

Minutes*

**Senate Consultative Committee
Assembly Steering Committee
Thursday, November 11, 1999
1:30 – 4:30
Room 385 Law Center**

- Present: Fred Morrison (chair), Sabeen Altaf, Linda Brady, Susan Brorson, Mary Dempsey, Meggan Ellingboe, David Hamilton, Roberta Humphreys, Jed Ipsen, Mary Jo Kane, Leonard Kuhi, Reid LeBeau, V. Rama Murthy, Paula Rabinowitz, Jeff Ratliff-Crain, Jason Reed, Tiffany Stedman, Aaron Street,
- Absent: Les Drewes, Stephen Gudeman, Judith Martin, Joseph Massey, Chaz Rice, Kerstin Trimble, Mark Uszenski
- Guests: Professors Fred Amram, David Bernlohr, William Flanigan, Kathryn Sedo, Mariah Snyder (Assembly Committee on Intercollegiate Athletics); Mark Dienhart (Director, Men's Intercollegiate Athletics); Regents' Professor Tom Clayton (Chair, Special Senate Committee on Student Academic Integrity); Professor Marvin Marshak
- Others: Maureen Smith (Institutional Relations); Vickie Courtney (University Senate); numerous representatives of the print and broadcast media

[In these minutes: FCC chair election for 2000-2001; intercollegiate athletics: discussion of Clayton committee recommendations, statement from and discussion with Dr. Dienhart, resolution adopted by the Committee]

1. Election of FCC Chair

Professor Morrison convened the meeting at 1:30 and announced that the first order of business was for the faculty to elect the chair of the Faculty Consultative Committee for the year 2000-2001, in accordance with the process agreed upon at the retreat at the Crookston campus. Secret ballots were distributed, votes were taken; Professors Hamilton and Humphreys, two of the faculty whose terms expire at the end of the current academic year, counted the ballots and announced that Professor Morrison had been re-elected as chair. Professor Morrison thanked his colleagues.

2. Discussion with Representatives of the Assembly Committee on Intercollegiate Athletics

* 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.

Professor Morrison now announced that the business of the meeting was to continue the discussion of the Report of the Special Senate Committee on Student Academic Integrity, Part I: Athletics (the Clayton report) and the Report of the Task Force on Sexual Harassment and Domestic Abuse (the Evans report) and possible actions this Committee should take with respect to the recommendations and what recommendations it might wish to make to the Senate and to the Assembly.

He next introduced Professors Amram, Bernlohr, Flanigan, Sedo, and Snyder from the Assembly Committee on Intercollegiate Athletics (ACIA) to discuss the recommendations of the Clayton report. He asked them to comment on how the University got into the situation it did, what it should do, and what their reactions are to the Clayton report.

Professor Sedo began by noting that there is a Regents' policy on athletics for the Twin Cities campus that refers to ACIA, so that any changes made by the Assembly would also require action by the Board of Regents.

In reading the Clayton report, Professor Sedo said, there was a large constituency left out: the women's faculty representative and the women's athletic director were not consulted about the recommendations, and they should have been.

In the last two years, ACIA has reviewed all its policies, because many were out of date; the last piece that ACIA took up was its charge. Professor Sedo said she was glad to see the charge taken up in the Clayton recommendations.

The NCAA requires that its member institutions deal with equity issues; the proposed charged to the committee recommended by the Clayton report does not have that issue among its responsibilities. The charge also provides that the new committee should look at schedules; at present, that responsibility is divided between ACIA and the Assembly Committee on Educational Policy (ACEP). That division may be good, but it is unwieldy, and it is unclear whether ACIA should consider the schedule and make a recommendation to ACEP or should simply pass them directly to ACEP. The administrators in the intercollegiate athletics programs should not have to appear before both committees, Professor Sedo said.

The charge contains new language about reviewing budgets. There is a new process in place for reviewing athletic budgets, of which ACIA is not a part. The institution also has a responsibility to see that expenditures are in line with the objectives of gender equity.

On the issue of consultation, ACIA would like to see more interaction between it and the President and the Assembly Steering Committee. There have not been regular meetings; Professor Sedo urged that ACIA and the faculty representatives be charged or required to meet perhaps twice a year with the President and this Committee for a frank exchange of information.

Professor Sedo said she was torn about the issue of compliance. The compliance office has two functions: education within the department, such as meetings with students on regulations, and

investigation. It is unclear if those two functions can be separated; the University might look at that possibility. The time spent on investigation has increased. At last week's meeting of this Committee, it heard that special investigators are needed for sexual harassment charges; that may also be true in athletics.

ACIA should receive reports about compliance issues, Professor Sedo maintained. It wanted to be part of the process sooner, and consulted about sanctions, but it rarely is.

Professor Snyder then related that she had been at the Big Ten student advisory commission earlier in the week, and had gotten to know some of the University's student-athletes. It struck her that it is important to tell the majority of student-athletes what a great job they are doing for the University. They see the faculty lump them all together, and there is a need to convey to them how much the University appreciates what they are doing.

There have been questions about whether it is appropriate to have student-athletes on ACIA, Professor Snyder recalled; two of the three students on the committee are athletes. This practice began a few years ago; before that, the student members of the committee usually did not attend meetings. The student-athletes do, and they provide a valuable perspective to the committee. She asked the students on the Big Ten group about the practice on their campuses; the large majority have representatives on the athletic board.

Professor Amram next described himself as an ex-ACIA member, a wise elder, and a curmudgeon. The Clayton report, he said, touched on many issues that he has been concerned about for a long time, and that if Professor Clayton were at the meeting, he would comment praise and applaud him. He commented on several items in the Clayton report:

- He has suggested for years that academic counseling report to the Provost.
- The compliance office should report elsewhere, somewhere in the President's office.
- He emphasized recommendation #10 in the Clayton report, calling on the faculty to be responsible for academic integrity in grading.
- It is possible to clarify the apparent contradiction between recommendations #12 and #13 (#12 calling for a prohibition on contact between athletic staff and the instructional staff about the academic performance of a student, except through and academic counselor, and #13 calling for increased integration of athletic staff in the academic community): his perspective is that faculty AND coaches should be integrated into the entire University, but there should not be direct contact about specific students.
- He agreed with Professor Sedo that the faculty should be more involved in the compliance process. At issue is the confidentiality of student and staff records, but ACIA should at a minimum be an oversight committee.

- He endorsed Professor Snyder's view about the value of having student-athletes participate on ACIA. He also urged the Committee not to overlook the value of civil service staff participation; they are a part of the University community and have been enormously helpful to ACIA.
- Restructuring is not the entire issue; the personnel of ACIA are important. ACIA needs people with interest, integrity, and the ENERGY to do the job; it is hard work. He agreed with the observation of the Clayton committee that ACIA is highly visible, with the potential to enhance or damage the University's reputation. It is important that ACIA have access to the President, sometimes privately (without representatives of the athletic programs) so it can discuss the most serious issues.
- Academic reviews of athletics are complex; ACIA needs more people, and enlarging it will help. Having volunteers from other Assembly committees (including this one) could be educational.
- The task of the ACIA chair is enormous, and includes responsibility for relationships with other University units, for relationships within athletics, and for investigation, oversight, and managing. If it is an important public committee, the chair should have released time, just as do the chairs of other major committees.

Professor Flanigan next observed that the minutes of the last meeting of this Committee noted that administrative changes are not the whole answer. He said that the Clayton report proposes a return to the administrative structure that was in place when the academic fraud in basketball began and flourished. It is one of three structures that neither caused nor cured the problem, so one must look elsewhere for causes.

There could be a misunderstanding of how ACIA works on academic progress issues. The work takes place in subcommittee, because student records cannot be discussed in public meetings. The changes proposed by the Clayton committee will work, but there are larger functions that ACIA performs that also still need to be done.

Professor Flanigan said he has thought about what could have been done to prevent the recent academic fraud. One could devise mechanisms to prevent it, but they would be grotesque; one should look instead at eliminating or substantially reducing academic fraud in the entire University. That would take care of the problems in athletics. If problems then remained in athletics, they could be dealt with as special cases. No one believes that all the academic fraud in the 1990s occurs in athletics; it is more widespread than that, and must be studied and recommendations devised to eliminate it.

Another kind of fraud is less obvious: faculty giving grades for little or no work, or giving high grades for low-quality work. These practices must also be investigated. If that can be stopped, the problems that the Committee is so concerned about will be reduced.

Professor Morrison now addressed a question to all or any of those representing ACIA: the Committee heard last week that issues were not brought to ACIA because they were described as personnel matters that ACIA could not discuss (such as the transfer of academic counseling to the basketball team). Did they have any comment?

Professor Flanigan recalled that he was incoming ACIA chair the fall after the transfer had been made during the summer before. ACIA was not consulted; the outgoing chair was consulted and the men's faculty representative was involved. He said he did not hear about it until the middle of the academic year and that the change was not well known. As soon as he learned of it, he asked Dr. Donahue (retired director of academic counseling) about the change; she supported it, and said it was the best thing that had happened to her. He said he was not sure that most personnel matters came to ACIA except in hiring. Neither the change in counseling, nor the change back, were brought to ACIA.

Professor Amram said that both he and Professor Flanigan had been involved in academic reviews of the men's basketball team, said that the arrangement was not a success, and recommended that academic counseling for men's basketball be returned to the academic counseling office. That change was made, before the scandal broke. Professor Sedo added that she was on ACIA at that time, and that the committee was actively involved in getting the change back. The recommendation, however, did not come to ACIA for approval, Professor Flanigan noted.

Professor Snyder reported that the original change had been brought to the ACIA executive committee, which did not support it. She said she did not know how that position was communicated.

Professor Kane inquired what the guests thought of an arrangement whereby when an investigation was triggered, and the compliance officer reported to another administrator, that the compliance officer step away from the investigation to avoid a conflict of interest and the perception of a conflict of interest. That is, in order to retain the integrity of the compliance office, it not only report to someone other than the administrator to whom the athletic directors reported, but that investigations also be conducted by another office.

Professor Amram pointed out that minor investigations occur constantly, because of minor infractions that do not get into the press and that are uninteresting. In his judgment, the compliance office should be TOTALLY separated from the men's and women's athletic programs; he suggested several years ago that the compliance office should report to the President's office, and it is desirable that the athletic directors, academic counseling, and compliance not report to the same supervisor. He said he has even thought that the compliance office should be located separate from athletics, thus avoiding the appearance of camaraderie.

Professor Snyder said one must look at the two tasks of the office, investigation and education, and said she did not agree with physical separation. Accessibility of the compliance office to coaches, in order to provide answers to questions, prevents violations. The idea of compliance is

to run programs that are in compliance with the rules. She agreed, however, that the compliance office should report outside of athletics, and be hired by someone outside of athletics.

Professor Morrison observed that sometimes ACIA is seen by the faculty as an advocate for athletics, and sometimes seen as the body which applies standards. Is there an inherent conflict in the two?

No more than a faculty member supplying information to a student and also evaluating the student, Professor Snyder replied. She advises student-athletes and also meets with coaches about how students are doing. That happens all the time.

Professor Flanigan said the conflict was not as described by Professor Morrison. There is, however, a need for a faculty consultative committee for each of the units in athletics, including academic counseling, that is separate from the oversight body. There is a need for faculty committees to integrate personnel into the broader community.

Professor Amram said he was trying to get at the question with his comment about the quality of members of ACIA: they must be knowledgeable about athletic programs, “not groupies,” who want to support student growth and who will see when students are being misused.

Professor Sedo said that ACIA has seen itself as concerned with student welfare issues, which goes beyond academic issues. It has inserted itself into decisions about removing financial aid, for example. It advocates for welfare issues, not athletics.

Professor Marshak noted that the Office of Student Development and Athletics had existed for a number of years, and had combined the traditional student development function with athletics. Has it been useful in athletics? In student affairs outside of athletics? Is it a good structure? Has it worked well, or not?

Professor Snyder said the athletic directors had reported to student affairs, then the president, and then moved back to student affairs. The people in the position are critical. There are good things that result from the two functions being combined in one office; there is more awareness of student programs within athletics. But the athletic directors have not had direct access to the President, which has kept him from being knowledgeable. The arrangement also kept the President from hearing from the oversight committee (ACIA), Professor Amram added. Athletics clearly involves student affairs, but it is so visible that it needs direct access to the President, he said.

Professor Kuhi commented that he had heard, both at this meeting and the last one, that structure was less important than having the right people, yet it seems that the problems arose and many were not responsible for the concerns that were raised. What was their view on how to solve them?

Professor Flanigan said the question was hard to answer before the report of the investigators was made available. His view, he said, is that the person with the greatest control

of/responsibility for academic fraud, the director of academic counseling, would do NOTHING to allow or encourage it; there is a culture of “incredible vigilance” in that office with respect to men’s basketball. But the main perpetrator of academic fraud reported to the director of academic counseling. He said he did not believe that distant administrative connections could control academic fraud, but that if Dr. Donahue had been here, and been fired because of what occurred on her watch, that would have been bizarre. It is more hypothetical to believe that distant relationships could have caused the academic fraud, and this should not be treated as an issue of administrative control unless one is willing to treat Dr. Donahue as the lead villain, which no one does. He urged the Committee not to rush to judgment.

Professor Flanigan also said that compliance with rules is based in large part on trust. People sign forms each term certifying that they have not violated the rules; this is based on trust and self-reporting, not on ruthless administrative control of subordinates. That is why the broader question of academic fraud must be dealt with.

Professor Morrison said that the Clayton committee will look at the broader question of academic fraud as it responds to the other charges it received.

Professor Amram commented that he was less cynical about organizational change than others. He said he believed the changes proposed by the Clayton committee were important and that structure does matter. He said that there is a need for more faculty involvement and oversight and interest in athletics at all levels; faculty need to get to know coaches and know the culture of the teams and the departments. And not just when there is an investigation under way, Professor Snyder added.

Professor Morrison thanked his colleagues for joining the Committee, and said he wished to echo the comment of Professor Snyder: there are hundreds of student-athletes and dozens of coaches who represent the University in wonderful ways every week, and they must be recognized. The recent events are an aberration, not the general pattern.

2. Discussion with Mark Dienhart, Director, Men’s Intercollegiate Athletics

Professor Morrison now welcomed Dr. Mark Dienhart to the meeting. Dr. Dienhart had prepared remarks, which follow:

I have been asked by Professor Morrison to provide comments to the committee surrounding three topics. First, the Clayton report and the summary of its recommendations. Secondly, any personal recommendations aimed at avoiding future cases of academic fraud in Men’s Athletics, and thirdly the funding model associated with Division I athletics brought out in a recent article, “A Look at the Future Bottom Line of Big-Time Sports.”

When I met with the Clayton Committee, I suggested the committee avoid the tendency to apply a structural or organizational fix to a problem that was not caused by that at all. I was

then reminded by a member of the committee that it would be difficult for anyone to fulfill the charge of the Clayton Committee by simply suggesting that in the future better, more honest people be hired at the University. I understand that and accept that organizational changes may be needed from a purely symbolic standpoint at a time like this. Nonetheless, the structure associated with athletics on this campus is incidental to the problems we experienced.

The new model being proposed by the Clayton Committee is very similar to the model that was in place when Jan Gangelhoff and Alonzo Newby, the two people who have admitted acting dishonestly in this process, were hired and put in a position to have regular and significant contact with our student-athletes. The cheating that took place began during the time that model was in place and took place during the time that there was a Vice President for Student Development & Athletics and would likely have taken place if another organizational model were used at the University. Both athletic programs will be able to adapt to any organizational model that is put into place. It seems to be the tendency of this University, during the 20 years I have been associated with it, however, when faced with challenges to further decentralize. That, in the case of athletics, has the effect of eliminating potential conflicts of interest but also has the effect of providing relatively few layers of supervision and has the effect of leading toward disjointedness of activity and lack of coordination. All of these factors are negatives in the lives of student-athletes and employees of both departments. It is certainly nothing new to have the academic counseling unit reporting to the provost, and that is not at all uncommon at the Division I level. It is also not uncommon to have the athletics department reporting through a senior official directly to the president.

What is unusual is to see the compliance office reporting to the auditor. I can't imagine why, if compliance with NCAA rules is important, that the compliance office would not report in some manner directly to the president. That seems to send the loudest, strongest message about the importance of compliance and would certainly send a message to recruits, to future employees of this institution and to our colleagues throughout the country about the importance we place upon compliance and has allowed compliance officers to operate on a less threatening, day-to-day basis which includes thorough educational programs. It's also the model that was in place here at the University in the early 1990s.

Finally, the Clayton Report recommendations have the effect of laying blame at the feet of Mac Boston. That is an injustice to a good and honest man.

Moving away from the structural recommendations of the Committee, it is clear that our coaches behave in a fashion that is already largely consistent with the recommendations of the Committee. They feel a strong responsibility for the student-athletes they recruit, their performance, their behavior and for their academic performance. Only the most misguided coach would think that it would not be in his or her enlightened self-interest to have a student-athlete eligible for a four to five-year period of time and progressing toward a degree

to provide all of the most attractive statistics to present to future recruits. Those who assume otherwise are simply deluding themselves.

It is also delusional to believe that coaches can ultimately control all of the behaviors of the student-athletes in the same way that it would be ridiculous to assume that faculty members could assume responsibility for the lives and activities of students or even their own sons and daughters. Our experience here at the University of Minnesota is that despite the involvement of academic counselors, of compliance coordinators and of officials on the periphery of the athletic department, coaches and to some extent athletic administrators will ultimately be held responsible for all these activities, and for any major failures in any given area.

I must also take issue with at least the versions of recommendations 11, 12 and 13 that I have seen. If the committee truly wants to limit contact between athletics and admissions to written exchanges, it certainly will want to limit exchanges between the department and the records office and other university units that are assigned to such important functions as establishing eligibility to writing and it is clearly the case that athletic officials and faculty members, teaching assistants or civil service staff cannot be integrated in any meaningful fashion if coaches can only have contact with them through academic counselors.

If that is ultimately the goal of the committee, it ought to be clearly stated that a type of athletic leper colony has been established within the university and it is populated by people who are suspected cheaters. If that is not the case, then it should be simply said in a forthright way that athletic officials and others can and should have regular contact, but if there is any attempt on the part of athletic officials to influence matters related to grading and eligibility, those athletic officials will simply be fired.

Our academic fraud problems appear to be caused by student-athletes who were new enough to accept work being done for them inappropriately and by at least two employees not hired by Men's Athletics. Those employees cheated and then lied about that cheating when asked direct questions. That is profoundly disturbing. It is also profoundly disturbing that coaches in men's basketball may have been involved. How do you make sure you hire good and honest people?

Finally, American colleges and universities are big businesses, and large research institutions are among the biggest in the country. Division I athletics programs, which are expected to be largely self-supporting, simply follow that lead. Athletics programs in the Big Ten will have operating budgets this coming year that range anywhere from Ohio State's \$65 million down to figures that are very close to Minnesota's combined men's and women's budgets of \$30 million and slightly less.

There are major capital improvement projects in excess of \$50 million going on at over half of the institutions in the Big Ten led by Ohio State's expenditures of over \$250 million over the past four years. None of these expenditures are made without the attending assumption

that they will more than pay for themselves. Successful athletic programs generate incremental revenues which pay for the facilities investments. As significant, they speak to a commitment by the institution to athletics and attract the very best student-athletes, both athletically and academically, who generate wins and build community and create exciting collegiate experiences for students and generate tremendous income.

The University of Minnesota's financial commitment to athletics is significant but fairly modest in relation to many of these other institutions. No one in our athletic department is interested in competitively fielding a program consistent with our budgetary involvement. We are interested in championship teams and in budgets that support championship teams.

[End of prepared text.]

Professor Morrison pointed out that Dr. Dienhart said that structural changes were not the way to deal with the problems; he asked Dr. Dienhart if he could suggest a way to do so in order that the problems not arise in another five years.

Dr. Dienhart said he did not say structure was not important; they are of symbolic importance, such as moving academic counseling to the Provost's office; it may have been ill-advised to have it report to Student Development and Athletics. He noted that he is not in charge of academic counseling, that he never has been, and that he did not know what the qualifications were for a counselor or tutor. He also recalled that no one asked the football coach candidates about graduation rates.

It is important that coaches be integrated into the institution, if they must compete with other schools. It is more than budget; they must feel they have the institution behind them, because if they do not, then they feel it is "me against the world," and that leads to cheating.

Ms. Altaf asked Dr. Dienhart to comment on the recommendation about prohibiting contact between athletic and academic staff. Dr. Dienhart said that if there is pressure to change a grade, that should be reason for dismissal. He said he has not run into shy and retiring faculty and he is incredulous when hears that faculty are pressured by coaches. If he is athletic director, he wants to know about it, because he will take action. He said he suspects the report from the investigator will show more pressure from academic counseling.

Professor Rabinowitz inquired about the general feeling toward NCAA regulations: are they constraints to push against, or are they the ground rules that the program operates with? Coaches and institutions do not trust each other, Dr. Dienhart said, and believe that others cut corners. Most coaches embrace solid lines and rules and will not step over them. If they are sent the message that they will be fired if they cheat or do not move students forward, they will respect that message—but over the last 20 years or more, the message they have received is that they will be fired for losing, and the other matters are not so important.

Professor Hamilton said that as he has listened to Dr. Dienhart, he has not gotten the sense that anything was wrong. To the extent that there was something horribly wrong, what would he do to change it?

Dr. Dienhart said it had been a gut-wrenching experience for the department and the whole University. It had turned upside down the lives of the 150+ employees in the department, affected people physically, and affected turnover. It has been a horrible experience.

Some coaches are driven to control the environment, because they perceive threats to their job security; they wrap their arms around the team and keep others out. That is not NECESSARILY a problem; some of the best coaches in the country are control coaches (e.g., Joe Paterno at Penn State).

Do they report to an athletic director, Professor Hamilton asked? Some of them report to God, Dr. Dienhart responded. There is formal and informal authority; Coach Paterno has much of the latter.

Dr. Dienhart had oversight responsibility for Coach Clem Haskins, Professor Hamilton observed, and so knew what was going on. Those two do not necessarily come together, Dr. Dienhart answered. He (Professor Hamilton) has employees, Dr. Dienhart surmised, and does not know what they are all doing. Men's basketball was a closed environment; the athletes were less involved with other athletes, the staff less involved with other staff. That is not necessarily insidious, and is typical of "power" coaches. It was the source of the problem, in this case.

The Committee has the Clayton report, Professor Marshak commented, and must do something with it. He said he heard little about it that Dr. Dienhart agreed with; he asked Dr. Dienhart to tell the Committee what he endorsed, or other things relevant to the charge to the Clayton committee that this Committee should take up.

Dr. Dienhart said he did not intend to trash the Clayton report. He suggested that the organizational changes may be symbolically important, although it is "silly" to have the compliance director report to the auditor. But anyone who thinks the organizational structure caused the problems would be wrong. Most coaches already do what is recommended by the Clayton report, and know that they would be fired if they did not.

Dr. Dienhart said that they could not follow recommendation #12, because doing so would lead to internal secondary rules violations. He said that as someone from a Division III school, he believes coaches are educators. If they are not, the University will have the same problem in another 5-10 years.

Professor Marshak said he also had reservations about the prohibition of faculty contact with coaches, and that he had found such interactions generally positive. He agreed that not many faculty would be intimidated by a coach. Dr. Dienhart said that he had not seen that happen. He

said he would like to see a rule adopted providing that if a coach tried to affect or change a grade, he or she should be fired.

Professor Rabinowitz said that the request rarely comes up that directly (“give the student an A”), that life is more nuanced and complex. She said she also had a problem with the proposed prohibition, but on free speech grounds. She pointed out, however, that many instructors are graduate assistants who do not have the same level of power as coaches, and who are themselves students. There are subtle ways to influence people, she said, and the fact that someone even MADE a call, when no other students have such calls being made, is pressure. These are dicey situations, where even a call to request information can have coercive implications, she said. Many students take courses taught by graduate assistants, and they do not have the same ability to say “get lost” that a tenured faculty member does.

There are ways to get at the black and white issues, Dr. Dienhart said, and there can be something short of a ban on conversation between athletics and academics; long-term, that will create a caste system where coaches will only be concerned about winning and where no one believes there is any impact on the educational process. People can be manipulated; most know when it is occurring; the problem is when they want to be manipulated.

What would he say about a prohibition on conversations between a faculty member and coach about the grade of a particular student? That is the rule that is preached in the department, Dr. Dienhart responded. They had a guest coach program (which the women’s program still has) where a faculty member is invited to dinner with the team and to join them on the bench. They dropped the program because of perceptions that they were trying to manipulate or win over faculty. He preaches that a coach cannot talk about grades, he said. They may call about attendance, and the department sends attendance reports which are often not returned. As a result, they may not know if a student is attending classes unless they send a graduate assistant to find out. But spelling out the rule prohibiting conversations about grades would be acceptable, he said.

Professor Kane said that she agreed with Dr. Dienhart’s assessment of Coach Paterno. In retrospect, was it part of the problem that Coach Haskins was a “power” coach?

Virtually every Division I coach would identify himself as a power coach, Dr. Dienhart said. There is nothing wrong with being a power coach; it means there is a big ego at work; a lot of faculty are the same, people whose work includes saving lives and doing significant research. Athletes under a power coach leave programs with degrees because the coach says a degree is important, and they have a good experience with the coach. Coach Haskins would identify himself as a power coach, and so would others. One also manages differently someone hired by someone else and someone whom he has himself hired.

Professor Dempsey told Dr. Dienhart that she was a long-term fan and that it was important that he understand there are faculty who appreciate all he has done. He has hired great coaches and is an honest man, she said, and it is unfortunate the situation occurred. She asked him what the Committee could do to help prevent academic fraud from happening again.

Professor Humphreys said she had a reaction similar to that of Professor Hamilton. She was very disturbed by Dr. Dienhart's remarks, which seemed to imply he thought nothing was wrong. The Committee wants help in preventing this from happening again. Dr. Dienhart said this happened without his knowledge or that of the coaches or Vice President Boston; this happened over several years, and no one knew it was happening. If so, what should be done so that people do know? She said she was amazed that no one knew before last spring.

Dr. Dienhart pointed out that the news story came about because he had severed relationships between the men's athletic department and Ms. Gangelhoff as a result of an investigation that had found academic misconduct. Ms. Gangelhoff then went to the press and said that it was only the tip of the iceberg.

Dr. Dienhart said he did not say there was nothing wrong; there was something horribly wrong. There were two employees who lied, and who admitted cheating, who were hired by another department and put in contact with male student-athletes. He said he was frustrated because he was not involved in their hiring. If one wants to blame Coach Haskins, why were there no problems the preceding 13 years? The biggest problem was that those two employees with poor intentions who were in contact with student-athletes. They did what he preached they should not do. What happened did not occur in football, or hockey, or women's athletics; the system failed when those two people were hired and basketball was isolated by a driven coach who felt that winning and losing were so important that he pushed others away. Professor Chervany, ACIA, and others who investigated men's basketball were deceived the same way he and Dr. Boston were, Dr. Dienhart said. That makes him feel very vulnerable.

Professor Kuhi observed that the Committee has heard much about what it should do with respect to student academic integrity; it is clear that another group should assess what the faculty should do. What advice did he have for the faculty? It is the responsibility of the faculty to ensure the integrity of the academic program of all students, especially student-athletes. It is difficult to understand how one person could write 200 papers and not be caught.

Dr. Dienhart said he appreciated the question but was not sure he had any advice. He related that student-athletes are not wearing their letter jackets because they will be seen as cheaters and their work will be treated as suspect and they will not be treated fairly. It is sad to see the gap between athletics and the academic community; the gap needs to be bridged. When recruits come to campus, they see it. The most influential people around the University are the faculty, and they can change lives. Some athletes come to the University with no interest in academics, but exceptional faculty have changed them. A partnership between the faculty and athletics could be enormously positive.

Is there any way to penetrate the shell of a power coach, Professor Morrison asked? Sometimes it is good, sometimes it is bad. The coaches at Minnesota now are not power coaches, Dr. Dienhart said; they are open, interested in dialogue, the hockey coach had a 100% graduation

rate at his last job, and three of the coaches are Ph.D.s. They are open to suggestions for change. The power coach, he surmised, is a dying breed.

Does he think of the student-athlete as a student, or as a professional athlete in training, Professor Humphreys asked? Not as a professional in training, Dr. Dienhart assured the Committee. He said he wished that professional sports could be more separate from college athletics, and that he is appalled by the NCAA proposal to let a student-athlete test the market for a year and then return to college to participate in sports. Even now they regularly get student-athletes who come to the University with no intention of getting a degree, and who must be persuaded that their education is important.

What is his view of freshman ineligibility, Professor Humphreys then asked? Dr. Dienhart said that both he and President Yudof support it, but a number of their Big Ten colleagues do not agree. The University could not impose it unilaterally, because it would be unable to recruit if it did. Establishing freshman ineligibility would be the best thing to do, especially in the revenue-generating sports; youths who were destined to go to the pros would do so, and not see the investment in college as worthwhile.

Professor Marshak urged that the men's department reinstate the guest coach program. The feelings go both ways: coaches do not feel valued and academics feel separated. The department should try again. He related that he has been to academic banquets for athletics, and many athletes do very well academically. He said he did not support separation of athletics, because that would only lead to trouble.

Professor Morrison agreed with Professor Marshak. He said there must be more contact between the athletic and academic community on an informal basis. The last coach he saw on campus, he said, was Coach Jim Dutcher. He asked if Dr. Dienhart had any concluding comments.

Dr. Dienhart said he had taken a winding road to get to his point: he believed the Clayton report had value, and would appreciate it if the Committee would reconsider limiting the contact between coaches and faculty, and would like to see a policy calling for dismissal of a coach if there is any contact about grades.

Dr. Dienhart said that men's athletics was saddened and embarrassed that it brought these events on the University. He has told the staff and athletes that it was not them, and that they must move on and make the University proud of the program. There are good coaches, he concluded, who support their students in getting an education.

Professor Morrison thanked Dr. Dienhart for his comments.

3. **Discussion of a Resolution with Regents' Professor Tom Clayton**

Professor Morrison welcomed Regents' Professor Tom Clayton to the meeting and asked if the Committee wished to take up the draft resolution he had circulated by email earlier in the week. The Committee indicated that it did.

Professor Rabinowitz said that she would like to have addressed, before or during a discussion of the resolution, a question that has bothered her and about which she spoke at the last meeting: the Committee is devoting all this attention to less than 1% of the students, and she finds the devotion of time and money to the subject to be alarming. The rest of the student body does not have the resources and counseling that is available to this group. She said she understood that student-athletes were a special case, but at some point she would like to have a discussion about how the rest of the student body can have the intimate connections to the University that have been discussed at these meeting.

Professor Marshak pointed out that the University IS doing things for other students, and pointed to the first-year seminars, the President's proposal that all students should have a small-class experience. The residential college also serves this function. Intercollegiate athletics gets a lot of attention, he agreed, but the University is doing much better than it did five years ago for undergraduates—and it should do better. But there are plenty of students who do receive attention; it is unfortunate that they must ask for it while student-athletes have it pushed on them. And many of the latter do not want the attention.

Professor Brady said that students in smaller colleges do receive a lot of personal attention and a lot of contact with the faculty.

Professor Kane said she could applaud the many student services that are available, but if anyone thinks that student-athletes do not have extra attention, they do not understand. The athletes have counselors and tutors who are paid for, which is not parallel to the rest of the University.

The Committee then took up the draft resolution and debated it for approximately 90 minutes. Several matters were agreed upon, and incorporated in the resolution:

- The oversight functions for athletics should be split, with the academic responsibility resting with an all-faculty committee and non-academic oversight invested in an advisory committee composed of faculty, students, alumni, and civil service members.
- If the changes are approved by the Senate, Professor Morrison should go immediately to the Board of Regents to propose the necessary changes in the Regents' policy.
- The report of the Task Force on Sexual Harassment and Domestic Abuse will have to be converted into operational recommendations.

- Contact between athletic staff and the instructional staff should not be forbidden. There may be no contact to seek special favors (grades), and generally any contact should be through academic counselors, but direct contact is not forbidden. The intent was not to create a wall between the athletic and academic staff. The intent of the last two recommendations, Professor Kane observed, was to (1) create a firewall between coaches and non-tenured faculty and graduate assistants on the subject of grades, and (2) at the same time combat the desire of coaches to assume total control and isolate students by encouraging more integration into the academic community. The coach's job depends on keeping the athlete on the field, while the faculty member's job does not; pressure comes with the coach's job.

The worst possible situation is when the athlete becomes the conduit between the coach and the instructor, Professor Rabinowitz asserted. That is to be completely avoided.

- The compliance office should report at the highest possible level, and not to the auditor; it was agreed that the President should decide, but the first principle is that the compliance office should not report to the same person responsible for intercollegiate athletics. Professor Clayton assented to the change, saying it was entirely within the spirit of the report.
- There should be language noting that individuals are very important, but that structure can also play a role in helping the institution adhere to ethical conduct. The Clayton committee, Professor Kane reminded the Committee, was charged to look at STRUCTURE, not personnel matters.
- The coaches should be invited, as soon as possible, to join the Committee.

Professor Kuhi remarked that number of under-the-surface accusations had been made during this meeting; he asked Professor Clayton if the Special Senate Committee would be looking into them. Professor Clayton said they had only taken up the remainder of their charge--general questions of academic integrity--but he did not expect the committee to deal with the athletic departments again.

The Committee voted unanimously in favor of the resolution, which read as follows:

THE SENATE CONSULTATIVE COMMITTEE (constituted, with respect to paragraphs 1-12 acting as the Twin Cities Assembly Steering Committee)-

1. RECOGNIZES the contributions of hundreds of students and dozens of coaches who participate in the varsity athletic programs of the Twin Cities Campus while fulfilling their obligations as members of the University and greater communities, and CONGRATULATES them on their accomplishments and EXPRESSES APPRECIATION for their contributions to our University;

2. CONDEMNS the misconduct of the few who have brought disrepute onto the athletic program and onto the University and DEPLORES the failure of those responsible for the management and oversight of those programs to exercise the necessary control to maintain the standards that the University community rightfully expects;
3. CALLS UPON the University administration to make clear the responsibility and accountability of those who, by their acts and omissions, have brought this situation upon all of us;
4. CENSURES any faculty member who may be found willingly to have participated in any acts of academic misconduct;

Academic Integrity

5. RECOGNIZES that while the integrity of each individual is essential, some structural relationships seem better able to sustain the integrity of the program than others do;
6. RECOMMENDS that the President of the University separate responsibility for operation of the athletic departments from responsibility for the academic counseling and compliance functions, as recommend by the Special Committee on Student Academic Integrity (recommendations 1-4 of the "Clayton Report");
7. ACCEPTS the substantive recommendations of the Clayton Report as amplified by this Committee, and CALLS UPON the University administration to implement them immediately;
8. EMPHASIZES recommendation 12 of the Clayton report that coaches and other athletic department personnel be prohibited from contacting faculty or teaching assistants about the academic performance of individual students, except through the counseling office;

Governance of Athletics

9. RECOGNIZES that responsibility for the governance of athletics is shared, that the President has primary responsibility for the management and operation of the athletic programs and the faculty has primary responsibility for assuring academic integrity, the progress of students toward completion of degrees and responsibility for compliance with applicable standards;
10. RECOMMENDS, accordingly, and in order to avoid potential conflicts of interest, that the faculty role be split into two parts, with one part providing oversight of academic progress and compliance and the other part providing advice on other aspects of the athletic programs, with separate committees to perform these two different functions;

11. RECOMMENDS that the Assembly amend its by-laws in the following manner, replacing the Assembly Committee on Intercollegiate Athletics with the two committees suggested above, giving them appropriate charges;

12. REEMPHASIZES the recommendation of the Clayton Committee that the Faculty Academic Oversight Committee review the transcript of every varsity athlete every semester, not only to ensure compliance with minimum NCAA and other external rules, but also to ensure that the student is making reasonable progress toward satisfaction of degree requirements, and to take appropriate action in light of that examination;

13. RECOMMENDS that the President or his designee, in conjunction with this Committee, review the role, function, and method of selection of the Faculty Representative(s) for intercollegiate athletics;

Issues Relating to Student Discipline and Sexual Misconduct

14. REAFFIRMS the principle that students participating in varsity athletic programs are entitled to no special privilege or favor with respect to student discipline, and accordingly APPROVES the President's determination that no coach or representative of the athletic departments should seek to represent any student in any investigation or proceeding;

15. WELCOMES the report of the Review Panel on Sexual Misconduct and Domestic Abuse Investigations (the Evans Report);

16. RECOMMENDS that internal student disciplinary proceedings should ordinarily proceed expeditiously, with due regard to parallel criminal or civil proceedings;

17. ENDORSES the recommendations of the Evans Report that the members of panels hearing sexual misconduct cases be specially trained in the proper procedures and the limits upon examination and cross-examination of witnesses, that the panels in such cases be of a fixed size, and that the panels meet during normal business hours;

18. RECOMMENDS that the President or his designee, in conjunction with an appropriate Senate Committee, conduct a review of the procedures in all student behavior disciplinary procedures in light of the other recommendations contained in the Evans Report, with a view to the simplification and expedition of those procedures, while fully protecting the rights of all involved;

19. CALLS UPON the athletic departments immediately to implement the Sexual Awareness Training Program, and calls upon the Directors of the two departments to make a written report to this committee, indicating the numbers of players and coaches, on a team-by-team basis who did and did not participate in this program;

Conclusions

20. THANKS the members of the Review Panel on Sexual Misconduct and Domestic Abuse Investigations for their thorough and comprehensive report;

21. THANKS the members of the Special Senate Committee on Student Academic Integrity for their thorough and comprehensive report and awaits the completion of the more general phase of their report on academic misconduct; and

22. REQUESTS the endorsement, by the Senate and the Twin Cities Assembly, of these actions.

ADOPTED by the Senate Consultative Committee and Assembly Steering Committee
November 11, 1999

Recommendations

Report of the Special Senate Committee on Student Academic Integrity (Part I: Athletics) (As modified by the Senate Consultative Committee 11/11/99)

A. ORGANIZATIONAL RECOMMENDATIONS

1. Academic Counseling and Student Services for Intercollegiate Athletics should report to the office of the Provost.
2. The Vice Presidency now concerned with Student Development and Athletics in future should be concerned solely with Student Development.
3. The Athletic Directors should report to a senior central administrative officer who reports directly to the President and could be assigned ad-hoc, a person with authority, institutional support, and unquestionable integrity.
4. The Director of Compliance should report to the President or his designee.

B. OTHER RECOMMENDATIONS

5. Coaches are responsible for students' athletic performance and their public behavior as athletes, for recruiting academically capable students for their teams, and for fostering a culture of academic progress as well as of athletic success.
6. Coaches' contracts should include significant incentives for improving the academic performance of the students on their teams.

7. Academic Counseling and Student Services for Intercollegiate Athletics should be responsible for counseling and special tutoring, and for integrating their activities as far as possible with department and collegiate advising and instructional programs.
8. Students in athletics, like other students, are responsible for their own academic performance and personal conduct.
9. Departments and colleges should be responsible for assuming as much responsibility for students in athletics as they do for other students, but no instructor should ever regard it as part of his or her responsibility to help maintain student-athletes' eligibility.
10. The faculty is responsible for enforcing the University's academic standards and for reporting infractions.
11. Athletic officials should be enjoined from attempting to influence anyone with responsibility for admissions to show special favor to prospective students who may participate in intercollegiate athletics. Any contact between athletics and admissions must be limited to written exchanges. (This does not preclude athletic ability from being taken into account in admissions decisions.)
12. Athletic officials are enjoined from attempting to influence others outside the athletic programs to show to students in athletics special favor that is not shown to other students. All contact about an individual student's academic performance should be through academic counselors. (This of course does not preclude normal professional or social coach-faculty interactions.)
13. Athletic officials, including coaches, should be encouraged to share in the activities of the wider University community as far as they can and wish to.

Professor Morrison said he would deliver the resolution to the President that evening, when the Faculty Consultative Committee was having dinner with the Board of Regents' at Eastcliff. The resolution will be brought to the Assembly/Senate on December 2.

The next meeting will be devoted to taking up bylaw amendments and other details called for in the resolution. Professor Morrison said drafts would be prepared and circulated in advance for comments.

He adjourned the meeting at 4:30.

-- Gary Engstrand