

Minutes

Senate Consultative Committee March 1, 1990

- Present: Warren Ibele (chair), W. Andrew Collins, Martin Conroy, Lance Flores, Eric Huang, Norman Kerr, Lynnette Mullins, J. Bruce Overmier, Ronald Phillips, M. Kathleen Price, Burton Shapiro, Michael Steffes, Charlotte Striebel, James VanAlstine, Tim Wolf
- Guests: Acting Vice President Nick Barbatsis, John Clark (Conflict and Change Center), Ann Hanson (Daily), President Nils Hasselmo, Senior Vice President Leonard Kuhi, Nick LaFontaine (Budget Management), Geoffrey Maruyama, Jan Morse (Student Ombudsman Service), Barbara Muesing (Regents' Office), June Nobbie (SODC), Maureen Smith (Brief), Charles Speaks (Senate Committee on Finance and Planning), Rabun Taylor (Brief), Maurine Venters (Faculty Assistance Officer)

1. Discussion of the Tuition Study Group Report

Professor Ibele welcomed Nick LaFontaine to the meeting to discuss the recommendations of the Tuition Study Group report.

Mr. LaFontaine began by noting that this report was the result of a length process of review which started in the Fall of 1988. This report was developed by a reconstituted study group charged to follow up on certain issues outlined by an earlier group. The issues it took up were four pricing questions and strategies which would help students meet the rising costs of higher education.

The first pricing issue was the tuition for health science professional schools; the report recommended formal adoption of the "third place rule"--the informal understanding which held that Minnesota's professional school tuition should be no higher than third in the Big Ten. Mr. LaFontaine noted that the Senate Committee on Finance and Planning had voted to recommend that the identification of the particular peer groups not be a part of the report but should instead await the development of institutional peer groups--an effort currently under way in Academic Affairs.

The second pricing issue was the Department Masters' rates; these are post-baccalaureate programs which fall outside the purview of the Graduate School. The report recommended that the rate be set higher than undergraduate tuition (which is the present rate) but lower than Graduate School tuition. Again, Mr. LaFontaine pointed out that the Finance and Planning Committee adopted a resolution calling for these tuition rates to be set no lower than Graduate School tuition.

Asked why this recommendation was made, Mr. LaFontaine said it was because there are no Ph.D. students in these programs and the cost should thus be less than in a full-blown graduate program. Committee members made several comments about this recommendation: The tuition structure should not encourage the development of programs outside the purview of the Graduate School (which this might) nor should tuition be a factor students consider in selecting a program (which they might if the Department Masters' rate is lower than tuition for a Master's Degree offered through the Graduate School); the tuition should be set at the Graduate School rate and offset by increased financial aid for those in need; there is no guarantee of quality control in programs outside the Graduate School; if one set of Masters' degrees are set at a different price, why should they not all

be priced differently?; would it not be possible that students would stay in the lower-priced Department Masters' program and then switch to the Ph.D. program at the last possible moment?

There appeared to be agreement, however, that the rate for these degrees should not be such that the University is priced out of the market and that the decision on undergraduate tuition should not be delayed because of possible difficulties with the Masters' degree rates. Professor Ibele told Mr. LaFontaine that SCC would depend on him to transmit its concerns to whomever the report might go; Mr. LaFontaine agreed to do so.

The third pricing issue was banding (that is, charging the same for the 15th through 18th credit as is charged for the 14th). The first tuition study group recommended doing away with banding because it means that those who attend the University on a part-time basis are subsidizing those who attend full-time. On the other hand, banding is one of the few tools the University has to encourage full-time attendance; it is also cheaper, per credit, to educate full-time students than it is those who are part-time. The report recommends retaining banding.

The fourth pricing issue, and the most difficult, was undergraduate tuition. After lengthy deliberation and wide consultation, the study group voted by a large majority to recommend a uniform undergraduate tuition rate. Some of the reasons for the recommendation are that it is consistent with educational policy--students should not make educational choices based on program cost--it should increase retention by eliminating the mid-career price increase (when the student moves from lower to upper division), and it is much simpler (which means it will appear less complex to external groups.)

Mr. LaFontaine was asked if the study group had any data on whether or not students choose programs on the basis of price or if students decided not to continue with their education on the basis of the price increase for upper division; he said there were no data but that they assumed price differences have an effect.

He was also asked if he knew of any other institution which made a move to one undergraduate tuition or if the study group had considered a surcharge; on the first point, he said he did not but that Minnesota's tuition structure was the most complex of any major university. On the second point, Mr. LaFontaine said they had only studied four options: Keep the same tuition structure, move to tuition based on the cost of the college offering the course, adopt single upper and lower division rates, or adopt a uniform undergraduate tuition.

Mr. LaFontaine also briefly reviewed the strategies recommended by the study group to help mitigate the high cost of higher education; they include encouragement of an early savings program proposed by HECB, create a financial aid pool in order that the demonstrated financial need of all Minnesota students can be met, establish a guaranteed tuition plan so students could plan exactly what their costs would be, use student employees, support efforts to extend state and federal financial aid plans to five years (most stop after four years), and provide an annual report on financial aid and its impact on attendance (especially the impact of loans), consider service-cancellable loans, and begin a fund-raising campaign for money for student aid.

Mr. LaFontaine said that the report had gone to the Board of Regents for information at their February meeting and would go to them again for action in March. If the recommendations are

adopted, they would be reflected in tuition rates next Fall.

Asked what the benefits would be for CLA students who will pay the extra money, Mr. LaFontaine said that the impact of the President's Initiative would be felt; there would be more open classes and better services. One Committee member commented that there must at least be higher quality; these recommendations cannot be justified if quality is low but the subsidy paid by some students increases.

It was suggested that student employment dollars are not well-targeted right now; they should be awarded on need and accompanied by a commitment on the student's part to his or her education. Doing so would save time and money for them.

Professor Ibele commended Mr. LaFontaine and his study group for their report and complimented the student members for defending the report. Mr. LaFontaine noted that the student members had done yeoman work; they participated actively and consulted widely.

2. Discussion of an Ombudsman Service

Professor Ibele welcomed John Clark (from the Conflict and Change Center), Jan Morse (from the Student Ombudsman Service (SOS)), and Maurine Venters (Faculty Assistance Officer); he asked Professor Striebel to introduce the topic.

Professor Striebel said she wished to bring up the topic of a mediation/ombuds model to settle disputes; on the basis of experience with the grievance procedure, it is clear that all prefer a mediation model to a litigation model. At the University the student service is excellent but the total institutional effort is abysmal. She said that there should be an increase in the ombuds function and an investigation of the possibility of coordinating efforts. This service, she concluded, would cross all constituencies of the University and would serve not only to resolve disputes but also to provide information. The goal should be to develop an institutional response to grievances so that disputes can be prevented rather than simply resolving those which arise.

Ms. Morse gave an overview of the SOS: It is fee-funded (36 cents per quarter or about \$36,000 per year), has existed since 1968 on the Minneapolis campus (it also now covers the West Bank and St. Paul), and has become more "proactive" in that it helps to resolve problems. It also tries to prevent problems and identifies areas of recurring complaints. The service has roughly 10,000 "contacts" per year and 200 long-term cases closed every quarter. They have three one-half time staff and a one-quarter time clerical position.

Ms. Morse was asked several questions about the service; she explained:

- Whether or not they are the agency of first resort depends on the circumstances and the student; they encourage students to try to resolve difficulties at the department level first.
- The staff members are students who have one quarter of training.

- One thing which does not get done, because of a lack of funds, is an attempt to look at larger issues; this is put off in the face of individuals who need help.
- The 10,000 contacts do not include short contacts; they have about 700-800 cases per year which require involvement with the individual over a period of time.

Dr. Kuhi inquired if that number of complaints should not tell us that something is wrong at the University and asked if there are any recurring patterns. Ms. Morse said that about half are grading complaints, which is not surprising at an institution with so many students. Her office does not always have the chance to address the policy issues. She assured Dr. Kuhi that they do notify the appropriate authorities if they identify a problem, although, she added, that notice is occasionally not sufficient to bring about change. It was suggested that SOS should make use of the chair of the Senate Consultative Committee to have issues referred to places where they can be addressed.

Asked about the comparable numbers for other institutions, Professor Striebel said Minnesota's were low; California and Ohio State have more complaints per student but also have bigger services and a larger number of students. Ms. Morse told the Committee that their budget four years ago had been \$18,000; after receiving an increase, and putting ads in the Daily so that the service became known, their caseload quadrupled.

Maurine Venters next outlined the activities of her office. She explained that she is half-time, as is her secretary; they have a budget of \$4,000. Her office was created in 1984 in response to a task force recommendation arising from the Rajender consent decree; its mission is to be helpful to faculty and academic professionals who feel they may have a grievance against the University. She advises on procedures, the appropriateness of the complaint, helps find advocates, provides advice and counsel, and seeks alternatives to the grievance procedures. The two principal areas in which they receive complaints are sexual harassment and academic freedom.

Asked about the desirability of merging her office with SOS, Dr. Venters said that it would be helpful on practical grounds but that there would be a difficulty with confidentiality. Some of the faculty who see her talk about sensitive matters and do not want it known they have gone to her; her office is in an obscure place where it is clear others will not hear of the visit. Those faculty will not want to see students. Dr. Venters shares the office with her secretary, who must be "chased out" in instances of a confidential conversation.

One Committee member expressed dismay that SOS is funded solely from student fees; there are often two sides to an issue but the funding source undermines the function of the office of providing unbiased help. Perhaps, another suggested, the ombuds service should be considered part of the cost of instruction and its expenses folded into tuition.

Professor Ibele next asked Professor Clark if he had any insights to offer. Professor Clark said that both in the Center as well as nationally they look at a total program rather than at a series of little ones; coordination is being attempted at most places. It would be appropriate to take an overall view at the University.

Professor Ibele thanked the three presenters and told them that the Committee would be in touch

with them in the future.

3. Discussion with President Hasselmo

Professor Ibele next welcomed President Hasselmo to the meeting. The President touched upon a number of issues in his comments.

- The Commissioner of Finance met with the Higher Education Advisory Council (the system heads) and indicated in broad outlines the status of the State economy and what the Governor's recommendations might be. There may be rescissions, one of the key issues is "tails" (budget inflators based on previous legislative action), the bonding bill may be limited primarily to health and safety issues, and the possibility of asking higher education to finance bonds from operating budgets is still alive--something all of the system heads have opposed. The President said at present it is his view that the need for operating funds--for salaries, the Initiative, and Academic Priorities--exceeds the need for capital funds and that buildings may have to wait.
- Legislative breakfasts, by district, with a regent as co-host, have had lively discussions. They are useful, he said, and he hopes they dispel misinformation. It is clear that there are enormous expectations about what the University should do, many of which are local but also valid--and in many cases the University has little control over the issues of concern. The fairness of the distribution of funds among the campuses is also a concern; the President said he is committed to being fair and explicit about what the University is doing as well as provide opportunities to examine what is being done. Some campuses need a certain mass to run their programs but as a result their instructional costs appear high.
- The University recently made a presentation on the bonding bill and thanked members of the legislature for use of the Indirect Cost Recovery funds and the Permanent University Fund. A number of faculty described their research and how they integrate it with their teaching.
- On the vice presidential searches, the IAFHE search is in the final stages, interviews are being conducted for the Health Sciences, and he has received no nominations yet for Student Affairs or General Counsel. The Finance and Operations search committee is at work.
- The task force on athletics is beginning its work; the task force on the Sexual Violence Program will help make decisions on the charge to the unit. Nominations for the latter task force have been solicited from a broad spectrum of groups and will help solve a sensitive and important issue.
- He has wrestled with the conflict between free speech and expression of offensive views; his letter was the best he could do to state the issues and the approach the University should take. He welcomed agreement by the Faculty Consultative Committee to examine the possibility of expanding the academic freedom statement,

which at present applies only to the classroom.

- The third presentation on the Initiative on Excellence in Undergraduate Education will be made to the Board of Regents at their March meeting and will cover advising, teaching, and the learning environment. He hopes the statement can be finished by late Spring, in consultation with the governance structure and the deans and that it can be implemented during the 1991-93 biennium. The Initiative will have a high priority in the biennial request and a top priority in the 1990-91 budget; its implementation will require the dedication of the University community involved in teaching.

The President was congratulated by one member of the Committee on his handling of controversy surrounding the Sexual Violence Program; there is a clear division among experts on how to handle sexual violence and the task force can examine the models. The President said he could not make a decision himself and saw the task force as the only mechanism which could bring the necessary expertise to the subject.

The President was asked about the University's jurisdiction over the search for the new director of the University Foundation. The President said that it does, ultimately, and he recognized the concern about the slate of five white male candidates. He said he has spoken with the chair of the search committee as well as two women members of the committee; it is hard to identify anything the committee did not do to expand the pool of candidates. A number of women and minorities around the country were contacted and asked to be candidates, including two very strong women, but in the end none were willing to do so. The search will be evaluated, with the consent of the chair, and there is a possibility that one strong female candidate will agree to become a candidate. The result is frustrating, the President commented; one way to proceed would be to decide in advance that a minority or woman will be hired into a position, but that raises a number of other questions. The President noted that of the total appointments in the last year, one-half were women, although at the vice presidential level there was only one.

Asked if the two women declined to be considered because of personal reasons or because of the open search process at the University, the President said both were due to personal reasons.

One of the members of the Committee told the President that it is appropriate to review every search for the adequacy of its efforts, not only on those occasions when the slate is all white males. The outcome, it was said, should not define whether or not the search was properly conducted, and if it was done correctly, the University should stand behind the committee. The President said that he, Dr. Kuhi, and Pat Mullen talk to the committees about the process; he and Dr. Kuhi then meet with the committee later, prior to the selection of the finalists, to ensure that all are satisfied and there are no lingering doubts. In one case, he said, the search committee was asked to conduct additional interviews and only after that were the finalists chosen. It was also pointed out that the University's affirmative action procedures explicitly require an examination of the pool when the slate is exclusively white males.

Asked if all of the committees used search firms, the President said they had not. It varies by position; if the search committee asks to use such a firm, the President said, he will consider it.

On the possibility of retrenching non-instructional units, the President was warned, such retrenchments are often passed on to academic units. The President said he had issued a prohibition on that practice in order that the retrenchments are not fictitious.

In response to an inquiry the President said the computer science department troubles were of grave concern. The discipline is a high priority, especially for this University. Senior Vice President Kuhi also made a number of points about the issue: The Daily has been irresponsible in feeding the flames of the controversy and the methods they have been using are unacceptable journalism; the Dean has appointed a committee to review the department; he is concerned that department members are using the media to air issues; and he is concerned about the future of the department--at this point it needs a period of calm so that an investigation can be conducted. Dr. Kuhi said he was optimistic that he would receive a good report. It is unfortunate and inappropriate that internal department matters have been played out in the Daily. Dr. Kuhi and President Hasselmo were asked if there is any policy on when a departmental dispute is to be addressed at the central administrative level; Dr. Kuhi pointed out that the task force is a collegiate effort which, if it does not solve the problems, will require his office to address it. The President agreed that there is a question of when these difficulties should be addressed at the department and college level and when there should be broader faculty involvement.

One Committee member expressed concern about the atmosphere for the graduate students in the department, saying it was as important as that for the faculty. The graduate students do innovative work and are also the best references for the University; it is to be hoped they will see that the review is handled in a professional manner. The graduate students, it was maintained, should be involved in the process.

Another Committee member pointed out that there had long been rumors about discord in the department; there are those, it was said, who believe a problem will only be addressed when it erupts in the pages of the Daily.

The President was asked when it was the responsibility of members of the Consultative Committee to bring possible problems to his attention; all of the Committee members know of potential difficulties but should they wait until they boil up? Both the President and Dr. Kuhi said they would like to know as soon as possible. The public nature of the meetings, however, requires that caution be exercised, said one Committee member; the President concurred, especially when personnel matters are included. Another Committee member commented that he knew of two cases it would be useful for Dr. Kuhi and the President to know about but he would not talk about them in a Committee meeting because there is no good information and there should be no star chamber proceedings. The President suggested there are three categories of problems: curricular (which should go through the normal curriculum review machinery), those which belong in the grievance procedure, and those which fall in neither category. In the last case the appropriate administrator must be notified in order that the problem can be resolved.

One Committee member noted wryly that this discussion was re-inventing the ombudsman service; another cautioned, however, that the colleges must first have a chance to deal with a problem before it reaches an appeals body. In some instances there will be all-University implications and it will be a judgment call in each case on the appropriate level of intervention.

The President was asked about the status of the proposal to require 30 hours of course work for higher education administrators; he said that while he has affirmed the need for administrator training he opposes the legislation. Assistant Vice President Carrier made a presentation to the legislature outlining what the University is doing in this area.

4. Discussion of Advising

Professor Ibele next welcomed Christine Gordon to the meeting; Ms. Gordon is the coordinator of the Academic Advisors Network.

Ms. Gordon said the network is a grass-roots organization started five years ago by the full-time advising staff; it has a nine-member planning board and a quarterly publication. They now have regular meetings, contact with administrators, and professional training for advisors. Academic advising, she told the Committee, is not just advising students on what classes to take next quarter; it is a branch of teaching. Most advisors have advanced academic degrees and not all are in student personnel. Academic advising, she said, is seriously underfunded and has lacked attention, although that is changing--in part due to the activities of the network.

The academic advisors usually refer students with personal problems to the counseling services or to Boynton; they also do not do a great deal of career advising but instead work with their counterparts in the career advising network.

Ms. Gordon was asked how the network fit in with the goals set out by the President. She said they would like to be a resource the University could draw on, such as for committees dealing with the single point of entry, because they have experience "in the trenches." The advisors know, she related, why students do not graduate in four years; the appropriate comparisons would be with NYU or CCNY or Illinois at Chicago Circle. This is not a residential campus and there are a lot of non-traditional students.

Asked how her organization fits in the University hierarchy, Ms. Gordon said it doesn't. If it were to be recognized in the structure, the logical place would be under the Academic Affairs office (which is where their funding now comes from). They are, however, simply people communicating with each other about their activities.

Asked how many students the people involved in the network deal with, Ms. Gordon said it is every student on the campus. The frequency of contact varies by unit; in GC students must see their advisor once per quarter whereas she, in CLA, has 700 advisees so does not see them so often.

It was noted that the President's Initiative calls for more faculty time to be spent with students; what is it that the academic advisors are doing which they believe could more appropriately be done by the faculty? The most beneficial thing faculty could do, she responded, is help undergraduates structure their programs in their fields, especially those who plan on doing graduate study. She said that she advises seniors to see faculty members in their field of interest. Faculty can also offer help on careers; the advising offices provide career guidance but faculty members who have experiences in the work world can be of great help to students. Committee members discussed briefly how faculty advising might be institutionalized.

There was discussion of how to deal with students who change fields, the role of peer advisors, and participation of advisors in grading disputes. Dr. Kuhl inquired if the advisors had discussed the possible need for advisors to know much more about other parts of the campus if the single point of entry is created; Ms. Gordon said that the advisors would still have to rely on one another because no single advisor could know everything a student might inquire about.

Professor Ibele thanked Ms. Gordon for her presentation.

5 By-law Amendments from the Student Senate Consultative Committee

Professor Ibele told the Committee that Mr. Conroy wished to distribute and discuss proposed by-law amendments. Two of them dealt with representation of graduate and professional students on the Consultative Committee and the Committee on Committees, three dealt with the selection and responsibilities of the chair and vice-chair of the Student Senate, and one dealt with membership of the Student Senate chair and vice-chair on the Senate Consultative Committee. Mr. Conroy said they were being brought to the Committee for information and that the SSCC would like to have them brought to the Senate for action at its next meeting.

Several faculty members on the Committee expressed a desire to see more than one seat on the Consultative Committee guaranteed for graduate and professional students; Mr. Conroy said that they could occupy all five positions but that this proposal guarantees at least one. He also said that the Consultative Committee is not supposed to be "representative," although another Committee member pointed out that the University differentiates between graduate/professional and undergraduate students in other ways.

Asked how this proposal responds to the concerns of graduate and professional students, Mr. Conroy said it is intended to meet the request of the Committee. He also said that powers over student government are given wholly to the Student Senate by the Senate constitution; the Student Senate, rather than the full Senate, has the complete prerogative to determine representation of students. These by-laws, he said, represent the action taken by the Student Senate under that authority; a split between undergraduates and the graduate/professional students will be decided by the Student Senate.

It was agreed that the Committee would take no action now on the amendments pertaining to graduate and professional students and to membership on this Committee; the three amendments dealing with the appointment and responsibilities of the chair and vice-chair of the Student Senate, however, would be forwarded to the Senate for action at its April meeting.

6. Policy on Costs of Investigations in Athletics

Professor Ibele told the Committee he had invited Professor Charles Speaks to join it to discuss a proposal which had been placed in front of the Senate Committee on Finance and Planning but which had been defeated on a 4-5 vote. A letter outlining the elements of the proposal had been sent to the members of the Faculty Consultative Committee.

Professor Speaks reviewed the proposal for the Committee; it called for the athletic departments

to pay a share of the cost of investigations of alleged rule violations when it was demonstrated that the rules had been broken. At the request of the Committee on Finance and Planning he had discussed the proposal with the Assembly Committee on Intercollegiate Athletics; ACIA had opposed it on several grounds. They believed it was unfair to single out athletics when other units also commit ethical violations; there is new leadership in the departments and it should not be assumed that there will be violations; and there will not be any more external investigations.

Professor Speaks said he had asked Professor Ibele about bringing it to the Faculty Consultative Committee because he sensed that there is considerable concern among the faculty about athletics. He said he believed it would be better to act on a plan in advance rather than at a time when an investigation is pending; it also responds to a concern that money from the reserve funds--which could be used for academic purposes--are used instead to pay for investigations.

It was argued by one Committee member that the result of the policy would be to penalize the wrong group. If money is taken from men's athletics, it is the non-revenue sport budgets which will be cut--but it is not the non-revenue sport participants who violate the rules. Another commented that an analogy with corporate criminology would suggest that a "death penalty" be imposed on the offending sport, although some thought that was unrealistic.

One Committee member thought the most disturbing issue surrounding athletics was the comment by Professor Scott that a number of faculty do not believe that ACIA can exercise its authority.

It was suggested that there are better ways to get at the problem. There is a need for an accurate accounting of athletic department funds: an evaluation of costs, whether or not programs are making money, the allocation of funds.

Professor Speaks said he did agree with all of the sentiments expressed. His proposal, ultimately, was stripped down to its barest elements, he said, with the intent that its implementation be left up to the President. His own preference was for the University to say unambiguously that there would be no more violations and that the next ones would result in the invocation of an institutional death penalty--in advance of the NCAA. The intent of the proposal is to send a message to athletics that violations will not be tolerated and that academic issues will come first.

The recent debate and vote in the Campus Assembly was discussed; this proposal, it was noted, was symptomatic of faculty inability to deal with athletics. Another troubling development, in the view of one Committee member, was the possibility that income from men's basketball and hockey would be used to pay off bonds for the new Arena; it would be impossible for the faculty to intervene and stop a sport because then the University would default on the bonds. Another Committee member said that this proposal has its problems but the Committee and the faculty must keep on trying to find a method to articulate its frustration with athletics.

Professor Ibele said he would write to the co-chairs of the ad hoc regent/faculty committee on athletics to urge that at least one open hearing be held so that the faculty could appear; he would also include Professor Speaks' proposal as an indication of the faculty frustrations. The ad hoc committee, it was commented, will have more than the concerns of the faculty to contend with; if it is unable to

respond to all the concerns expressed within the time available it may be necessary to commission further efforts to deal with unresolved issues. Professor Ibele said he would also communicate to the ad hoc committee the sentiments of the faculty that there must be substantive faculty control of athletics or the charade must be stopped--the problem of being unable to find faculty willing to serve on a duly constituted committee of the Assembly is one which cannot continue.

Professor Ibele extended the thanks of the Committee to Professor Speaks for his time.

The Committee adjourned at 12:45.

-- Gary Engstrand

University of Minnesota