



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee  
614 Social Sciences  
267 19th Avenue South  
Minneapolis, Minnesota 55455  
Telephone (612)373-3226

FACULTY CONSULTATIVE COMMITTEE

November 3, 1983  
300 Morrill Hall  
10:45 - 12:30

AGENDA

- 10:45 1. Report of the Chair
- Faculty legislative liaison
  - Schedule for tenure code forums
  - Distribution of special \$900,000 for salaries: report on second meeting of ad hoc faculty committee with Vice President Keller.
- 11:00 2. Meeting with General Counsel Dunham
- a. Implications of the Puleston case and settlement.
  - b. Update on the Consent Decree.
- 11:30 3. Report on the Howe/Striebel/Dunham meeting regarding new consent decree petition on internal tribunals.
- 12:00 4. Cooperating Fund Drive. Guest: Professor Sheldon Goldstein, chairperson, Senate Committee on Social Concerns, for a report on the work of his committee. (Background material has been circulating among the Twin Cities FCC members.) As of October 27 it appears this will not be an action item for FCC on November 3.
- 12:15 5. National Council on International Research and Manpower - update. John Turner.



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November 3, 1983  
300 Morrill Hall  
10:55 - 12:45

Members present: V. Fredricks, P. Freier, J. Howe (Chr.), M. Mattson, J. Merwin, I. Rubenstein, D. Stuthman, W. B. Sundquist, W. D. Spring, J. Turner.

Guests: R. Bale, S. Dunham, C. Pazandak, M. Smith, C. Striebel.

1. Discussion with General Counsel Steve Dunham.

a. The Puleston workers compensation case and settlement. What are the lingering implications in the policy and legal senses?

Mr. Dunham explained that the Puleston case was settled outside the workers compensation system. The University and Mrs. Puleston reached a settlement and got district court approval because of the specific provisions for minor children and attorneys' costs. The negotiations were based on various possibilities and resulted in Mrs. Puleston's receiving less than she ultimately would have given certain eventualities and more than she would have given others.

When are faculty covered? The University said 'B' term faculty are covered in the summer if they are acting in an employment capacity. The state lawyer said the state agreed with that position, but that the issue is whether the victim is engaged in activity "within the scope of their employment." Mr. Dunham told FCC that these issues of fact will depend case by case by case. Each case must be examined individually. There is a lot of case law in this area, and there are tests and measures to apply and "preponderance" to assess. In the Puleston case the question was whether at some point Professor Puleston's circumstances turned into a vacation.

Asked whether statements by the state on this case had compromised the University respecting what the faculty can win in the future, Mr. Dunham replied that, if anything, the precedent is in favor of the faculty. The state is willing to give the University some leeway in defining "scope of employment."

Very few individuals in the University were aware of this case during the five years between the accident and this summer's publicity over the state's denying the claim. The attorney's office is generally alerted only a few times a year when a state lawyer calls with a query about a particular case. Normally the state simply handles cases involving the University.

Answering another point, Mr. Dunham agreed it is important for faculty to complete travel forms accurately for all travel which they undertake for professional reasons, even if an outside agency is paying the way.

Professor Fredricks asked whether the University became its own insurance agency by its manner of settling this case. Mr. Dunham agreed there is some danger in that way of settlement. We would not want to go with any frequency outside the system, he said. He described the case as comprising a highly unique set of circumstances.

Professor Merwin asked whether there is the potential of disservice to the faculty by trying to pin down the coverage provisions too much. Mr. Dunham said there is and that the guidelines should be kept very general.

b. The Consent Decree. FCC asked Mr. Dunham to bring them up to date on expenses, settlement patterns, and the rate of new filings.

Mr. Dunham told FCC that the two most important Rajender-related issues now are:

(1) The University's suit against its insurers, in which over \$5 million is at stake; it will be heard November 16 in Judge Lord's court; and

(2) The six petitions filed last June (by about 20 signatories) seeking changes of policies; they raise very important questions.

He reported further:

(3) Numbers of cases filed. A total of about 300 people have filed claims and petitions. The petitions of about 85 remain unsettled, including the 20 from last June. Of the other 65, eight are home economists at UMD affected by reorganization and 33 are nursing faculty with a comparable worth salary claim. Of the others, four or five should be resolved shortly. He expects about 15 claims and petitions to remain at the end of this year, apart from the group cases.

(4) Costs. The University's costs for outside counsel are down from about \$75,000 per month to a few thousand per month. Consent decree work accounts for about one-quarter of Mr. Dunham's time and a somewhat smaller fraction of the time of two other University lawyers. The average settlement has been about \$20,000.

(5) Rate of claims. Between three and six new claims have been filed in the last six months. Since June 1981, when all claims have had to be new cases, there has been only one non-hire case. This means that Lillian Williams and Pat Mullen of the EEO office have done a terrific job and that the Consent Decree has worked in keeping the hiring process both open and fair and perceived as being open and fair. All the other claims, hence, have been from employed faculty. A few claims have arisen out of reorganization. Very few, if any, have come out of retrenchment.

Many settlements have been arranged informally through the General Counsel's office and the administrator involved.

Professor Turner inquired whether the University had appealed any cases. Mr. Dunham said the University had lost only two cases heard by the court-- the Gleason case and the Schick and Plack case. It did not appeal either.

Litigation involving current faculty members is very disruptive, said Mr. Dunham, and we continue to try for an informal resolution to each case.

Mr. Dunham said the attorneys are very much aware of the academic competence issue. They are aware of many other issues as well, which bear upon the possibility of discrimination. Just because faculty say something is right on the basis of peer review, he told FCC, that does not mean it is either right or non-discriminatory.

(6) University appeals now before the eighth circuit court:

- (a) against the ordered lifting of the \$6000 University pay limit to lawyers of successful claimants;
- (b) for dropping the requirement of advertising in the New York Times.

2. Forming an ad hoc committee regarding the June Consent Decree petition on internal tribunals.

FCC members received copies of a draft of a letter which will go from Professors Howe and Striebel asking people to serve on this committee and stating the general charge. Mr. Dunham drafted the letter on the basis of the recent Howe-Striebel-Dunham meeting.

Professor Howe noted that the Judicial Committee has not dealt with the majority of the kinds of cases brought under the Consent Decree. The petition, he said, recognizes both that claimants have not deemed the Judicial Committee process adequate where it has been used, and that there is not an internal system for dealing with a lot of the cases (especially salary issues).

FCC finds the proposed number of 13 large for the working group, but the EEOWC does want that many for representativeness.

Mr. Dunham has no objection to a member of the UMD faculty sitting on the group. The FCC, however, takes a contrary view. Mr. Dunham said he thinks there is a chance UMD's bargaining unit might let UMD claimants use the University's internal tribunal. UMD non-hires clearly could use it.

Professor Freier asked why, since the General Counsel's office is already handling the informal settlements very well, it could not continue to do so, so that we could avoid wasting the time of 13 people to propose some alternative system. Mr. Dunham replied that the petitioners do not generally agree the University's attorneys do a good job. We would welcome faculty advice on salary settlements, he added.

Professor Spring moved the point that it would be inappropriate to have members of the bargaining unit serving on a Senate committee and determining procedures which would be for the use of University faculty not in the bargaining unit. He noted that the ad hoc committee will probably establish a process which will come to involve the Senate Judicial Committee.

Discussion. Professor Spring said UMD membership would impinge on the integrity of the Senate. Other members of FCC objected because non-medical UMD faculty have not been permitted in the Senate or its committees since the UEA election, and because their inclusion would seem to permit UMD consent decree claimants to "double dip" into grievance procedures.

Mr. Dunham told FCC he viewed this ad hoc committee as a political requirement to get a process which has the confidence of the claimant class, the faculty, and the University. Therefore, if the claimant class believes it is important to have Duluth represented, he believes it is important.

Were the body an administrative, rather than a Senate committee, as Professor Spring recommended, the EEOWC chairperson had told Mr. Dunham and Professor Howe that would undermine its credibility with the claimant class.

Vote. FCC voted 7 yes, 2 no, in support of the Spring motion.

Professor Howe will contact Professor Striebel and explain the FCC's opposition to Duluth participation in a Senate committee. If EEOWC continues to press for UMD participation, and is not comfortable with an administratively-appointed committee, he will propose asking the administration to appoint, with the advice of the two Senate committees, a group which would include UMD people.

Professor Howe told FCC members he would send them the individual names proposed for the ad hoc committee.

3. Cooperating Fund Drive. Guest: Professor Sheldon Goldstein, Chairperson, Senate Committee on Social Concerns (SCSC).

Professor Howe told FCC that SCSC has addressed the question of incorporating the Cooperating Fund Drive into the University's charitable giving structure and that the Faculty Affairs Committee has determined it need not address it.

Professor Goldstein described his committee's work to date. Their October 14 meeting was in the form of a forum in which people from various groups presented their positions. Their November 1 meeting lacked a quorum but members present arrived at a consensus. This position is that the committee recommend that the range of choices for staff giving be expanded. Presumably that expansion will include the CFD.

The central issue, he said, is to balance two considerations: protecting the faculty from excessive drumming, and giving freedom of choice. The Social Concerns Committee intends to build in safeguards against excessive solicitation.

SCSC members differ on whether their committee should, in addition to drawing up policy to control admittance, also play the operational role of determining which prospective solicitors should be admitted, or whether that is an administrative job. Professor Goldstein hopes to have a draft position on controlling admittance before the SCSE on November 22, and have a motion to present the SCC and the Senate in February.

The Cooperating Fund people seem satisfied with this timetable, Professor Goldstein reported. If they got approval in February to join the Consolidated Fund, SCSC understands they could be incorporated into next fall's drive.

Some FCC members thought the Social Concerns Committee had been rather hasty in dismissing the arguments of the special ad hoc committee (jointly appointed by Civil Service and by SCC Chair Pat Swan over a year ago) which had spent a lot of time fulfilling its charge to make a recommendation, and had recommended against opening up the Consolidated Fund to the CFD. Professor Goldstein said Social Concerns did indeed give weight to those arguments. But, he added, his committee believes that to deny considering another group as worthy is to make the judgment that only the United Fund is worthy. The ad hoc committee members were completely unpersuasive regarding the permitting of choices, he told FCC.

Professor Goldstein said one route to controlling admissions is to admit only federations of agencies. Other foundations have developed guidelines for screening which may assist us in making ours, he noted.

Moreover, he told FCC, there is apparently a legal difficulty in the University's or any employer's maintaining high exclusivity in this type of giving plan. We have no definitive answer yet on this issue.

Professor Howe thanked Professor Goldstein for reporting to the FCC and for carrying back FCC comments and questions to his committee.

4. National Council on International Research and Manpower -- the proposal.

Professor Turner reported that President Magrath recently attended a meeting of the Association of American Universities presidents. There is a consensus in that group that the proposal in its current form does not have widespread support.

The FCC meeting adjourned at 12:45 p.m.

Meredith Poppele,  
recorder



UNIVERSITY OF MINNESOTA  
TWIN CITIES

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100 Church Street S.E.  
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April 4, 1984

Professor John Howe  
733 Social Science Building  
Minneapolis Campus

Dear Professor Howe: *JLH*

In response to your letter of March 22, 1984, we are aware of and following the workers compensation bills which will specify that "B" faculty members are employees during the summer as long as they are working within the scope of their employment even though they are not salaried. I discussed this with President Magrath and the Vice Presidents and I believe we all agree that the bill is friendly to the University and will if anything help clarify the ambiguity that may in part have given rise to the Puleston case. I believe, however, that that issue was never central to Puleston and, in any event, we have a working understanding with the state department that administers our workers compensation program to treat "B" faculty the same as "A" faculty as long as they are working within the scope of their employment. In that sense the bill is not necessary, but we certainly don't oppose it and it might well help to clarify the issue in case it should arise again.

Sincerely,

Stephen S. Dunham  
General Counsel

SSD:dmf  
cc: Vice President Kegler

Daily 11-4-83

## U news

### Closed meeting is first for FCC this school year

The Faculty Consultative Committee (FCC) held its first closed meeting of the academic year Thursday.

The meeting was closed at the start to discuss a personnel matter, said John Howe, history professor and FCC chairman. The meeting was closed again at the end to continue the discussion on a motion by John Turner, regents professor of political science, who was attending FCC for the first time this academic year.



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November 8, 1983

Mr. Richard Bale  
Minnesota Daily  
10 Murphy Hall

Dear Rick:

Your short report in last Friday's Daily seemed to connect Professor John Turner and none of the other members of FCC with the decision to close a portion of our last meeting. So, I want to report that Professor Turner did not initially suggest that we go into executive session. Secondly, his motion was that we briefly reconvene in executive session in order to finish our initial discussion. His motion was unanimously approved by the full FCC. I do hope that your story has not left any readers with the wrong impressions.

Sincerely yours,

John Howe, Chairperson,  
Faculty Consultative Committee

JH:mp

bc: John Turner



UNIVERSITY OF MINNESOTA  
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November 7, 1983

Mr. Richard Bales  
The Daily  
10 Murphy Hall  
University of Minnesota

Dear Mr. Bales:

I am writing this letter because I believe that the two of us share an interest in elevating the professional standards of journalism. For this reason, I wish to visit with you about the article that appeared on November 4, 1983, p. 11. It concludes as follows: "The meeting was closed again at the end to continue the discussion on a motion by John Turner, regents professor of political science, who was attending FCC for the first time this academic year." I have received several phone calls about this sentence.

Now we can't quibble about the closed meeting, which involved a personnel matter--I have been told that the open meeting law permits this. (Chris Ison was the first person to inform me that meetings could legally be closed for the discussion of personnel items.) That closed meeting was interrupted before it was formally ended by the entrance of the University Attorney. The best way to have continued the discussion, I suppose, would have been to assume that our earlier session had merely been recessed. The Chair, however, opted to call for another motion--an action that was entirely within his province--and I made the motion in order to speed things up. Besides, I was the person most involved in the unfinished business, which I knew would take only a few minutes before going to the SCC meeting.

The tacked-on statement that I was attending my first FCC meeting of the academic year should be regarded as irrelevant, inconsistent (this is the first time that you have ever referred to the attendance of any member), gratuitous, and most misleading.

In reading the above paragraph, you should take the following facts into account:

- 1) I am on sabbatical leave during the current academic year, and for this reason I am not obligated to attend any meetings. I did, however, consent to serve as Vice Chair, and I am doing so at the expense of my research time.

- 2) Contrary to your assumption, the term for an FCC member starts on July 1, not September 16. I attended the FCC meeting on July 28 and the meeting on August 23. When the September meeting was held (on the 22nd), I was in Korea working on a research project; the visit was set up by my Korean colleagues, and I had to conform to their schedule. The first FCC meeting in October (held on the 6th) occurred when I was in the Soviet Union, again on a research trip. On October 18, as I was preparing to return to the United States, I was stricken with a serious case of influenza. For this reason, I remained at home--in bed with a temperature of 102.5--on October 19 and 20. (The FCC meeting was held on the 20th).
- 3) Since you appear to be concerned about the aforementioned absences, why have you remained silent about the splendid attendance record I had from July 1, 1982 through June 30, 1983? During that entire period, I only missed on October 21, when I was handling some committee business in Duluth; and on April 28th, when I was in Washington, D.C., at the request of President Magrath. In addition, not only I did handle my own quota of Regents' meetings, but I also substituted on four other occasions when some of my colleagues had scheduling conflicts.

In my view, the last part of your article in the Daily was unnecessary and unwarranted (if you had only taken the trouble to dig a bit for the facts).

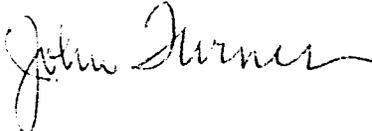
As a prospective journalist, striving (I hope) to do first-class work in accordance with the canons of the discipline, you may wish to ponder the following questions:

- 1) In writing the last sentence of the article, what message did I wish to convey to my readers?
- 2) Given the pattern of previous reporting, including attendance records, was the statement relevant? Was it justified? Did I have enough information in my possession to make a solid, factually-based statement on the subject? Did I make an effort to get the complete picture?
- 3) Given Professor Turner's previous commitment to FCC activities (of which I was aware, since I have frequently covered the activities of that body), does it appear reasonable that he would be missing meetings without a valid excuse?
- 4) Even overlooking the crack about absenteeism, was it really fair to tie Turner's name to the motion without considering why the business had not been completed at the earlier session--a session that was legally conducted under existing rules?
- 5) Will the article be delivering a fair message to faculty members who are either interested in or extremely critical of faculty governance?

November 7, 1983  
Page Three

If you would like to chat with me about your article and this letter,  
please let me know, and we can set a mutually agreeable time.

Cordially yours,



John E. Turner  
Professor

cc: Victoria Sloan  
Pamela Coyle  
Professor John Howe  
Professor Donald Gillmor

*October/november 1983*

REPORT AND RECOMMENDATIONS OF THE SENATE SOCIAL CONCERNS COMMITTEE  
ON THE STRUCTURE OF CHARITABLE GIVING AT THE UNIVERSITY OF MINNESOTA

On October 27, 1982, the chairs of the Senate Consultative Committee and the Civil Service Committee appointed an Ad Hoc Committee to report on a trail campaign which had been administratively authorized for the Cooperating Fund Drive to be conducted during the winter of 1983. The charge to the Ad Hoc Committee was to become acquainted with the Cooperating Fund and its plans for the January, 1983 canvass, to review the experience of the January canvass to determine if any problems arose, and to make a recommendation to the staff and faculty on whether or not to incorporate the Cooperating Fund into the Consolidated Fund for future years' drives. The Ad Hoc Committee completed its report in September, 1983, and it was subsequently referred to the Senate Committee on Social Concerns and the Civil Service Committee.

The Ad Hoc Committee reported that the mechanics of the trail campaign of the winter of 1983 appeared to go smoothly. However, it established as the primary issue, and the one to which the substance of its recommendations relate, the question of whether or not the Consolidated Fund should be opened to include additional organizations. It found that the only precedents for including organizations other than the United Way were in those instances where direct University interests were served. In considering this question the Ad Hoc Committee concluded that the organizations within the Cooperating Fund Drive did not have a "special enough connection to the University to warrant an exception to the unified campaign principle." Lacking this special institutional

relationship, the Ad Hoc Committee further concluded that if an exception were made in the case of the Cooperating Fund, further exceptions would be sought by other charitable organizations, which would result in a dilution of the principle of a consolidated campaign.

The Ad Hoc Committee, therefore, recommended that the Cooperating Fund should not become a part of the Consolidated Fund drive and that the University should make no exception to its current practice of conducting a single University campaign in cooperation with the United Way organizations of Minneapolis and St. Paul and the Student Aid Fund.

In its consideration of the Ad Hoc Committee report the Social Concerns Committee met with representatives of the United Way, the Cooperating Fund, members of the Ad Hoc Committee, and, in addition, secured information as to how other public and private institutions recently have dealt with this problem.

The Social Concerns Committee shares the concern of the Ad Hoc Committee as to the need to protect faculty and staff from the intrusion of unlimited appeals by charitable organizations. To a considerable extent, however, this purpose is achieved by maintaining one consolidated fund drive. What is really at issue, therefore, is the range of choices available to the faculty and staff during that one drive as to how they wish to direct their charitable contributions. As long as the University conducts one consolidated fund drive and establishes appropriate procedures and practices for the dissemination of information to faculty and staff during that single drive, it should be possible to protect staff and faculty from over zealous and repeated solicitation.

The Ad Hoc Committee also placed considerable emphasis on the need for special expertise and dedication of resources by the University to evaluate and reach judgments as to which charitable organization should be included in the Consolidated drive if the range of choices were to be expanded. Clearly, if the University were to reach substantive decisions as to the worthiness of each such organization before inclusion, the concerns of the Ad Hoc Committee would be well founded. The Social Concerns Committee, however, believes that by establishing structural, procedural, and legal qualifications, screening of organizations for inclusion in the consolidated drive can be accomplished without the kind of analysis which is suggested in the Ad Hoc Committee report. Decisions as to the worthiness of the organization should, after all, be left to the individual contributor as an expression of his/her values, needs, and objectives as they relate to charitable giving. The Social Concerns Committee, therefore, concluded that the Consolidated Fund Drive should be expanded to include other organizations so that the individual members of the faculty and staff may have a wider range of options available to them.

This recommendation, it should be emphasized, carries with it no implied criticism of the Consolidated Fund Drive as it has been conducted in the past, or of the United Way or the organizations affiliated with the United Way. It springs rather from a belief that there are many and diverse ways by which charitable organizations can and do address the needs of our complex society and that individuals who make

charitable contributions should have a range of choices reflective of that diversity as they decide how they wish to direct their contributions.

#### RECOMMENDATIONS

The Social Concerns Committee recommends that the existing administrative procedures of the University Consolidated Fund Drive be changed to permit payroll deductible contributions for organizations in addition to the United Way of St. Paul and Minneapolis and the Student Aid Fund. Decisions as to which organizations to include and procedures for the conduct of the Consolidated Fund Drive are to abide by the following policies:

1. Only umbrella organizations representing 10 or more charitable agencies are to be included in the Consolidated Fund Drive. Applications for inclusion are to provide the following:
  - a. A petition signed by no fewer than 100 University of Minnesota faculty or staff requesting the umbrella organization's inclusion in the Consolidated Fund Drive.
  - b. Evidence that the umbrella organization and each agency represented by that organization is tax exempt under 501 (C) (3) of the Internal Revenue Code of 1954, and that contributions to each such organization and agency are deductible for Federal and state income tax purposes.
  - c. The umbrella organization is to provide further evidence that it has had tax exempt status for two years prior to the date of application.

1. d. Assurances that the umbrella organization and each agency it represents is in compliance with Minnesota laws governing charities.
  - e. Evidence that the umbrella organization regularly reviews the operations of its member agencies.
  - f. The current membership of the umbrella organization's board of directors.
2. In its administration of the Consolidated Fund Drive the University will establish procedures by which information about the organizations included will be disseminated to faculty and staff in such a way as to minimize the intrusive effects of solicitation. Before inclusion in the Consolidated Fund Drive, the umbrella organization will agree to adhere to those established procedures.
  3. In publicizing and encouraging contributions to the Consolidated Fund Drive, the University will take a neutral position with respect to the participating organizations to encourage individual choice by members of the faculty and staff.

The Committee further recommends that it be charged with the responsibility of monitoring the administration of the Consolidated Fund Drive and report to the Senate its findings annually, including such recommendations as appear necessary for change in these policies.



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October 20, 1983

To: Faculty Consultative Committee

From: John Howe

The attached Report is, I think, largely self-explanatory. It is perhaps only necessary to add that the Cooperating Fund's proponents are quite anxious that a decision be made this fall on whether or not the Fund will be added to the Charitable Giving program at the University. This Report gives the recommendation of an ad hoc committee appointed last August by SCC and the Civil Service Committee. The Report is now before the Civil Service Committee and, on the faculty side, before SCFA and Social Concerns. It's my understanding that if either of them recommends that the Cooperating Fund be added, that recommendation will go before the Senate for decision. It's also my understanding that if neither committee recommends positively (that is, if they agree with the ad hoc committee that the Cooperating Fund should not be added), the Fund's sponsors will come to the SCC at our meeting of November 3 and ask us to recommend positively to the Senate. That is the last day for adding items to the November 17 Senate agenda.

In either event, we need to know the nature of the issue and be familiar with the ad hoc committee's Report. Please read the report and pass it along quickly to the next person on the list. Thank you.

:mp

Attachment

September 30, 1983

MEMORANDUM

TO: Professor Mario F. Bognanno, Chair, Senate Committee on  
Faculty Affairs  
Professor Sheldon Goldstein, Chair, Senate Committee on  
Social Concerns  
Professor John Howe, Chair, Senate Consultative Committee  
Ms. Cheryl Streit, Chair, Civil Service Committee

FROM: Patricia Williamson, Chair, Social Concerns Committee of  
1982-83, and Chair, ad hoc Committee to Review the  
Structure of Charitable Giving at the University

RE: Recommendations for Discussion within Your Committee

Enclosed are recommendations on the structure of charitable giving at the University.

You may be interested to know that a state law has been enacted which may have a tangential effect on these discussions. Since the regulations on this law have not yet been promulgated and its relevance to us unclear, this perspective has not been considered in our deliberations.

I wish to thank the members of my committee for their patient work on this assignment and to wish you and your colleagues well as you further consider the issues raised in this report.

tla

enclosure

cc: ad hoc Committee Members  
Patricia Swan

REPORT OF THE COMMITTEE TO REVIEW  
THE STRUCTURE OF CHARITABLE GIVING  
AT THE UNIVERSITY OF MINNESOTA

Prepared by:

Patricia Williamson, chair  
Jerome Larson  
Philip Raup  
Marilyn Sime

Richard Meyer, ex officio  
Jean Parmelee, ex officio

September 1983

TABLE OF CONTENTS

	<u>Page</u>
Introduction . . . . .	1
University Senate Discussion of Charitable Giving . . . . .	3
Brief Review of the Cooperating Fund 1983 Trial Campaign, University of Minnesota . . . . .	5
Committee Deliberations . . . . .	8
Justification for a Single Consolidated Campaign . . . . .	8
Evaluation of Community Charities . . . . .	9
The Committee's Recommendation . . . . .	11

REPORT OF THE COMMITTEE TO REVIEW  
THE STRUCTURE OF CHARITABLE GIVING  
AT THE UNIVERSITY OF MINNESOTA

September 21, 1983

Introduction

The Cooperating Fund is an association of twenty-four Minnesota social service agencies, neighborhood groups, and consumer advocacy organizations. On behalf of the Cooperating Fund, Thomas Dewar, Senior Fellow of the Hubert Humphrey Institute, requested that the University of Minnesota include the Cooperating Fund alongside of the Consolidated Fund in the fund raising permitted through University channels. In particular, he requested that the University establish a payroll deduction option to allow University faculty and staff to make such contributions.

In August of 1982 University Vice Presidents Frederick Bohlen and Nils Hasselmo approved allowing the Cooperating Fund to conduct a trial fund-raising campaign during the winter of 1983. At the time permission was granted for the trial campaign, it became apparent that the question of the permanent status of the Cooperating Fund in the University of Minnesota should be studied by the University Senate and the Civil Service Committee.

Accordingly, the chairs of the Senate Consultative Committee, Patricia Swan, and the Civil Service Committee, Barbara Kalvik, on October 27, 1982, appointed an ad hoc committee to report on the trial campaign and to make a recommendation about whether to include the Cooperating Fund Drive in the University of Minnesota's Consolidated Fund Campaign. The ad hoc committee was asked to report its recommendations to three organizations: the Senate Committee on Faculty Affairs, the Civil Service Committee, and the Senate Committee on Social Concerns. Members of the ad hoc committee were Pat

Williamson (chair), chair of the Senate Committee on Social Concerns; Richard Meyer, Director of Development, University of Minnesota Foundation (ex officio); Jean Parmelee, Director, Consolidated Fund Drive (ex officio); Philip Raup, Senate Committee on Social Concerns; Catherine Ross, Civil Service Committee; Marilyn Sime, Senate Committee on Faculty Affairs, and Jerome Larson, alternate from the Civil Service Committee.<sup>1</sup>

The ad hoc committee's charge was to:

- o "become acquainted with the Cooperating Fund and its plans for the January (1983) canvass,
- o "review the experience of the January canvass to understand if any problems arose, and
- o "to make a recommendation to the staff and faculty on whether or not to incorporate the Cooperating Fund into the Consolidated Fund for future years' drives."<sup>2</sup>

During the meetings held during the course of the Fall and Winter Quarters of the 1982-83 academic year, the Committee heard presentations by representatives of the Cooperating Fund and the Minnesota Charities Review Council; reviewed previous University Senate action as reported in the Senate minutes of April and June 1960, February 1961, and May 1969; discussed the July 1975 report of the Ad Hoc Committee on the Consolidated Fund; and reviewed an evaluation of the trial campaign prepared in the Spring of 1983 by the Cooperating Fund staff.

It became apparent to the Committee, on the basis of their research and meetings, that two different issues were involved: the review of the January canvass of the Cooperating Fund and the question of opening the Consolidated Fund to additional organizations. The second issue, that of the permanent status of the Cooperating Fund Drive within the University, emerged, for the

ad hoc committee, as the most significant question to be addressed and was the primary focus of the Committee's recommendations.

This report will examine the issue of the role of the Cooperating Fund in the University from three perspectives. First, we will review the discussions of charitable giving which took place in the University Senate from the time of the establishment of the Consolidated Fund in 1960 through the present. Second, we will report on the trial campaign conducted on behalf of the Cooperating Fund in January of 1983; and finally, we will report on our deliberations leading to the recommendations which are submitted to the Senate Committee on Faculty Affairs and the Civil Service Committee.

#### University Senate Discussion of Charitable Giving

The Consolidated Fund Drive in the University of Minnesota was approved by the University Senate on June 2, 1960. The campaign was to be a consolidated drive providing a single charitable campaign for University faculty and staff. Faculty and staff were given the option to make their contributions by means of payroll deductions.

A significant policy issue for the University in 1960 at the time of the establishment of the Consolidated Fund campaign arose over the question of whether or not to include, in addition to the United Fund, the Minnesota Heart Fund and American Cancer Society. This became an issue because the Heart and Cancer Drives had not, at that time, accepted membership within the Minneapolis United Way. (They were, however, a part of the St. Paul United Way.)

The June 2, 1960, Senate minutes record the fact that the question of whether to include the Heart and Cancer Funds as separate items in the Minneapolis campus drive raised considerable debate within the University. On one side stood persons believing in the importance of support for a single campaign. The logic of their position was principally one of feasibility:

We gave consideration to creating a much wider choice by writing subscriptions to a larger group of voluntary agencies not participating in the United Fund. Logically an argument can be made for extending to contributors an invitation to subscribe through this single collection drive to any agency not within the United Fund drive. But this would have caused an impossible deluge of appeals to the University staff, and very difficult and financially burdensome administrative problems.<sup>3</sup>

Why then did the Senate in 1960 authorize the separate listing in the Minneapolis campaign of the Heart and Cancer drives? The logic on the other side of the issue was based on the special relationship which these two voluntary agencies had with the University's Health Sciences research:

The voluntary agencies (Cancer and Heart) named in the recommendation do not participate in the United Fund. Yet they are highly important agencies dependent upon voluntary gifts, and major research enterprises at the University are dependent upon successful drives by these agencies.<sup>4</sup>

At the time the Senate first established the Consolidated Fund in 1960, it recognized efficiencies in having a mechanism outside of the University which would help evaluate the relative merits of community charities:

Once a community agency has agreed to participate in the United Fund, and to accept its allocation from the United Fund Drive, we can safely rely on the United Fund officials to make a fair and equitable allocation among the participating agencies in accordance with their needs. As contributors to a single collection drive, we should be satisfied to accept the United Fund's allocation of that portion of our funds contributed to the United Fund, and through the United Fund to its participating agencies.<sup>5</sup>

As this ad hoc Committee has reviewed the Senate's discussions of the Consolidated Fund it seemed clear that the Senate placed major emphasis on a single unified campaign. Although there were two exceptions to this principle, they were made because of special circumstances of direct institutional benefits to the University. Exceptions to the principle occurred first in 1960 in the Minneapolis campaign because of the special link between University research and the Cancer and Heart organizations. (That exception became moot in 1977 when the Cancer and Heart Drives were incorporated in the United Way of Minneapolis.) A second exception to the principle of a unified campaign was the creation of the Student Aid Fund in 1969. This too, the Committee has

come to believe, was accepted because of the direct institutional interest--the special and compelling interest of a university in financial support for its students.

The Senate discussions of the structure of charitable giving at the University, however, revealed another principle--that of being responsive to the views of faculty and staff vis-a-vis charitable giving. According to the June 2, 1960 and March 9, 1961 Senate Minutes, as well as a 1975 evaluation of the Consolidated Fund,<sup>6</sup> the possibility was raised of allowing faculty and staff to make recommendations about additional charitable organizations which might be added to the University campaign. To implement this idea, pledge cards allowed faculty and staff members to suggest organizations which they thought should be added to the campaign.

As the record of Senate discussions is studied, it is clear that this principle was never fully developed. For example, it was pointed out in the 1975 evaluation that the request for suggestions of additional organizations on the 1974 pledge card had elicited 15 suggestions recommending 14 different organizations. The 1975 evaluation report observed that such a process "might not provide representative advice." Accordingly it concluded, ". . . there is no strong basis for including other agencies in the Drive, at least at the present time."<sup>7</sup>

Until the issue of the addition of the Cooperating Fund organizations was raised in the summer and fall of 1982, there were no other major discussions in the Senate of the structure of charitable giving at the University.

Brief Review of the Cooperating Fund 1983 Trial Campaign, University of Minnesota

The Cooperating Fund Drive (CFD), an association of social service agencies, neighborhood groups and consumer advocacy organizations, has three stated purposes: to raise funds cooperatively for member agencies and other worthwhile

community improvement charities; to train community leaders in the art of fund raising so that their agencies may increase their level of self-sufficiency; and to increase management efficiency and decrease administrative costs of member organizations. The Cooperating Fund Drive was incorporated as a non-profit tax-exempt organization in Minnesota in 1978. In 1981, CFD had income of \$100,000 with 70 percent of its resources coming from foundation support. The Fund's planning projected a diminution of foundation support with independence from this support anticipated fully by 1991. In 1981 direct assistance to member agencies was approximately \$10,000 or 10 percent of the overall budget; other CFD allocations were made for purposes such as technical assistance and agency relations, planning, and evaluation, as well as management expenditures and fund-raising expenditures.<sup>8</sup>

The Fund is administered by a board of directors, consisting of one representative from each CFD member organization and members at large representing different parts of the community. The Fund provides for a gift-of-choice designation which allows donors to designate which agency is to receive their funds, whether or not such an agency belongs to the Fund, as long as such agencies are non-profit and tax-exempt within Minnesota. In 1981 the Fund deducted 12 percent of contributions to cover administrative and accounting costs. All undesignated funds were divided equally among CFD member organizations.

The pilot trial campaign for the Cooperating Fund within the University of Minnesota began on January 7, 1983: Articles about the pilot campaign appeared in the Minnesota Daily and UM Report, notices appeared in Brief, stories were carried on KSTP and KSJN, and posters were distributed around the campus. In addition, 11 departments were contacted and were given background literature, or brief presentations, about CFD. Over 13,000 University

employees were solicited on the Minneapolis and St. Paul campuses and were given the opportunity to make donations to CFD either by check or payroll deduction. (Because the campaign was a pilot, payroll deductions were limited to a three-month period.) Of the 13,486 individuals solicited, 284 (approximately 2 percent) made donations. Of this number 48 percent used the cash option (n = 136), 46 percent used the payroll deduction (n = 131), and 6 percent used the billing option (n = 17). Of the \$10,066 contributed, 24 percent went to designated CFD agencies, 5 percent went to non-CFD agencies, and 71 percent was undesignated.<sup>9</sup>

President Magrath, in the January 7, 1983, letter announcing the trial campaign, encouraged University faculty and staff to express their opinions about the campaign. Thirty-three people submitted comments to the CFD staff and four contacted the Office of the Vice President for Administration and Planning. The responses to the campaign were varied. Of those comments which related directly to approval or disapproval of the campaign, the results were: 7 persons noting with dismay the juxtaposition (completely coincidental) of the two-percent MSRS reduction and the campaign, 3 persons liking the idea of including CFD within the University but could not afford to give in 1983, 4 persons wanting CFD included in future drives and 3 persons not supporting its inclusion.<sup>10</sup>

The mechanics of the trial campaign appeared to go smoothly. The Committee, however, has come to believe that the substantive issue for the University is not how well the trial campaign went. Rather, the primary issue is whether or not, in the absence of direct institutional interest, the University should attempt to become the arbiter between charitable organizations in the community, and whether the University should maintain or depart from the principle of a unified charitable campaign.

### Committee Deliberations

This Committee proceeded with its deliberations on the basis of information obtained about University Senate discussions of the structure of charitable giving at the University as well as on the basis of information about the Cooperating Fund and the Trial Campaign. In addition, this Committee looked briefly at an additional question: Whether or not it would be desirable to establish University procedures for the addition or deletion of organizations to or from the Consolidated Fund. This led the Committee to an issue which had not been resolved previously by the Senate. That issue is whether the University should assume the role of gatekeeper and decide which charitable organizations should come within the consolidated campaign or whether such a function should not be performed by the University but should be undertaken by outside organizations.

### Justification for a Single Consolidated Campaign

Several factors have influenced this Committee in making the recommendation that the University not abandon the principle of a single consolidated campaign. First, the University Senate discussions have appeared to have given this principle considerable weight. Second, the concern to protect the time of faculty and staff from the intrusions which unlimited appeals could entail has seemed to this Committee to be as valid in 1983 as it was earlier. Third, this Committee has looked at the Cooperating Fund to see whether its member agencies bear the kind of special relationship to the University which might justify their inclusion in the campaign. As we have noted, the University Senate has made three exceptions to the unified campaign principle--two on the basis of the link to the Health Sciences research and one on the basis of the direct institutional interest in financial aid for students.

While this Committee found the organizations within the Cooperating Fund individually meritorious, we do not see that they have a special enough connection to the University to warrant an exception to the unified campaign principle.

If an exception to the unified campaign principle were to be made for the Cooperating Fund, future exceptions would undoubtedly be sought by other charitable organizations. This, we believe, would further dilute the principle of unified giving and could lead to the multiple solicitations which the principle of a consolidated campaign was designed to prevent.

#### Evaluation of Community Charities

If unlimited charitable appeals are undesirable, an important question remaining to be addressed is what should be the mechanism for the selection of charitable organizations for membership in a unified campaign? Since 1960, with the exception of the Heart and Cancer Drives, the University has taken the position that the United Way organizations of Minneapolis and St. Paul have been the appropriate mechanism to play this role.

A legitimate question in the current instance is, accordingly, whether these organizations today have procedures for the admission or deletion of new programs and agencies which are thorough, responsible, and responsive. A review of practices and literature produced by the Minneapolis and St. Paul United Ways suggested patterns of broad citizen participation, thorough review mechanisms, careful cost controls, and regularly revised goals and objectives which could be used to shift resources from low to high priorities, or from existing services to new programs and agencies.

The Committee noted that in 1982 the St. Paul United Way approved membership for three new organizations: the Women's Advocates, Lao Family Community Agency, and CLUES, a bicultural, bilingual organization meeting the needs of Chicanos and Latinos.

The United Way of Minneapolis provided funding in 1982 for 8 new programs and agencies not previously funded and for 24 agencies which had previously received funds. Resources were thus directed by the United Way to newer priority areas: family, violence, and neglect, short-term needs, adolescence, parenting and pregnancy, chronic hunger, educational disadvantage, mental health, chemical dependency, and discrimination.

The Committee was obviously aware, however, that an allocation and membership process--no matter how thorough--will be unlikely to satisfy everyone. We note that a balancing perspective is gained by inquiring if the University itself could play as good as or a better role in this respect than the United Way organizations. Such a question is relevant since the University could reasonably expect other requests for permission to solicit employees if the decision were to be made to depart from the current unified campaign structure.

We have looked at the allocation and membership procedures employed by the United Ways and believe that it would only be at the cost of considerable time and undoubtedly of resources that these could be replicated within the University. Further, while the expertise within the University to sort out the claims of competing charities might possibly be developed, we believe this would offer a major distraction from fundamental academic and administrative duties.

What of the gift-of-choice feature of the Cooperating Fund structure? This feature would allow faculty and staff to designate support for any registered charity in Minnesota. This feature appears to provide a mechanism to respond to individual interests of faculty and staff. The Committee believes, however, that this feature might be just as likely to complicate the problem of charitable giving as to simplify it. The opportunity to designate a charity creates a strong incentive for organizations not with the Cooperating Fund to

seek access to faculty and staff so that they could be "written in" by University donors. This, in turn, might result in requests for departmental presentations and a flood of literature, further placing an even greater claim on the already limited time of faculty and staff.

#### The Committee's Recommendation

The instruction to the Committee to "review the experience of the January 1983 canvass (by CFD) to understand if any problems arose" has been interpreted in a broad sense to include policy issues involved in any authorization for more than one annual solicitation for charitable contributions from the University faculty and staff. In approaching this issue, the Committee was impressed by the evidence of competitiveness and confusion that had prevailed within the University community prior to 1960, when several organizations had been conducting independent solicitation drives.

In reviewing the action of the University Senate in April 1960, February 1961, and May 1969, and the July 1975 report of the ad hoc Committee on the Consolidated Fund, it became apparent that two policy goals had guided the Senate and its committees: A desire to protect the faculty and staff from repeated solicitation drives, and a desire to insure that the one annual solicitation that was approved would incorporate sufficient flexibility to permit entry and exit of agencies. These concerns likewise have guided this Committee in developing our recommendations:

First, the Committee firmly endorses the wisdom of the Senate in supporting unified campaigns conducted by a single umbrella organization to protect faculty and staff from repeated solicitations.

Second, the Committee is also impressed with the Senate's concern that there be a mechanism with sufficient flexibility so that new programs and new

agencies could be supported. This, the Committee has come to believe, is being addressed in an orderly and yet open and responsive manner by the United Way organizations.

Third, the Committee has addressed the question of whether or not it would be desirable for the University itself to establish mechanisms which would review requests from organizations and agencies so that they might become eligible to solicit charitable gifts from faculty and staff. This Committee has concluded that, in the absence of direct institutional considerations, it would not be desirable for the University itself to assume a role of gatekeeper deciding which charitable organizations should make their cases directly to the University community. The Committee believes that such a role would be outside the primary expertise of faculty and staff. While such expertise could be perhaps acquired, the time such decisions would consume would substantially cut into primary responsibilities of faculty and staff. Also, such a function, it is believed, would duplicate a role being performed adequately elsewhere.

Therefore, it is recommended to the Senate Committee on Faculty Affairs, the Senate Committee on Social Concerns, and the Civil Service Committee that the Cooperating Fund should not become a part of the Consolidated Fund Drive. While this Committee believes that organizations within the Cooperating Fund are undoubtedly individually meritorious, the Committee has not been convinced that this creates sufficient reason for the University to make an exception to the principle developed over a number of years of support for a single University campaign conducted in cooperation with the United Way organizations of Minneapolis and St. Paul.

## Endnotes

1. Jerome Larson served as the representative of the Civil Service Committee during the course of the ad hoc Committee's deliberations. Catherine Ross was unable to attend meetings of the ad hoc Committee. (Jean Parmelee and Richard Meyer held an ex-officio status on the Committee.)
2. Jerome Larson and Patricia Swan, October 27, 1982.
3. University Senate minutes, June 2, 1960, p. 71.
4. Ibid.
5. Ibid.
6. James Werntz, Chair, ad hoc Committee to Review the Consolidated Fund, July 15, 1975.
7. James Werntz, 1975 Report, p. 14.
8. Information provided by literature from the Cooperating Fund and from a report by Harold Adams, the Charities Review Council, August, 1982.
9. Cooperating Fund Evaluation Report, Spring 1983.
10. Cooperating Fund Evaluation Report, op cit.

November 2, 1983

Ad Hoc Committee Members

Dear :

We are writing to ask you to serve on an ad hoc committee to study the issues raised by a petition filed under the Rajender Consent Decree relating to the grievance procedure provided by the Decree. Under the Consent Decree the University has 180 days (120 days in non-hire cases) to refer claims for hearing to "an appropriate internal academic tribunal". The report and conclusions reached by the tribunal are not binding on either the claimant or the University but it is hoped that their report will in many cases lead to a resolution of the dispute. At present the only formal internal tribunal approved for use under the Consent Decree is the Judicial Committee. I attach a copy of the current procedures for internal tribunals for your information.

Last spring a group of faculty women at the University filed a petition under the Decree alleging that the internal tribunal procedures established in the attached document are discriminatory and ineffective. The University administration has asked our two committees - the Senate Consultative Committee and the Equal Employment Opportunity for Women Committee - to review the issues raised by the petition and to make appropriate recommendations. To respond to this request we have decided to appoint an ad hoc committee with the charge to examine the existing procedures for use of internal tribunals under the Decree and to recommend

appropriate changes. This is the Committee on which we are asking you to serve.

In order to comply with the time limits under the Decree, we ask that you try to finish your work and report to us by March 1, 1984. Although you are free to proceed in any way which you choose, we suggest that you schedule a series of hearings and invite presentations from the petitioners, the University Attorneys Office, and other interested parties. Although we would like to leave the scope of your inquiry open, we attach a list of subjects which we think should be addressed in your investigation.

We hope you will be willing to accept this important assignment. We will be in touch with each of you in the next few days to set up an initial meeting. Thank you for your continuing service to the University.

Sincerely yours,

John Howe  
Charlotte Striebel

encl.  
cc: SSD



UNIVERSITY OF MINNESOTA  
TWIN CITIES

All University Senate  
Consultative Committee  
614 Social Sciences  
267 19th Avenue South  
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Telephone (612)373-3226

October 31, 1983

To: Professor Michael Root, Chair, Senate Committee  
on Educational Policy  
Professor Perry Blackshear, Chair, Senate Committee  
on Research  
Professor Karen Olness, Chair, Senate Committee on  
International Education  
Professor John Howe, Chair, Faculty Consultative  
Committee

Dear Colleagues:

In view of the fact that the proposal for the federal funding of International Studies, which I introduced to your committees in late spring and early summer, is presently in an inchoate state, the President and I have agreed that it would be premature to introduce the matter to the Faculty Senate for action at its next meeting.

I want you to know that I have the statement prepared for consideration by the Senate, and it will be presented if and when the situation becomes a bit more clear, i.e., when the position of the leaders in other institutions becomes clarified.

We shall keep a watchful eye on the matter and introduce an up-to-date statement to your committees and to the Senate at the appropriate time.

Thank you very much for the help you have already given us on this proposal.

Cordially,

A handwritten signature in cursive script that reads "John E. Turner".

John E. Turner,  
Senator

JET:mp

cc: President Magrath



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FOR DISTRIBUTION TO FCC MEMBERS ONLY

DRAFT  
MINUTES

FACULTY CONSULTATIVE COMMITTEE  
EXECUTIVE SESSION  
November 3, 1983  
300 Morrill Hall

Members present: Virginia Fredricks, Phyllis Freier, John Howe, Marvin Mattson, Jack Merwin, Irwin Rubenstein, W. Donald Spring, Deon Stuthman, Burt Sundquist, John Turner.

The first half-hour of the regularly-scheduled FCC meeting of November 3, from 10:20 to 10:50, was closed, as agreed upon in advance by a telephone poll of the members, to consider a personnel/honors matter. The press (Rick Bale, Daily, and Maureen Smith, University Relations) and the Student SCC (c/o Paul Schulte) were notified in advance about the occurrence and nature of the closed meeting.

Professor Donald Rasmusson (Agronomy and Plant Genetics) had written Professor Howe in mid-October proposing faculty recognition of the tenth year of Dr. Magrath's service as president of the University and outlining five possible kinds of events. FCC members had all read the letter. Professor Howe reported that Professor Rasmusson now thought it would be especially appropriate to invite the President to address the University community in the spring, perhaps concerning his vision of the University, its present circumstances, and its future.

FCC then discussed Professor Rasmusson's proposal and the several possibilities that it raised.

Professor Fredricks moved that FCC, acting on behalf of the faculty, invite the President to address the University community on the occasion of his tenth anniversary as president, on a topic of his own choosing, but with the suggestion that it encompass his thoughts concerning what the University has accomplished and what it might accomplish. Professor Stuthman seconded the motion.

The motion was carried without dissent and with one abstention.

FCC members indicated they would find it very suitable for the Regents to host a reception for the president.

FCC Executive Session  
11/3/83  
p. 2

Professor Howe indicated he would inform Regent Krenik of the faculty's intentions and ask him to keep the FCC apprised of the Regents' plans.

The executive session concluded at 10:50 a.m.

Following the remainder of the FCC agenda, at 12:45, Professor Turner requested a brief reconvening of the executive session to complete the earlier closed meeting discussion. The FCC voted without dissent to do so. The meeting concluded at 12:50 p.m.

Poppele/Howe