

Minutes*

Faculty Consultative Committee
Thursday, May 31, 2007
1:15 – 3:00
238A Morrill Hall

Present: Carol Chomsky, (chair), Gary Balas, Jean Bauer, Nancy Carpenter, Megan Gunnar, Emily Hoover, Mary Jo Kane, Scott Lanyon, Judith Martin, Nelson Rhodus, Steven Ruggles, Martin Sampson, Geoffrey Sirc, John Sullivan, Becky Yust

Absent: None counted for a summer meeting

Guests: Chair of the Board of Regents Anthony Baraga, Vice Chair of the Board of Regents Patricia Simmons, President Robert Bruininks; Professor Perry Leo (Chair, Faculty Academic Oversight Committee on Intercollegiate Athletics)

Other: Patty Moorman (Office of the Chief of Staff)

[In these minutes: (1) discussion with the President and the Chair and Vice Chair of the Board of Regents; (2) recommendations of the Coalition on Intercollegiate Athletics; (3) issues from discussions with faculty in merged colleges; (4) issues for discussion with the Twin Cities Deans Council]

1. Discussion with President Bruininks and the Chair and Vice Chair of the Board of Regents

Professor Chomsky convened the meeting at 1:20 and welcomed President Bruininks, Regent Baraga, and Regent Simmons. She turned first to the President for brief comment on the outcome of the legislative session.

President Bruininks related that there had been no line-item vetoes in the University's budget. The appropriation provides \$149.6 million in new funds in the first year of the biennium, \$10 million more than the University requested, but only \$14.3 million in the second year (the University had requested \$63.5 million). As a result, tuition will increase the second year of the biennium by a larger amount than the first year.

The President emphasized that there is NO legislatively-directed cap on the University's tuition; the increases will be 4.5% and 7.5% the first and second year of the biennium, respectively (assuming Board approval), but there will also be a one-time middle-income tuition reduction for Minnesota residents that will bring the increases down to about 2% and 5% for the two years. The did not accurately report this issue—the cited 3.5% tuition level refers to middle-income students eligible for the tuition reduction in the INCREASE for the two years, or an average of 3.5% per year for Minnesota residents with family income of \$150,000 or less.

There will be other tuition reforms as well. The administration will propose to the Regents a change in the reciprocity agreement with Wisconsin and also lower non-resident tuition; if approved, the

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

two changes will result in a net annual increase of about \$3 million to the University. He will also recommend tuition banding at the coordinate campuses.

In general the appropriation was a very good bill for the University, although there will be challenges the second year of the biennium, the President concluded. It was one of the best increases in the University's base budget in the past several decades. They may carry some funds forward from the first year to the second. It will appear that the University received considerably more money than MNSCU, but the money for the University includes funds that came through other legislative committees, including funds for natural resources research and for the University-Mayo partnership. He and the senior officers feel strongly about the competitive salary funds (in addition to the general 3.25% salary increase) and that about \$6.2 million will be delivered. The units will be asked to share about \$1 million of the total, given that they will have new tuition revenue.

Professor Balas asked about the five accountability metrics that were included with the state funding. President Bruininks said he preferred a different, more strategic, approach to accountability measures and that the University is deeply committed to accountability. He will inform the Regents what the University's accountability standards are; all of the five measures are priorities for the University and they are achievable (with the possible exception of the increase in sponsored funding research, which often varies from year to year).

Professor Chomsky turned to Regents Baraga and Simmons for their comments and noted that she had asked them to talk about anything they wished, whether it is relationships with the faculty or their vision for the University or something else.

Regent Baraga related that when he came on the Board eight years ago, the University had just been through the tenure debate. The Board had dinner with the members of this Committee, he recalled, the first gathering of the two groups since the dispute, and it was a little testy. That recollection brings to mind the unanimous vote in the Faculty Senate to approve changes to the tenure code, which shows how much the relationship between the faculty, the administration, and the Regents have improved. He said it has been an uplifting experience to see what has happened. He said that during his terms as vice chair and then chair of the Board, he has seen good working relationships with the faculty, and while there are always questions the two groups have for each other, there have been no major issues between them.

Regent Simmons noted that Regent Baraga's term as chair of the Board would end and there would be an election in June (it was noted that she is slated to chair for the next biennium). She expressed her appreciation that during the last two years, Regent Baraga engaged her a great deal, more than has been typical for a vice chair, so she has learned a lot and had a chance to interact with faculty leadership and the administration.

Regent Simmons observed that one critical task of the Board is to evaluate the President and thought it would be helpful to the Committee to know more about that Process. The President is the Board's employee; the Board is responsible for evaluating him. Regent Simmons described the process the Board uses. They form a committee of three Regents (the chair, vice chair, and one other) that has closed sessions to identify key elements of the review, interview individuals, analyze the information it gathers, and prepare an assessment to share with the President and with the public. They look at the previous year's review, the Board's key objectives for the University, and the President's work plan. They talk with a number of faculty leadership, select vice presidents, student leaders, and all members of the

Board of Regents. Sometimes, if there is a particular issue at hand, they may target specific groups for interviews. They do a targeted review, not a 360-degree review, for a number of reasons. They meet with the President in the context of a personnel review to provide feedback on accomplishments and to set expectations. In addition, the President's performance review is presented and discussed at a regular public meeting of the full Board.

Last year the Board reviewed its process for reviewing the President, Regent Baraga said, and involved those who had doubts about the process. After a lot of work, they concluded the system worked pretty well and made only a few adjustments. He said he has been involved in all of the reviews of President Bruininks, and in the first years the review concluded that he was a good president "for the time." More recent reviews have dropped the "for the time" language. Regent Simmons said they would welcome questions about the evaluation; they put a lot of time into it and take it seriously.

Professor Chomsky related that she and Vice-Chair Scott Lanyon have been involved with the Regents through the "3x3x3" meetings (Board chair, vice chair, and staff; President, Provost, and Chief of Staff, and FCC chair, vice chair, and staff), and those meetings are different from the public meetings. They help ensure that everyone can ask questions and they can hold conversations so the Board chair and vice chair know what is on the faculty's mind, and vice-versa.

Professor Martin asked what they have heard about strategic positioning as they have traveled around the state. Do people "get it"? Some do, some do not, Regent Baraga said. Those in education tend to be enthusiastic about it; most people do not understand it until someone explains it to them—and then they are enthusiastic. Regent Simmons agreed. In general the public does not know and does not care, she said, but the leadership in the state—legislative, business, etc.—care a lot about it and believe it is a good idea. She noted that she is from Rochester, where there has been a lot of discussion about the University in the last year; the people in Rochester know more about strategic positioning and are interested in how it will relate to the growth of higher education in Rochester.

Regent Baraga said he gets more questions on the new men's basketball coach and football coach. The newspapers have 10 pages of sports and the two coaches were on the front page this morning, but there is nothing about academics. When he is told the University hired good coaches, his standard response is "we graduated 6,000 students."

Professor Martin said she asked the question because two days earlier Vice President Pfitzenreuter had talked about the legislative session with the Senate Committee on Finance and Planning. There seems to be a disjunction between the budget and what the University is trying to accomplish. That was made clear to her during a recent visit to North Carolina, where the state put over \$3 billion in bonding for higher education. The University is doing reasonably well in support for facilities but is the legislature getting the message about strategic positioning? Regent Baraga said he believes it is now, although perhaps not before this year. They have awakened to how important the plans are—and did pass a bonding bill, even though the Governor vetoed it. Regent Simmons said the legislative leadership was very strongly supportive of the University.

If she is elected chair of the Board, Professor Balas asked Regent Simmons, what does she want to accomplish next year, what is her vision? She said she would like to see the Board continue to take great interest in and oversight of strategic positioning and fulfill the vision. The Board approves the plans and needs to provide the support they require. The University wants to be highly competitive, able to

recruit and retain the best faculty, students, and leadership, so the Board must be attentive to those goals and make decisions that support them. She said she would also like to see the Board be strong and one the University can be proud of because it is supportive and makes good decisions for the institution. She said she is fascinated by the concept of shared governance; she said she likes it very much because it brings a richness to decisions and she is looking forward to working that way. There are 12 Regents, each of whom wants to be the best he or she can for the University and the state.

Professor Chomsky asked about the broader role of the Regents. From Board meetings, it appears that the Board receives proposals from the administration and acts on them, and earlier discussion noted a Board role with the legislature. What role do Board members play that's not so publicly visible? Regent Baraga said there are misconceptions. Each year at the Board retreat, the Board reviews with the President and central officers what it wants to accomplish during the next year. It may appear that proposals come de novo to the Board from the administration, but that is not true. The Board challenges the administration to do things. The meetings may appear rote but there are a lot of one-on-one and two-on-one dialogues, he said—but no secret meetings, he assured the Committee.

The Board of Regents is not accountable to the University, Regent Simmons observed, but to the state, to see that the University uses its resources wisely and that it succeeds. The Board wants to inspire a vision and inform the state; the Regents are advocates for the institution and recognized in their communities as advocates. They speak both publicly and privately on behalf of the University, they have or create relationships with legislators and other leaders, and try to manage and understand public opinion.

At the annual retreat, the President said, the Board assesses where it has been, where it wants to go, and what issues the Board needs to address. The next meeting will have a special session on tuition. The retreat identifies priorities and each Board committee establishes a work plan for the year. There are many things the Board must affirm, but many of their activities are playful and strategic. And every Board meeting has several accountability reports, he pointed out.

The President said he thought there has been an extraordinary run of about ten years of great relationships between the faculty, the administration, and the Board. When those relationships work well, good things happen at the University, even in the face of adversity. When they do not work well, bad things happen. It is not a cozy relationship and it should not be; they should challenge each other because that is the nature of a great academic institution. It is, however, important to have a Board of Regents work well with administration and faculty, even if there are differences of opinion. There have been bad times, with Board members reaching down into departments to manage and a failure to support the leadership; now the Board makes hard decisions and makes them stick. The relationship among the three groups, however, "is sort of unique" in higher education.

They are just starting to work on the retreat, Regent Simmons said, and will, in July, set the Board's work plan for the year and its priorities. The President attends part of the retreat. When matters come to the Board, it all seems very pat, she said, but there is a long process behind what occurs. She surmised that the Board will be very supportive of the tenure code changes because of the nature of the recommendations and the robust consultative process that led to the proposed changes. That is shared governance at work, she said.

Professor Sirc said that as chair of the Senate Committee on Faculty Affairs, he attends the meetings of the Regents' Faculty, Staff, and Student Affairs Committee. He did not know what to expect when he began and said he has been impressed by how knowledgeable the Board members are and by the questions they ask. His advice, he said, is that the Board should keep on doing the good work it has been doing, keep on doing its homework, and keep on asking astute questions. Regent Baraga said the Board members receive the minutes of the Senate committees and it is surprising the number of Board members who read and comment on them; they provide a lot of good information.

Professor Lanyon said he attends meetings of the Board's Audit Committee and also did not know what to expect. In his experience very little slips by and there are great questions. Clearly, Board members take the job very seriously and they are to be congratulated for running a great operation.

Professor Carpenter said she understood that it is sometimes difficult to keep the entire University in mind and they appreciate it when the Board visits the Morris campus—and the other campuses.

Professor Rhodus said, apropos the accountability measures, that University community members want to be accountable to the state and it is reassuring to know that Board members represent the University. The University knows the state invests a lot of money in it and it wants to be accountable in the right ways.

Several FCC members will meet with the new Regents, Professor Chomsky observed; what do Regents Baraga and Simmons wish they had known when they came on to the Board? What would it be helpful to share? Regent Baraga said it would be helpful to know that everyone is on the same team. He said he was not sure how it would be to work with deans and professors and it will be helpful to new Regents to know that everyone is working together. All four of them are very bright people who support the University and who are eager learners, Regent Simmons said.

Regent Baraga noted that this would be his last meeting with the Committee and recalled that he has gotten to know many of the faculty leaders. He said he will miss those meetings—although he will not miss being Chair of the Board.

Professor Chomsky thanked Regents Baraga and Simmons and the President for joining the meeting. Committee members gave both Regents a round of applause.

2. Coalition on Intercollegiate Athletics

Professor Chomsky welcomed Professor Perry Leo to join Gary Engstrand in discussing the recent meeting of the Coalition on Intercollegiate Athletics (COIA, a group of about 55-60 Division I faculty senate leaders from around the country seeking to achieve reforms in college athletics). She noted that Professor Leo was the FCC representatives at the meeting and that Dr. Engstrand serves on the Steering Committee of the Coalition as one of three representatives from the Big Ten Conference.

COIA developed and worked on a draft document at the meeting, Professor Leo reported, devoted to four areas of reform; he reviewed the recommendations, which eventually will require a vote by the Committee (on behalf of the Faculty Senate):

-- Academic integrity, which covers several items.

(1) Admission and Recruiting Policies:

"student-athletes should be admitted based on their potential for academic success and not primarily on their athletic contribution to the institution. General admissions policies should be the same for all students, student-athletes and non-student-athletes"

"the academic profiles of freshmen or transfer student-athletes as a group and by sport should be similar to those of the entering freshman class or the non-athlete transfer cohort, as applicable. Data on the academic profiles of entering student-athletes and non-student-athletes should be reviewed at least annually by the Campus Athletics Board or the campus faculty governance body"

"special admissions of freshman and transfer student-athletes should reflect the same philosophy as special admissions of non-student-athletes. Data on the academic performance of student-athlete special admits should be reviewed at least annually by the Campus Athletic Board or the campus faculty governance body"

"faculty should be involved in developing and overseeing campus policies regarding recruiting of student athletes."

(2) The Primacy of Academics:

"no academic programs or majors should be designed specifically for student-athletes or created for the purpose of allowing student-athletes to maintain their eligibility. Qualified student-athletes should be allowed and in fact encouraged to pursue the major of their choice and to have the same access to academic classes and programs as other students without explicit or implicit athletic consequences. Data on student-athletes' choice of major should be gathered and evaluated by the campus faculty governance body or the Campus Athletic Board and should also be provided to all prospective recruits"

"to preserve academic integrity, the campus faculty governance body or the Campus Athletic Board should monitor student-athlete enrollment by course."

"Academic Progress Rate (APR), Graduation Success Rate (GSR) and other available graduation rate data should be reviewed annually by the campus faculty governance body to sustain processes that will improve the academic success and graduation rates of student-athletes"

"the NCAA should continue to enforce rigorously contemporaneous and historical penalties for teams and institutions that fail to meet NCAA APR AND GSR standards."

-- Student-Athlete Welfare Reforms, which includes several items.

(1) Athletics Scholarships: "Athletics scholarships should be awarded on a year-by-year basis with the presumption that they should be renewed up to four times for a total award of five years, or until graduation, whichever comes first, for students who are in good academic standing, conform to campus codes for student behavior, conform to the athletics department's standards of conduct, and adhere to team rules. Institutions should establish criteria and a mechanism for revoking a scholarship. The final authority for revoking a scholarship should rest with the campus' chief financial aid officer or with the

chief academic officer."

(2) Competition and Practice Scheduling: "Individual athletic competitions, as distinct from conference, regional and national tournaments and championships, shall not be scheduled during final exam periods without an exception granted by the Campus Athletics Board or equivalent. Individual athletic competitions and associated travel should be scheduled to minimize lost class time. The certification process should include a request for institutional policies demonstrating how lost class time is minimized."

(3) Integration into Campus Life: "Administrators, faculty and athletic departments should mitigate the time demand on student-athletes to allow them to pursue the full range of educational experiences open to other students" and "life skills and personal development programs for student-athletes should have as a goal the integration of the student-athlete into the rest of the student population. These programs should help student-athletes develop an appropriate balance between their athletic time requirements and their paramount need for academic and social integration."

(4) Campus Integration of Academic Advising for Student-Athletes: "Academic advising and academic support for student-athletes should be structured to give student-athletes as valuable and meaningful an educational experience as possible and not just to maintain their athletic eligibility"

"the academic advising facility for student-athletes should be integrated into and report through the existing academic advising structure and not through the Athletics Department"

"the campus academic advising structure or the office of the chief academic officer should have oversight of and regularly review the academic advising of student-athletes"

"athletic academic advisors should be appointed by and work for the campus academic advising structure and not solely for the Athletics Department."

-- Campus Governance of Intercollegiate Athletics:

"Each NCAA member institution should establish a Campus Athletic Board. The charge of this Board should be to monitor and oversee campus intercollegiate athletics. A majority of Board members should be tenured faculty who should be appointed or elected through rules established by the campus faculty governance body. The chair of the Board should be a senior (tenured) faculty member. An Athletic Director should not be chair. If he or she is not the chair, the Faculty Athletic Representative should be an *ex officio* voting or non-voting member of the Board"

"major athletic department decisions (*e.g.*, hiring of the athletic director and key athletic department personnel, changes in the total number of intercollegiate sports, initiation of major capital projects, *etc.*) should be made in consultation with the Campus Athletic Board and leaders of the campus faculty governance body and appropriate faculty committee(s)"

"the Faculty Athletic Representative (FAR) should be appointed by the University President based on recommendation by the campus faculty governance body. The FAR appointment should be made for a specific term and a review of the performance of the FAR should take place prior to reappointment. Such

a review should include meaningful participation by the campus faculty governance body, or the Campus Athletic Board"

"the Athletic Director, Faculty Athletic Representative and the Campus Athletic Board chair should report orally and in writing at least once a year to the campus faculty governance body. Their reports should include a focus on academic benchmarks including the APR, GSR, graduation rates and the percentage and progress of student athlete special admits"

"faculty leaders of campus faculty governance body should report annually to the University President that (1) the faculty has been able to fulfill its responsibilities in regard to athletic governance, or (2) specification of the obstacles that have prevented it from doing so. These reports should be made available to the NCAA during re-certification."

-- Fiscal Responsibility: "The Athletic Department's budgets, revenues and expenditures should be transparent and aligned with the mission, goals and values of the institution. The University President should take the lead to ensure that fiscal reports, including dash board indicators as listed in the 2006 NCAA Presidential Task Force report, are issued annually and made available to the campus faculty governance body. The President should work closely with faculty leaders, existing faculty committees, and athletic department personnel to achieve these goals"

"the overall annual growth rate in the Athletic Department's operating expenditures should be no greater than the overall annual growth rate in the university's operating expenditures"

"the athletic department budget should be integrated into the university general budget where feasible. Prior to expenditure, the proposed athletic department budget should be evaluated in the same manner and using the same processes as the academic budget"

"the University President should take the appropriate steps to fuse athletic fundraising efforts into those of the rest of the university, including eliminating separate, athletic-only 501(c)(3) entities and establishing faculty representation on the board of the institutional fund-raising entity"

"commercialization policies in athletics should be comparable to other commercialization policies conducted throughout the University and should include meaningful faculty participation in their oversight."

The recommendations are fairly innocuous when compared with what is already done on the Twin Cities campus, Professor Leo commented. The NCAA President, Myles Brand, and two of the other senior officers of the NCAA were present for most of the COIA meeting; the NCAA would like to have a statement from the faculty group, COIA, endorsing what it is doing in enforcing academic standards. It is important that the faculty stand with the NCAA on academic standards, he said.

Many of the recommendations will be incorporated in the certification process, so will not be implemented immediately, but will have an effect as institutions go through the once-in-ten-years certification process. If all the recommendations were carried out, Professor Leo said, faculty would be more informed and would have better oversight of athletics.

Professor Chomsky thanked Professor Leo for his report.

3. Issues from Discussions with Faculty in Merged Colleges

Professor Chomsky announced that the next portion of the meeting would be closed. The Committee must review the issues raised when she and Professor Lanyon met with faculty whose departments had moved in the mergers, and identify which issues to convey to which administrator. This is a very delicate matter, she said; people in the discussions wanted information used so it would affect how things go forward and are done in the future, while some of the points cannot be divorced from individuals or departments and confidentiality must be maintained as the information is used. What should be brought to the Provost on behalf of the Committee, she inquired?

Several points were made in the conversation that can be noted here. Other points will be raised directly with administrators in a fashion designed to protect confidentiality while striving to represent the concerns of faculty.

-- The Committee has to be alert to whether the concerns expressed are widely shared or are the concerns of only a few individuals who may be faster to complain when others do not see a serious problem. (Professor Chomsky said she believed most of the issues were serious and widely-shared)

-- One faculty member was so scared he/she would not talk to the Committee despite guarantees of anonymity and that materials would be scrubbed before they are made public. (Professor Balas said he found this shocking and wondered about the status of academic freedom if a faculty member feels this way.)

-- The items the Committee will raise will not be specific to departments (which are important but not within the purview of this Committee to deal with).

-- There is a need for University resources to help departments and colleges with culture change.

-- There is a need to look carefully at Section 12 of the tenure code, "Programmatic Change," and what exactly it means.

4. Issues to Bring to the Twin Cities Deans Council

Professor Chomsky asked Committee members to look over the list of issues she and Professor Lanyon propose to raise with the Deans Council and advise of any other issues that should be covered. She adjourned the meeting at 3:15.

-- Gary Engstrand

University of Minnesota