

Minutes\*

**Assembly Steering Committee  
April 29, 1993  
10:00 - 11:00  
Room 226 Appleby Hall**

Present: Mario Bognanno (chair), John Adams, David Dahlgren, Amos Deinard, Judith Garrard, Robert Jones, Anne Sales, Denise Tolbert, James Tracy, Shirley Zimmerman

Regrets: Benjamin Liu, Karen Seashore Louis, Toni McNaron, Irwin Rubenstein

Absent: Tess Sheir

Guests: Norman Chervany (Chair, Assembly Committee on Intercollegiate Athletics), Vice President Marvalene Hughes, Buffy Shannon (Student Affairs), Michael Wade (Director, Kinesiology and Leisure Studies and member of the ad hoc committee on athletics)

Others: Rich Broderick (Footnote), Paul Holm, Harvey Peterson, James VanAlstine

[In these minutes: restructuring the Assembly Committee on Intercollegiate Athletics; smoking policy]

**1. The Assembly Committee on Intercollegiate Athletics**

Professor Bognanno convened the meeting of the Steering Committee at 10:10 and welcomed Professor Chervany, chair of the Assembly Committee on Intercollegiate Athletics (ACIA). Before turning to the business at hand, however, he introduced Professor Robert Jones, who has been elected by the other members of FCC to begin his term early, filling the vacant seat that was formerly assigned to the Duluth campus. The other new members of the Faculty Consultative Committee are James Gremmels (Morris), Geoffrey Maruyama (Education, who joined the meeting later and was introduced), and Harvey Peterson (Crookson, who also joined the meeting later and was introduced).

Professor Chervany thanked the Committee for affording him time and distributed a number of items related to the report of the ad hoc committee on intercollegiate athletics chaired by Professor Shapiro. Professor Chervany said that ACIA agrees with a large number of the changes suggested by the ad hoc committee, but that there are three areas of large, substantive disagreement. He said he did not believe that that ad hoc committee made its recommendations lightly, but ACIA simply disagrees with them. The recommendations he is presenting today, he told the Committee, have been unanimously endorsed by ACIA.

The most fundamental disagreement is over ACIA membership. The ad hoc committee recommended, initially, that ACIA be all faculty; it subsequently revised its recommendation to 9 faculty and 3 students. All other constituents--civil service, P&A, and alumni--would be removed, and the voting

---

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

authority of the two faculty representatives would also be removed.

The thrust of this change, Professor Chervany said, appears to be to strengthen faculty control. ACIA already believes there is faculty control. ACIA does agree, however, that the number of faculty members should be increased from 6 to 9--but in order to get the work of the committee done. There may, as a byproduct, be increased faculty control, but Professor Chervany said that was definitely not the motivating factor in recommending the increased number of faculty members. ACIA categorically disagrees with the proposal to remove other constituents and to remove the voting power of the faculty representatives.

Professor Chervany said that the function of ACIA is best served when all stakeholders in the University community are represented on the committee. The diversity of opinion is valued, he said, and people take their responsibility seriously. The faculty representatives are VERY knowledgeable people who ACIA want on the committee; since they come from the ranks of the faculty, it is to the University's advantage to have them as voting members.

The diversity of ACIA membership, he told the Committee, was also supported by the NCAA. While ACIA was debating the report of the ad hoc committee, the University coincidentally was also going through a voluntary compliance audit with the NCAA. The audit team met with ACIA, and said that faculty control is critical and the diversity of the committee is important.

The second disagreement ACIA had with the ad hoc committee was about whether or not ACIA should be involved in drafting reports to compliance bodies (as opposed to simply receiving the reports). ACIA is a policy-setting committee, Professor Chervany said, that makes recommendations to the President and the Assembly; they do not believe they should manage the athletic departments--they do not have the expertise or resources to do so, and doing so would not be good institutional management. The role of ACIA is oversight and to set the context, not micro-manage. The University has a compliance officer to make reports; ACIA does receive regular reports from him. ACIA should look at the reports and recommend changes in management practice if appropriate.

The third place ACIA disagrees with the ad hoc committee is in budgeting; ACIA does not believe it should be involved in budgeting at all, as called for by the ad hoc committee. It is not appropriate for an Assembly committee to be involved in budgeting; the athletic departments prepare their budgets with the supervision of Senior Vice President Erickson's office. If ACIA sees performance problems, it can make recommendations for change, but the managers should manage. It would be unique, he added, for an Assembly committee to be involved in line item budget preparation.

The athletic directors were present for the ACIA discussions of the ad hoc committee report, Professor Chervany said in response to a question, but they are not voting members of ACIA so did not vote on the recommendations.

In terms of budgetary oversight, Professor Chervany agreed with the observation that the athletic departments are not academic, but they are major budgetary units. Men's athletics is self-financing; the women's program receives a large percentage of its budget from a State Special appropriation in addition to raising revenue.

Professor Chervany said he was comfortable with ACIA's recommendations to the Steering Committee. The ad hoc committee and its report, he said, are from a time past; he cannot speak to what occurred in the past. The view of ACIA is that the committee structure and bylaws are not the issue; the ad hoc committee recommendations reflect a lack of trust in ACIA--which ACIA believes should be solved by getting the parties together and working on, rather than reorganizing the committee. Professor Chervany related a couple of anecdotes, with respect to the academic performance of athletes, which suggest that the situation is not all negative by any means.

One Committee member recalled that he had been at the meeting with the NCAA representatives and said he personally thought there had been an unhealthy tension; on that slim basis, he said, he would support the recommendation of the ad hoc committee to restructure ACIA.

In terms of receiving reports, he continued, is there not a third possibility? That is, instead of receiving them (as at present), or being involved in drafting them (as proposed), could it not review and approve them after they had been prepared? "Receive" seems somewhat passive; approval would involve the committee but would not require participation in report-writing. Professor Chervany said that might be a possibility but that there are details that would need to be worked out. He provided an example of one report that is made automatically and immediately to the Big Ten Conference (the self-report of inadvertent rules violations)--timing becomes a question: the requirement of prior approval by a committee that meets every 2-3 weeks could impose unnecessary bureaucratic delays. Professor Chervany agreed, however, that the PRINCIPLE of committee approval was not a bad one, although mechanical details would need to be worked out, and said he would like to raise the issue with ACIA.

Another question was asked about the role of ACIA in the budget process. The ad hoc committee report notes that its bylaw recommendation (to involve ACIA in budget-setting) implements the recommendation of the Page-Merwin committee report. The Steering Committee members do not have the Page-Merwin committee report, and since the only language concerning budget in the ad hoc committee report is not connected to the proposed bylaw change, it is not clear what the rationale for the recommendation is.

There is no doubt among ACIA members about the link--in ANY unit--between money spent and the performance obtained, Professor Chervany responded. The question at hand is who is best able to make decisions. ACIA believes it is the line officers, with strategic advice from ACIA as appropriate. Approximately \$600,000 is spent on academic counseling, which ACIA sees as a "good" expenditure when one considers the results. Presumably the Assembly wishes ACIA to look at the athletic departments, and if it sees something that is not on track, to work to fix it. But ACIA does not have the expertise to be involved in budgets. It can say it is "troubled by" something, and can ask if it can help, but ACIA should not be involved in management. There appeared to be agreement at the meeting that the rationale for the budget recommendation was not clear.

The ad hoc committee report calls for the periodic review of the academic performance of student athletes; does this, asked one Committee member, mean moving away from reviews by team? ACIA will approach the reviews on a team-by-team basis. He acknowledged that the academic audits were not conducted last year, for reasons he was uncertain about. This year, however, one audit has been completed and two more are scheduled. Even this pace is slower than what is desired, he said, which is the reason ACIA is recommending the addition of three more faculty. One ACIA member, in addition, is

working with the academic counseling office to set up a three-year schedule of reviews beginning in Fall 1993, so counselors are prepared with data for each review and so that the review makes sense in the schedule of the coaches.

Asked about the ad hoc committee recommendation that ACIA members be nominated by the Steering Committee rather than the Committee on Committees, Professor Chervany said ACIA had not deliberated that point and had no opinion on it. It is up to the Assembly to decide how to nominate; what is important is to get the most talented people. It was suggested that the Steering Committee is not the appropriate body to make the appointments; it would be too much of a burden.

Professor Bognanno inquired of the Committee how it wished to proceed. It has two clearly different recommendations for ACIA membership in front of it. There are other recommendations from the ad hoc committee that should also be taken up, he pointed out, but the Steering Committee can deal with those at a later meeting. The membership question, however, can be resolved. He reported that he has been requested by the civil service and alumni staff to consider taking a straw vote, and if it appears that the ad hoc committee recommendations would be adopted, then action be held over until they (civil service and alumni representatives) are given the opportunity to speak with the Steering Committee.

One Committee member spoke in favor of acting now, rather than delaying, and urged that the ad hoc committee recommendations, except for involvement in the budget, be approved. The non-faculty, non-student members should be removed from ACIA, it was said; to simply add three faculty makes the committee too large.

Another Committee member inquired about the rationale of the ad hoc committee recommendation. Professor Bognanno said he believed that the ad hoc committee sees ACIA as dealing with academic issues and that there are too many non-faculty on it. Professor Shapiro, however, picked up the feeling, from his meeting with the Steering Committee, that there was sentiment for restoring students to membership, although no one else; the ad hoc committee then amended its report to provide for 9 faculty and 3 students.

ACIA deals with academic issues, Professor Chervany reported, both in the broad sense and especially for student-athletes of color. The committee is involved in a development program for student-athletes as whole persons, including career assessment, legal education, and so on. He said he has not sensed tension in the committee, finds all members involved in it, that it is not cumbersome, and that if the committee is to do what is right academically, the participation of all constituents is needed.

ACIA is saying, observed one Committee member, that the heart of the ad hoc committee report should be removed. Professor Chervany agreed; that the problems should be solved with good people focused on the right task.

Another Committee member said he would like to have a straw vote, because there are parties at interest who should be heard. ACIA should be clear on its role, it was said, as a policy-setting body concerned about outcomes. Problems are not solved with structural changes but rather with good people-whose feet should be held to the fire for performance. It does seem, however, that the composition recommended by ACIA makes sense.

A straw vote was taken; four members of the Committee expressed support for the ACIA recommendations. Two Committee members said they wished to hear from the other parties, so would not cast a vote. Professor Bognanno said a meeting could be arranged. What is not clear, said one Committee member, is the contribution of alumni and civil service members of ACIA, given the responsibilities of ACIA. It was recalled again that the NCAA representatives had endorsed the diversity of ACIA, but the contributions of the alumni and civil service representatives needed to be explained.

Another Committee member said he could not find the rationale for all-faculty committee; it appeared to be that the NCAA requires faculty control, so all non-faculty were removed. There is no justification for removing non-faculty except for faculty control, Professor Chervany observed, and an all-faculty committee is NOT required by the NCAA, nor are there many such committees at other institutions. The implication is that the non-faculty members of ACIA are standing in the way of what the faculty wish to do; he said he has not seen that happen during his tenure on ACIA. The faculty have a voice, and influence. But alumni and civil service are important groups on campus and should be heard. His philosophy, he told the Committee, is that if a group will be affected by decisions, it should be heard from and participate. The ad hoc committee has only grudgingly revised its report to include students on ACIA, he reminded the Committee.

One Committee member said he recalled the discussion differently--that the recommendation was not directed at students, but rather at all non-faculty on ACIA. There are other committees (such as curriculum committees), it was pointed out at the last discussion, so it was not seen as unreasonable to have students on ACIA. No one, however, made a similar case for civil service or alumni representatives.

Professor Bognanno then asked Professor Wade to make a few remarks. Professor Wade recalled that when Professor Ibele set up the ad hoc committee, he asked that there be a "healthy tension" between ACIA and intercollegiate athletics. The ad hoc committee looked carefully at faculty control; the focus was entirely on academic issues, which are the prerogative of the faculty. It is difficult for this Committee to get an historical perspective; the problem has never gone away, and the length of Professor Chervany's tenure on ACIA is not sufficient experience.

Another point, Professor Wade said, has to do with the social dynamics of the meeting: faculty members in the room (when ACIA meets) feel it difficult to fulfill their role. The President's people are there (including the faculty representatives, who are honorable people who hold faculty rank). Faculty rarely get a chance to look at NCAA proposals and see how the University casts its vote on legislation.

Professor Wade made a number of other points:

- One can say that all is fine--until next time. There have been a lot of "next times."
- The faculty in the past have been the "good guys." The faculty representatives are faculty in a sense, but they are appointed by the President. They have also been there a long time without a great deal of review.
- Civil service, alumni, and students are important to the community effort behind athletics--that is not the issue. The issues before ACIA are strictly academic, which are the prerogative of the faculty.

What about only faculty being involved in academic oversight and the other groups being included for non-academic matters? The academic audits, Professor Chervany reported, are conducted exclusively by faculty members. So it appears that there is this distinction now, it was said.

One Committee member said that if the subject is to be brought back to the Steering Committee, he would like to hear discussion about whether or not ACIA cannot perform its oversight function, or if it is not being held accountable to do so. To whom does ACIA report? Who decides its work? Who holds it to deadline? Professor Chervany agreed that this is a very good question; he said he assumed ACIA owes status reports to the Steering Committee about the issues, discussions, and conclusions it reaches--and that there may have been a gap there. ACIA is doing its work, although it did get off to a late start because it did not have a chair until well into fall quarter.

It was agreed that Professor Bognanno would invite alumni and civil service representatives to the meeting of the Committee on May 6.

## **2. Smoking Policy**

Professor Bognanno next welcomed Vice President Marvalene Hughes to present the proposed policy to ban smoking on the campus. Dr. Hughes began by providing the Committee with the background to the development of the report. The committee that developed the report was large (25 people) with representation from many constituents. The committee received reports from, among others, faculty experts in second-hand smoke and from Regent M. Elizabeth Craig, a leader in promoting smoke-free environments.

The committee will issue its final report June 3, 1993, and is prepared to recommend that the campus be entirely smoke-free beginning August 2 (a Monday). The committee is philosophically unanimously in favor of a smoke-free campus, and in favor of achieving it with peer support rather than sanctions. Implementation of the policy would rest with a smoking policy review committee to be appointed by the Provost.

The policy has been approved by the Senate Committee on Student Affairs, the Senate Committee on Faculty Affairs, and the Social Concerns Committee, and is now ready to be placed on the docket of the Campus Assembly.

The Coffman student board, Dr. Hughes reported, has passed a resolution asking that there be a smoking section in the union; that request will come to the review committee. At present there is no way, with existing ventilation, to prevent the spread of second-hand smoke, and the committee, up to now, has remained firm that the entire campus should be smoke-free.

It was noted that outdoor smoking will not be banned, and that adequate provision for ashtrays should be made. They need to be away from the entries and lobbies, it was pointed out, so people do not have to enter buildings in a cloud of smoke.

The Committee unanimously endorsed the policy and voted to place it on the docket of the May 20 Assembly meeting.

Assembly Steering Committee  
April 29, 1993

7

The Committee adjourned at 11:40.

-- Gary Engstrand