

Minutes*

**Senate Consultative Committee
Assembly Steering Committee
Thursday, November 18, 1999
2:00 – 3:30
Room 238 Morrill Hall**

- Present: Fred Morrison (chair), Linda Brady, Susan Brorson, Mary Dempsey, Meggan Ellingboe, Stephen Gudeman, David Hamilton, Roberta Humphreys, Jed Ipsen, Mary Jo Kane, Leonard Kuhi, Judith Martin, Joseph Massey, V. Rama Murthy, Paula Rabinowitz, Jason Reed, Tiffany Stedman, Aaron Street
- Absent: Sabeen Altaf, Les Drewes, Reid LeBeau, Jeff Ratliff-Crain, Chaz Rice, Kerstin Trimble, Mark Uszenski
- Guests: Professor Kathryn Sedo (Assembly Committee on Intercollegiate Athletics)
- Others: Maureen Smith (Institutional Relations); members of the media

[In these minutes: athletics governance]

Professor Morrison convened the Senate Consultative Committee and Assembly Steering Committee at 2:00, and announced that the original schedule had called for the Faculty Consultative Committee to meet with President Yudof from 12:30 to 1:30. Because the President was working on his statement concerning athletics, however, that meeting was not held. The statement will be released tomorrow at 2:00. He said he had asked that this Committee be provided an advance copy of the statement, and it will be available at a meeting to be held tomorrow at 1:30 in 488 Children's Rehab Center. The meeting will be closed in order that the Committee can formulate its response to the President's statement. He suggested that the Committee will not come tomorrow to position upon which it votes, but he does wish it to discuss the statement so that he can make a statement based on the discussion.

Professor Morrison then distributed copies of proposed Assembly bylaw amendments, which follow in large part the recommendations of the Clayton committee report and the discussions that were held at the meeting last week. His original thought was that the Committee would act on the bylaws today and bring them to the Assembly for action on December 2. Since then, he has concluded that the Committee should not move so quickly, and that it should give the proposals more thought, especially since some of the proposals require the cooperation of the President. At this point, he observed, the President does not have time seriously to consider what the Committee might suggest. It would be better to take final action on the bylaws later, and bring

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them to the Assembly in late January or early February. Another reason not to rush, Professor Martin added, is that some of the changes will also require regental approval.

The draft bylaw proposal would replace the current Assembly Committee on Intercollegiate Athletics with two committees, Professor Morrison began. One (Faculty Academic Oversight Committee for Intercollegiate Athletics, or FAOCIA) would focus exclusively on eligibility and compliance issues and would be separated physically and intellectually from the athletic departments, and would not deal with other issues. The second committee would deal with other matters, would encourage compliance and deal with gender equity, and increase cooperation between the two departments of athletics.

The Committee then discussed the proposal; there were a number of major issues.

Should FAOCIA be comprised of a majority of tenured faculty? If it is to review every transcript of every athlete every semester, and were composed of 12 members who might do the reviews in groups of two or three, that would mean each member of the committee would look at 100-150 transcripts. The proposal called for three members of the committee to be advisers from undergraduate colleges. Professor Kane pointed out that if the concern is about power, some of the P&A staff are not tenured. Professor Martin reported that the Clayton committee wanted people who were full-time employees, committed to the institution, and that there are P&A staff with continuous appointments. It was agreed that members of FAOCIA should have tenure or continuous appointments.

Professor Marshak observed that the committee will need staff support; of 800 transcripts of athletes, 700 will be unremarkable. But there are curricular nuances of which the faculty will be unaware but about which professional advisers will know, and the help of the latter group will be needed. It will be desirable to have people who are immune to pressure, and the committee will need staff support to help winnow the transcripts down to the ones that pose a problem.

Professor Morrison said that one concern was whether or not 12 people could be found who would be willing to serve. Professor Hamilton pointed out that technology could help in the reviews, rather than assuming that there would be review of paper transcripts. Professor Murthy recalled that there had been talk of released time for the committee; if that were provided, it would not be necessary to have 12 people. Professor Morrison said he did not believe it appropriate to suggest released time for an entire committee, although perhaps it would be appropriate for the chair and the faculty representatives.

What happens if the committee finds that someone is not meeting standards, Professor Dempsey inquired? They will be declared ineligible, Professor Morrison said.

There are two kinds of problems, Professor Marshak explained. One is when a student gets bad grades or does not pass enough credits; a computer scan will provide that information. The second problem is whether a student is taking courses that do not go anywhere; that is much harder to identify.

Professor Sedo reported that the Registrar's Office looks at the records every term for number of credits and GPA, and the University must certify to the NCAA that this is being done. The second problem that Professor Marshak identified is much more difficult to get at. She said that she or members of this Committee should not make that judgment, because they have no clue what makes up good undergraduate performance in that respect. Professor Marshak asked if due process requirements needed to be defined; Professor Sedo said that there would need to be processes in place on how to approach these evaluations.

ACIA has looked at teams, Professor Sedo reported, to try to identify structural issues that might be causing problems. They also received reports from counselors on individual students' performance. The counselors have to be involved in the process.

Who is making such prescriptive analyses for every other student, Professor Rabinowitz inquired? There had been discussion at the meeting last week about all the attention given to athletes; this represents another level of attention. Professor Morrison agreed that it was more attention, but responded that the University is not giving general students scholarships. When varsity athletes are not moving toward degrees, and there is a terrible graduation rate in some sports, one should ask if those athletes are really here as students.

There are two functions involved and this committee has both, Professor Gudeman said. They must deal with problem cases as well as provide oversight on how this is to be done. He said he was not sure that faculty should be involved in the details, but should focus on the major issues.

Professor Kane said that if FAOCIA was charged with dealing with the dicier cases, where athletes are simply staying eligible so they can play, there need to be policies and procedures. Will it say to coaches that the courses being taken are going nowhere? Will it say that the athlete is not eligible to play for this university? Who makes the cut off? Who imposes the punishment? Such decisions will not be in concert with what other schools are doing and will put the University at a recruiting disadvantage. If, however, the intent is to be serious about faculty oversight, this is where the Committee should make its stand.

Professor Morrison referred to an item in the draft bylaw proposal, which calls for the FAOCIA to establish University standards for progress to a degree in addition to NCAA and college standards, to make provision for informing students of those standards, cautioning students who appear not to be making progress, and to declare ineligible those for whom problems persist. The committee would also have the responsibility to hear eligibility and compliance appeals.

Professor Sedo pointed out that an appeal process is already in place. She noted that University academic standards for athletes are already higher than those of the Big Ten or NCAA, and that while the University has no authority to waive the Big Ten or NCAA standards, it can waive its own standards, and there have been appeals in these cases. This is different, Professor Kane said; the students could be technically eligible but "going nowhere" academically. Professor Sedo responded that there are both NCAA and University standards requiring students to declare a

major after 60 credits; athletes have bumped into this problem, because they may have the 2.0 GPA required but they may have trouble getting into a degree program.

One concern is why athletes are have this difficulty, Professor Morrison said. Professor Martin said that SCEP taken to the Senate policy that had been adopted that eliminated second-tier admissions standards; no major or program may reject a student with a 2.0 without the approval of the Provost. Before that policy was adopted, some programs had higher admissions standards. A department or program may, however, have space limitations or resource constraints, in which case it may take the more highly-qualified applicants. Professor Marshak commented that one needs a 3.7 GPA to get into the Carlson School, and added that since General College does not offer degrees, students coming out of GC have a problem.

Professor Sedo noted that the average student at the University has 2.3 majors, so there are a lot of false starts. With changes of major, there could be a lot of courses on a transcript that look like they do not fit into a program. Regardless of the size of FAOCIA, Professor Martin concluded, it will be important to have academic advisers on it, because they catch things like this all the time. It will also help because otherwise the demands on the time of the staff in Academic Counseling and Student Services in athletics would be excessive, Professor Sedo added. The Committee should consult with Dr. Blanchard, the director, about this issue, she said.

Who should appoint FAOCIA, Professor Morrison inquired? He had outlined three possibilities. The Committee agreed that this Committee should nominate the members, in consultation with the President and the Committee on Committees. The ex officio members proposed are the Director of Compliance, the Director of Academic Counseling, and the faculty representatives. Should the faculty representatives be members? He asked Professor Sedo about their role.

Professor Sedo recalled that Professor Chervany had noted that the faculty representative can recommend waiving Big Ten and NCAA rules on a short-term basis. She said that the NCAA only talks to a few people at an institution: the President, the Athletic Director, the Faculty Representative, and the Director of Compliance. The faculty representative is the one who is involved in eligibility and compliance issues. So, Professor Morrison concluded, the faculty representatives should be on the committee; the Committee concurred. He pointed out that the athletic directors are NOT members of FAOCIA, but they should be available for consultation; this structure is intended to separate management from regulation.

Professor Sedo made the point again that the compliance office plays two roles, education and investigation. There are a lot of compliance issues that have nothing to do with academic eligibility, such as the number of scholarships in the various sports. She said she was troubled about how compliance fit into the two-committee model. Compliance is involved in some academic eligibility matters, but also relied on for a lot of rules interpretations. This needs more consideration, and perhaps compliance should be within the purview of both committees.

Professor Morrison said he believed compliance EDUCATION should be within the charge

of the second committee, but enforcement and resolution of disputes should be the responsibility of FAOCIA as the regulatory body. He said it was his impression from the Clayton committee report that the athletics-oriented committee (the second one being proposed) should not be responsible for enforcement. He drew an analogy with the Atomic Energy Commission, which was charged with both operating and regulating atomic plants. That did not work, so the functions were split between the Department of Energy and the Nuclear Regulatory Commission. FAOCIA is to be a regulatory body that is independent of the athletic departments; the departments should be involved in education but NOT in regulation.

What about a compliance issue unrelated to academic issues, such as money given to an athlete, Professor Sedo asked? FAOCIA would be responsible, Professor Morrison said. Then the name should be changed, she suggested; the Committee agreed that it should be Faculty Academic AND Oversight Committee for Intercollegiate Athletics (and still FAOCIA).

The draft proposal required that the members of FAOCIA cannot accept "tickets, team travel, or other benefit or favor" from athletics except as authorized by the President and this Committee. What about preferential seating, even if they pay for the tickets themselves, Professor Kane asked? Should the members of the Public Utilities Commission receive preferential electricity rates from NSP, Professor Morrison inquired in response? There should be no benefit to anyone because they are a member of FAOCIA, he said. It is common for the faculty representatives to travel with the team, Professor Sedo observed; it may be that the ex officio members of FAOCIA should not be subject to the ban, Professor Morrison agreed.

In terms of the proposed requirement of FAOCIA that it examine every transcript every semester, Professor Sedo said that ACIA felt that this process was insufficient. They believed that it is important to look at teams and team cultures; the team approach can be more fruitful. Professor Morrison suggested that this be added to the expanded charge to the committee.

When ACIA found anything that it saw as a problem, what did it do? It reported to the athletic director, Professor Sedo said; it can bring matters to the attention of people, but it has no enforcement authority. The Committee was informed about a faculty committee at another institution that reputedly works very effectively, because it has the support of the faculty and the university administration, and that among the functions it performs is identification of "course bunching" (when a number of athletes all take the same class) and of faculty members who appear to be giving inappropriately high grades to a number of athletes. That committee, it was said, can prohibit athletes from taking certain courses and can prohibit them from taking courses from certain faculty (either the committee has the outright authority or it makes recommendations which are followed). Professor Sedo said that when such recommendations are made, they may not be public because they could involve personnel matters. Professor Kane suggested that any recommendations from the new committee should go to the senior officer responsible for athletics, not just the athletic director.

Professor Morrison said his suggestion would be that the athletic director be asked to take action and the committee follow up; if action is not taken, the committee should report to this

Committee and to the president, and a decision would need to be made about the athletic director. Professor Hamilton added that in an oversight role, the committee should make its recommendations known to all who are involved, with a suggested resolution and a timeline, and if the recommendation is not followed, then the matter brought is to a higher authority.

Professor Sedo expressed skepticism that the draft proposals being considered would work in practice. Professor Kuhl asked what more was needed. Professor Sedo explained that in many cases, recommendations from FAOCIA might be beyond the ability of an office to implement (e.g., hire more minority counselors). The problem is violations, Professor Kuhl pointed out. In those cases, Professor Sedo observed, there are personnel issues, and administrators may feel bound by Human Resources rules and may worry about lawsuits.

That is the point of the committee at the other institution, Professor Kane said; it has the full support of the faculty and the administration; where there is a struggle, it is made clear that the faculty and the administration are in charge, not the athletic department or the coaches. That will be true in the short-term, Professor Sedo expected, but the key will be whether power stays there. Every time there is a problem, the University makes adjustments and tightens things up, and then the situation reverts to something else. That is why the committee must keep its distance from athletics, Professor Morrison said; that is why it is structured the way it is. It is at arm's length, overseeing but not managing operations.

The Committee now turned to the second committee, the Advisory Committee on Athletic Affairs.

One of the proposed charges is to advise the President, the athletic directors, and the faculty representatives on proposed NCAA and other legislation; Professor Morrison said he would put that responsibility with FAOCIA as well. This has been a difficult issue for ACIA, Professor Sedo reported. The rule books are very thick, and the legislation is adjustments to those rules. It is difficult to be conversant with all the rules. Dividing responsibility would not necessarily be fruitful; it is a lot to understand and the committee members must rely on staff support; it would be better to locate this responsibility in one group.

Professor Kuhl said that list of responsibilities would make for a very time-consuming task; how did Professor Morrison envision the committee working? Professor Morrison said the committee is advisory; it does not DO any of the things it is involved with. There could also be subcommittees to deal with particular matters, and individual members could serve on search committees.

The membership of this second committee was proposed to be 12 individuals, a chair appointed by the president, two faculty/P&A staff, the two faculty representatives, two students at large, two students from athletics, two alumni, and one other University employee. Big Ten rules require faculty control, and that it be exercised through a committee which is composed of at least a majority of faculty. It was suggested that if faculty control were identified as lodged in FAOCIA, the Big Ten requirement would be met.

In terms of general appointment power, the Committee agreed that the membership of the second committee should be nominated by the President in consultation with this Committee (and the Alumni Association, for alumni, and Civil Service Committee for the other University employee), the reverse of the process proposed for FAOCIA.

Professor Morrison said there had been enough suggestions to improve the proposals, and that they would be taken up at a meeting of the Senate Consultative Committee on December 2.

The Committee voted unanimously to approve the December 2 Senate and Assembly dockets; Professor Morrison then adjourned the meeting at 3:25.

-- Gary Engstrand

University of Minnesota