. The recommendations of the Clayton Committee that the University has adopted will make a difference in the future.

Professor Martin noted that since the events in men's basketball were uncovered there is now a culture of recognizing plagiarism. Professor Rabinowitz commented that students need lessons in what plagiarism is; it is amazing how they do not know what it is and what it means to cheat. No one is training students how to think about cheating and the result is the "culture of the replicant": students replicate material without understanding the meaning of what they are doing. Something has been started along this line in the freshman seminars, Professor Martin said, but that is only for the last two years. Dr.

Bruininks agreed that things are being done but still not the comprehensive steps that would lead to the kind of understanding that Professor Rabinowitz is talking about.

Professor Massey thanked Dr. Bruininks for joining the meeting.

#### **4. Outreach**

Professor Massey now welcomed Professor Joseph Warthesen to the meeting to discuss outreach issues.

Professor Warthesen noted that there is a Regents' ad hoc committee on outreach to help in the transition to new outreach policies and practices; the committee consists of four regents, a student, and a faculty member, plus administrators. He serves on the committee as a representative of FCC. It has met three times and the first agenda item was the report from the Minnesota Extension Service in response to the accountability rider from the legislature. The Extension Service issued a report on December 3 outlining dramatic changes for the service, including a decreased and realigned budget and a reduction in staff at the county level. It is a complex organization and there is a great deal of interest in what impact the plan will have on operations and the budget; retirement options and potential involuntary separations are considered in the report, he said. It was a thorough report, well received. It could lead to staff reductions of about 50-60 Extension Educators within the next two years. The Regents' committee has also reviewed and discussed the report.

The Extension Service will start charging for some programs, which is not part of its culture, and there will have to be arrangements made for low-income clients.

Professor Goldstein recalled that the Committee on Faculty Affairs had learned that for new faculty hires, individuals on 9-month are expected to do extension work in the summer and to raise their own salaries. There has been discussion of 9-month appointments, Professor Warthesen agreed, and faculty would have the option of adding to their own salaries for summer work.

Asked about how the layoffs would be made, Professor Warthesen said it would be best if they were made on the basis of the expertise needed; the decision will be made by the district directors and other extension administrators.

Will this decision damage support for the University because the face of the University in many counties is the Extension Service, Mr. Croce asked? Part of the plan includes putting counties together, there will be cooperation, and the operations will still be viewed as local, Professor Warthesen said.

Outreach is the broader issue, Professor Warthesen continued. Associate Vice President Mary Heltsley prepared a report that contained a number of very interesting items, he said. It reported the number of outreach events (including music, the raptor center, the law school, IT, and so on); what the University does is impressive and the report gives a picture of what it does that no one had before.

The University portal system is also a way to connect to the University--to get tickets, to register for a course, participate in research, etc.

With all of this information becoming known, has it been made available to those working on civic engagement, Professor Martin asked? There are a lot of overlapping circles with respect to outreach, Professor Warthesen commented, but there has not been a great deal of cross-fertilization with civic engagement, nor was he sure how civic engagement relates to the Regents' ad hoc committee on outreach. There are parts of the University that have been doing civic engagement kinds of things for a long time and it is frustrating that those working on civic engagement do not know about them, Professor Martin observed.

The numbers are impressive, Professor Speaks said; how does the University get the message out to the community and the newspapers? One way is to have a conversation with reporters before the legislative session, Professor Martin suggested. Professor McConnell added that reports from the deans may not always be the best source of information because the deans may not always be able to know all the details of what is happening in their colleges. He agreed that when one sees reports on civic engagement that do not include activities one knows about, the reports are not an exhaustive description of what is happening on campus. Professor Warthesen agreed that the numbers are based on surveys and do not have timeframes attached.

Professor Massey thanked Professor Warthesen for his report, and adjourned the meeting at 3:15.

-- Gary Engstrand

University of Minnesota