

STUDENT AFFAIRS COMMITTEE

Wednesday, April 1, 1998

238 Morrill Hall

3:00 PM

In these minutes:

Meeting with Mark Rotenberg and Tracy Smith from the Office of the General Counsel, Discussion of Lawsuit re: Mandatory Student Fees, Updates from MSA, GAPSA, and OSDA

MINUTES

Present: Kathleen Peterson (Chair), Jane Canney, John Romano, Diane Wartchow, Sabeen Altaf, Jesse Berglund, Susan Daniels, Katie Dudley, Thomas Haakenson, Brittany Leigh, Jeffrey Olson, Laura Taken, Ed Ehlinger, Britta Ylikopsa, June Nobbe, Phil Morgan

Regrets: Laura Langer, Ted Labuza, Maren Mahowald

Absent: Patrick Kroll

Guests: General Counsel Mark Rotenberg, Associate General Counsel Tracy Smith

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 reflect the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

The Student Affairs Committee met at 3:00 PM on Wednesday, April 1, 1998 in 238 Morrill Hall on the East Bank of the University of Minnesota.

APPROVAL OF MINUTES.

The minutes from the March 4, 1998 meeting were approved as written.

GENERAL COUNSEL'S OFFICE (MARK ROTENBERG, TRACY SMITH).

Kathie Petersen, Chair, informed Mark Rotenberg, General Counsel, and Tracy Smith, Associate General Counsel, that the Student Affairs Committee had addressed the issue of the court case briefly at its March meeting. Kathie asked Mark Rotenberg and Tracy Smith, who is litigating the case, to attend today's meeting to explain the nature of the case and the University's immediate plans. Mark Rotenberg reported that five students filed a lawsuit against the University alleging that the mandatory student fee is unconstitutional due to its violation of their free speech and association. The students claim that the use of government power at this land grant university by taking student money to use for this type of purpose is a violation of their rights. However, the University has turned over fees to a student fees committee as self-governing authority to determine who should receive student fees at their own

discretion. It is not surprising to the University Regents that some students disagree with the allocation or distribution of student fees to various organizations. The benefits of such a process, however, are that it contributes to a marketplace of ideas, exposure to things that students may not ordinarily be exposed to, and allows students to participate in student government by appointing representatives to allocate these resources. In the next couple weeks, the University will file papers that will defend the University's position; these papers will be made available as public documents. Mark Rotenberg distributed a copy of the University's statement on the official University of Minnesota reaction to the mandatory fee lawsuit.

Committee members posed the following questions to Mr. Rotenberg and Ms. Smith:

- How are student services fees similar to union dues or taxes? Tracy noted that they're similar to neither because they support programs that are more like a speaker's bureau or public forum.
- How does the U of M case differ from the Southworth case at UW-Madison? It was noted that the core constitutional issues really aren't very different from each other.
- Are the organizations singled out at the U of M different than those singled out at Madison? Yes, at Wisconsin the organizations are more ideological than educational, whereas at the University of MN they are more educational than ideological. The federal judge decision at Madison does not necessarily set precedent for other cases. What are more legally relevant to the U of M are the federal or state Court of Appeals or US Supreme Court rulings.
- Where are the attorneys representing the plaintiff's from? One attorney is from the TCF Bank Corporation. A question was raised about conflict of interest since the University holds Express Teller contracts with TCF. However, like many attorneys, he is most likely not acting as counsel for TCF, but as independent counsel.
- What are the students asking for? They are objecting to groups with ideological positions at this point, but nothing specific beyond that point. More will be known as the case progresses.
- What are the implications of the lawsuit? At this point, it is hard to say what changes the University would make. It is unlikely that the federal court will say that these three organizations cannot be funded from this point forward. However, there may be an injunction for the Regents to reformulate the student fees process including an explanation of what they thought was wrong.
- If the University is to lose, might it take away any other student involvement in the allocation of student fee decision-making process? It is doubtful and very unlikely that the court will make a recommendation for the U to eliminate student involvement in this process.
- Will a resolution from the senate make a difference in this case? It is always helpful to show that the different components of the University are in sync and support a particular cause.
- How do ideology and politics describe all three organizations that have such different agendas? It's a good part of the argument in terms of how to define exactly what is ideological or political.
- Is it up to the plaintiffs to prove that the organizations are ideological or political? It depends on how the case is organized and it's hard to say at this point. Currently, the plaintiffs are using the three organizations as examples only and oppose ideological and political organizations in general. In other words, they haven't yet asked for a specific result or injunction.

DISCUSSION OF LAWSUIT RE: MANDATORY STUDENT FEES.

A discussion was held among committee members to decide how the Student Affairs Committee should proceed in relation to the student lawsuit against the University of Minnesota Regents. It was noted that it is too late to get a resolution into the April Senate meeting, but that it might be possible to draft a resolution for the May Senate meeting if the committee could schedule a special meeting of the Student Affairs Committee in April. It was also noted that a resolution may be too controversial for the University Senate, and that a resolution may divide the university since there are so many varying opinions on the issue. Personal expressions are just that, and are not constitutional -- something which the court will decide. It was noted that the students themselves are divided, so how can the Student Affairs Committee equally represent the interests of such an undecided audience? However, it was recommended that the committee back up the institutional practice and support the administration since our role is to advise on issues such as this. A majority of the Student Affairs Committee members agreed that a special meeting should be held to continue this discussion on April 15 at 3:30 PM.

SENATE BYLAWS.

An amendment to the Senate bylaws for this committee was made at last month's meeting. The revised bylaws will now be forwarded to the Committee on Committees.

MINNESOTA STUDENT ASSOCIATION (MSA).

Britta Ylikopsa reported that the Minnesota Student Association is addressing the following issues:

- Attempting constitutional revisions
- Elections are beginning
- Met with Bob Baker from Parking & Transportation, but MSA did not take a position to support any of the three plans for parking rate increases
- The panel on advising was successful and offered a great exchange for ideas and information; it is hoped that a resolution will be drafted for senators in other colleges to evaluate advising services in their units.

GRADUATE AND PROFESSIONAL STUDENT ASSOCIATION (GAPSA).

Susan Daniels reported that GAPSA is currently working on the graduate student health insurance issue since Medica plans to increase the rate by 30% next year. She added that a health care survey was recently distributed to graduate students across the University. In addition, a national conference was held last weekend concerning career advising. Sue identified the problem that although undergraduate advising has been the focus lately, graduate students are being neglected, particularly those who do not plan to go into academia. Some graduate students are also trying to form a union, although other graduate students are trying to remain neutral.

OFFICE OF STUDENT DEVELOPMENT & ATHLETICS (OSDA).

- A fall convocation has been planned for September 23 for all students.
- An academic procession will take place in Northrop with a pride & spirit celebration on the mall.
- Graduation consisted of 22 separate commencement ceremonies last year. Although the University wants to continue with the collegiate commencement, it also wants to focus it on one weekend so students get a sense that it's an all-University event. It is hoped that this change will occur for the spring 1999 graduation in conjunction with the semester conversion.
- There are two workshops for the Class 2000; one was a teleconference that took place on March 30 on alcohol misuse and abuse, and another scheduled for April 30 from 8-12 PM on the signs of depression and suicide.
- OSDA is pulling together recommendations for the student services fee from the coordinate campuses and will be forwarding the information to the Regents shortly.
- June Nobbe was very successful with the leadership curriculum program with a course that offered practicum and theoretical background.

ANNOUNCEMENTS.

- Laura Taken distributed documents concerning leadership and involvement on this campus for committee review prior to discussion at the May meeting.
- A special meeting will take place on Wednesday, April 15 from 3:30-4:30PM on the Student Affairs Committee's response to the student's lawsuit against the University of Minnesota Regents.

The meeting adjourned at 4:30 PM.