

## AGENDA

### Assembly Steering Committee

Thursday, April 29, 1993

10:00 - 11:00

Room 226 Appleby Hall \*\*

- 10:00 Discussion of the Report of the ad hoc Committee on Intercollegiate Athletics (Guest: Professor Norman Chervany, Chair, Assembly Committee on Intercollegiate Athletics)
- 10:40 Smoking Policy (Enclosure) (Guest: Vice President Marvalene Hughes)

### Senate Consultative Committee

Thursday, April 29, 1993

11:00 - 12:00

Room 226 Appleby Hall \*\*

- 11:00 Committee on Committee Recommendations (Enclosure)
- 11:30 Grievance Policy Amendments; Appointment to Grievance Advisory Committee
- 11:45 Nomination, Vice Chair of the Senate

### Faculty Consultative Committee

Thursday, April 29, 1993

12:45 - 3:00

Room 608 Campus Club

- 12:45 Tuition Policy; Teaching and Learning Committee (Guest: Vice President Anne Hopkins)
- 1:45 Task Force on Diversity (Guest: Associate Vice President and Vice Provost Josie Johnson)
- 2:30 Twin Cities Higher Education Partnership (Guest: Associate Provost Dennis Cabral)

# UNIVERSITY OF MINNESOTA

## FACT SHEET

### Twin Cities Campus Smoke-Free Indoor Air Policy Proposal

#### ■ Background:

- Smoking is widely recognized as the most important cause of preventable human disease, including lung cancer, heart disease, and emphysema. Breathing secondhand smoke can cause the same health problems in nonsmokers.
- The University's Duluth and Crookston campuses and many Twin Cities campus buildings already are smoke-free. The Morris campus is considering a smoke-free policy this fall.
- Senior Vice President for Academic Affairs Ettore Infante established the Twin Cities Campus Smoke-Free Indoor Air Committee in June 1992 to create a policy that would achieve a smoke-free indoor environment on campus. The committee forwarded its recommendations to Infante in September.

#### ■ The recommendations:

- Prohibit smoking in all Twin Cities campus facilities by August 2, 1993. This applies to all University-owned buildings and vehicles and includes outdoor group seating facilities, like stadiums. It also includes all areas of residence halls except designated private residence rooms.
- Continue to permit outdoor smoking on campus, and provide adequate ashtrays.
- Provide informational sessions about the policy for the Twin Cities campus community and offer assistance to those who want to stop smoking.
- Make the University's Department of Environmental Health and Safety responsible for implementing the policy.

(over)

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**Smoke-Free Policy**  
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- Establish a Smoking Policy Review Committee to oversee and evaluate the policy and to help the Department of Environmental Health and Safety review complaints and concerns about it.

■ What happens now:

- Infante will discuss the recommendations with campus governance, staff, and student organizations, then take the recommendations to the Twin Cities Campus Assembly for approval.
- If the recommendations are approved, informational sessions and smoking-cessation classes will begin this winter.

■ Contacts:

- Ettore Infante, senior vice president for academic affairs and provost, 612-625-0051
- Marvalene Hughes, vice president for student affairs and chair of the Smoke-Free Committee, 612-624-3533
- Scott Elton, associate director of University Relations, 612-624-9044

**UNIVERSITY OF MINNESOTA  
TWIN CITIES CAMPUS  
PROPOSED SMOKE-FREE POLICY**

**PURPOSE:** Smoking is widely recognized as the single most important cause of preventable human disease, including lung cancer, heart disease, and emphysema. Also recognized is the fact that breathing second-hand smoke can cause the same health problems in non-smokers. Many University of Minnesota-Twin Cities campus buildings have already become smoke-free, as have many other universities in the nation, some by law but many by choice. The time has arrived to provide all Twin Cities campus faculty, staff, and students with a smoke-free environment.

**POLICY:** Smoking is prohibited in all facilities at the University of Minnesota (Twin Cities).

**DEFINITIONS:** Smoking-The burning of any type of lighted pipe, cigar, cigarette, or any other smoking equipment, whether filled with tobacco or any other type of material. Facility - Any enclosed area of a structure, or portion thereof, and which structure is owned and /or being occupied or operated by the University on the Twin Cities campus. This is intended to include University owned and operated vehicles, and outdoor group seating facilities. This definition includes all areas within the residence halls except designated private resident rooms. This definition excludes other University owned/operated private residences.

**IMPLEMENTATION:** The success of this policy depends upon obtaining and maintaining the willingness, understanding and cooperation of all smokers and non-smokers in all Twin Cities campus facilities. It is the responsibility of all members of the Twin Cities University of Minnesota community to observe this smoking policy. As leaders and role models, the deans, administrators, and supervisors are expected to influence and guide the University community as it implements this policy. However, each Twin Cities campus member is also responsible for monitoring this policy at her/his level of involvement in the University community.

The University will provide information sessions prior to implementation of the policy. Support and assistance will be available to members of the Twin Cities University

community interested in smoking cessation. Complaints, concerns, or requests for clarification and advice regarding this policy may be referred to Environmental Health and Safety of the Twin Cities campus for additional guidance and consultation.

Full implementation of this policy will be achieved by August 2, 1993.

**REVIEW:** A Smoking Policy Review Committee for the Twin Cities campus shall be appointed by the Provost to oversee and evaluate this smoking policy. The Review Committee shall serve the following basic functions:

1. To review the implementation of the policy after the first three months, six months, nine months, and twelve months, and to submit a report to the Provost.
2. To provide on-going evaluation, direction, and reports, including appropriate recommendations.
3. To assist Environmental Health and Safety to review complaints, concerns or requests for clarification of this policy.
4. To report to the Board of Regents, through the Provost, the annual progress of this policy.
5. To serve for a term of two years or as long as necessary to ensure full implementation.

January 19, 1993

Professor Mario F. Bognanno, Chair  
Faculty Consultative Committee  
Industrial Relations Center  
537 Management & Economics

Dear Mike:

I enclose the report of the ad hoc Committee on Athletics appointed by Warren Ibele and the Senate Consultative Committee in the Spring of 1991.

As you may recall, the genesis of the appointment of the ad hoc Committee was a survey conducted of members of the Twin Cities Campus Assembly after there had been a number of well-publicized problems in our men's athletic program. One of the items on the survey indicated a wish that an ad hoc committee be appointed to take up governance issues for athletics, a subject that the regentally-appointed Page-Merwin ad hoc committee did not deal with.

It was clear, from the discussion over several meetings of the Campus Assembly in 1990 and 1991, that the Assembly lacked confidence in the ability of its own Committee, the Assembly Committee on Intercollegiate Athletics, to exercise "faculty control" of athletics. It is that lack of confidence, and the continuing inability of the faculty generally to come to grips with what "faculty control" ought to consist of, to which we addressed most of our report.

The essence of the recommendations we make is that ACIA should become an all-faculty body and the focus of its activities should be on the academic issues which attach to intercollegiate athletics. As Professor Sam Becker, the long-time men's faculty representative from the University of Iowa reminded us in a separate communication, it is critical for the faculty to distinguish, in governance, between "policies and practices that touch on the academic work of student-athletes . . . and policies and practices that touch on other things." It is, in his example, much more important to grapple with academic standards and how well teams do academically than the price of hotdogs at the football stadium. It is primarily for this reason, we believe, that ACIA should become an all-faculty body.


We recognize that the membership recommendation may be controversial. After long deliberation with a number of individuals, however, we have come round to the view--strongly held, I should point out--that the business of ACIA, and the manner in which that business is conducted, require that faculty make the decisions.

This is not in any way to denigrate the service that others have rendered on ACIA; quite to the contrary. But we believe that if the focus of ACIA action is sharpened and narrowed to primarily academic matters--which are, after all, the fundamental responsibility of the faculty at any university--then we cannot discover any logic suggesting others should serve.

We are also persuaded that the major constituencies of intercollegiate athletics do have their voices heard by other means. Both departments of athletics have alumni/advisory boards; both have student-athlete advisory groups; both have staff groups. Our proposal, we recognize, would leave non-athlete students as well as P&A and civil service staff unrepresented in the governance of athletics--but if, as we propose, ACIA's chief responsibilities are in matters academic, arguments for such representation are not compelling.

I will be glad to meet with the Steering Committee at its convenience to discuss the report. If you think it would be helpful, I would of course be willing also to meet with the Faculty Consultative Committee.

Cordially,



Burton L. Shapiro

cc: Warren Ibele  
Members of the ad hoc Committee

Report of the ad hoc Committee  
on Intercollegiate Athletics  
December 16, 1992

Burton L. Shapiro, Chair  
Laura Koch  
Candace Kruttschnitt  
Ronald Phillips  
Michael Steffes  
Charlotte Stribel  
Michael Wade

Report of the ad hoc Committee on Intercollegiate Athletics  
December 16, 1992

The ad hoc Committee on Intercollegiate Athletics was appointed and charged by the Twin Cities Assembly Steering Committee on April 26, 1991. The Steering Committee established the ad hoc Committee because of concerns, expressed through the Twin Cities Campus Assembly and by faculty individually, that faculty governance of athletics was not functioning well. Thus the charge to the ad hoc Committee, in brief, was to advise the Assembly Steering Committee, and then the Assembly and the administration, about ways in which faculty control of athletics could be strengthened.

Because of a misunderstanding about our charge with the faculty members of the Assembly Committee on Intercollegiate Athletics (ACIA), the ad hoc Committee did not begin meeting until November, 1991. The two student members were unable to attend the meetings, so this report does not bear their names.

The Committee has met eleven times and interviewed President Nils Hasselmo, Senior Vice President Robert Erickson, Dean Robert Stein, Professor Jo-Ida Hansen, Professor Byron Egeland, Professor Ted Labuza, Professor Robert Serfass, Professor Deon Stuthman, Dr. McKinley Boston, Ms. Chris Voelz, and Dr. Elayne Donahue. In addition, the Committee was provided with a number of materials related to the governance of athletics, including relevant ACIA policies, Big Ten and NCAA documents, and the Knight Commission Report.

The Committee, following these interviews, review of materials, and deliberation, offers the comments and recommendations which follow. We can readily find major difficulties with college sports, but many of these problems are national in scope. There are, however, local problems which the ad hoc Committee has tried to address; we have developed a set of statements and recommendations which we believe will be practical and helpful to the faculty, the student-athletes, and the University.

One fundamental issue that the ad hoc Committee tried to come to grips with is the meaning of the term "faculty control of athletics." The charter language of the Big Ten Conference, which remains in the "membership" clause of Chapter 2 of its organization and procedure, includes the proviso that "only a University having full and complete faculty control of its intercollegiate athletic programs may hold membership in the Conference. . . . While the Conference recognizes that final authority over all units of the member universities, including the faculties, rests in their governing bodies--trustees or regents--a member university becomes ineligible for membership in the Conference if it fails to respect the control, which it has delegated the University agency, for the University's intercollegiate athletics program." (The NCAA, by comparison, identifies the President as the locus of final authority for intercollegiate athletics.) The ad hoc Committee wishes to strongly affirm the principle of faculty control and to affirm the responsibilities of ACIA. It is ACIA that serves as the mechanism for faculty control at the

University of Minnesota, Twin Cities, and faculty control will only be effective to the extent that ACIA is strong and effective.

In our judgment, the biggest contribution that this report makes to the practice of faculty governance of athletics is to clarify functions and responsibilities: the Faculty are in charge of academic matters and that should be the primary focus of their activities. The changes we propose will permit the faculty to deal with those matters with which they are most familiar and know most about; ACIA need only to become involved in other matters only to the extent they impinge on academic issues.

Our comments and recommendations are as follows.

1. Revise the bylaws chartering ACIA to make it an exclusively faculty body which deals primarily with academic standards, compliance issues, and ethics and equality issues.

2. It must be clearly understood by all that ACIA is an independent faculty body responsible to the Assembly Steering Committee and the Twin Cities Campus Assembly; it is not responsible to the departments of intercollegiate athletics or to the University administration, but it advises both on the conduct of athletics. If ACIA is not performing its duties, the Assembly Steering Committee and the Assembly must bear the responsibility for correcting problems. The relationship between ACIA and the governance system should be strengthened; it may, for example, be appropriate for the Assembly Steering Committee to meet twice per year with the chair (and members) of ACIA.

3. The ad hoc Committee also found that ACIA, within the limits of the available faculty time and resources, has been actively striving to uphold and carry out "faculty control" of athletics. It is our hope that the changes we have proposed will permit ACIA better to carry out its responsibilities with less stress for its members.

4. The "ACIA Policy on the Selection and Responsibilities of the Faculty Representatives for the Department[s] of Intercollegiate Athletics" contains the following language:

The Faculty Representatives for the two intercollegiate athletic departments have, as their principal duty, the representation of the University of Minnesota--Twin Cities at all the athletic governing organizations of which the institution is a member. In fulfilling that responsibility, as well as performing other duties enumerated in this policy, the faculty representatives act at the direction of the University faculty as given voice through the deliberations and instructions of ACIA. . . .

The NCAA definition of institutional control of athletics differ[s] from that of the Big Ten Conference in that it recognizes the chief executive officer . . . as the locus of final authority. . . . In order that

the University of Minnesota--Twin Cities faculty representative[s] not be put in the position of having split accountability (to ACIA in Big Ten matters and to the President in NCAA matters), he or she is established by this policy to have a single responsibility regardless of the group or entity to which he or she is representing the University: to ACIA. . . .

The Faculty Representative is appointed by the President for a term of six years. An evaluation of the performance of the Faculty Representative will be conducted during the third year of the term. If the performance is unsatisfactory, the individual may be removed. If the Faculty Representative elects to serve a second six-year term, the Search Committee will review the performance of the individual and communicate its recommendation to ACIA and the President.

The ad hoc Committee is concerned that ACIA may not be asserting its proper role with respect to the activities of the faculty representatives. ACIA must carry out its own policies (approved by the President) with respect to the selection, direction, and evaluation of the faculty representatives; if it does not do so, too much authority may become vested in the faculty representatives--thus diluting real faculty control.

5. The Committee is impressed with the steps that have been taken to ensure budgetary controls over the departments (especially men's athletics). The Committee strongly endorses the separation of the expenditure budgets from the revenue budgets as well as the move to an all-funds budget. The Committee concurs that expenditure budgets should not be linked to income and that any surpluses of income over expenditures should be used at the direction of the central officers (preferably in consultation with the Senate Committee on Finance and Planning and ACIA, through whatever joint consulting mechanism the committees might devise).

Primary responsibility for review of financial issues associated with intercollegiate athletics should rest with the Senate Committee on Finance and Planning. The ad hoc Committee recommends that the Committee on Finance and Planning promulgate a statement to advise the administration on how surpluses and deficits in the intercollegiate athletics programs should be addressed.

6. The ad hoc Committee endorses the recently-initiated practice of building clauses into the contracts of athletic directors and head coaches which provide incentives for reducing costs and improving both athletic and academic performance.

7. The intercollegiate athletics programs should not report directly to the President. The Committee believes that the President has (should have) insufficient time to pay attention to the routine administrative needs of the departments. The Athletic Directors should report elsewhere in central administration, to the best individual the President can identify for the job; the ad hoc Committee makes no recommendation about which individual or central officer

would be most appropriate.

The ad hoc Committee recognizes, however, that presidential responsibilities for athletics, both at the level of the Big Ten and the NCAA, require some presidential involvement in the governance of athletics. It is our judgment that at present ACIA acts nearly in a vacuum with respect to the President. A strong, independent, and effective ACIA will express its views to the President and ensure that the faculty voice on athletic issues is heard. We are doubtful that such communication occurs at present.

8. All athletic academic counselling staff and tutors should be hired by and responsible to the Athletic Academic Counselling Office (AACO). The ad hoc Committee has been made aware that there have been attempts by some individuals in athletics to hire individuals for counselling and tutoring outside the purview of this office; we strongly abjure this practice and urge that it be prohibited.

The ad hoc Committee recognizes, and agrees, that primary academic counselling ought to be provided by the academic units--either the college or the major department. We also recognize, however, that the larger colleges especially are seriously understaffed for academic advising. The AACO should be the sole liaison between academic major departments and the intercollegiate athletic programs; we encourage the AACO staff to work as closely as possible with academic units.

The ad hoc Committee strongly commends the AACO staff and believes it serves as a model to which the rest of the University could aspire with profit. The treatment of students at risk, and the principles the AACO office has articulated for advising students, seem to us practices which should be employed across the University.

9. In addition to its procedures for reviews of the academic performance of student-athletes (the "audits"), ACIA should develop a clear statement of a) the sanctions which are to be levied when a team fails to meet satisfactory academic standards, and b) the rewards to be achieved when such standards are exceeded. Appropriate steps must be taken to ensure that student-athletes are afforded the opportunity to improve their academic standing, which might include withholding them from practice and competition.

We are persuaded, after considerable discussion of this point, that faculty involvement in some kind of auditing or review procedure is both necessary and desirable. It is the faculty who are responsible for upholding academic standards, and although the AACO staff can do much in the way of providing and synthesizing the information required for an audit, ultimately it is the faculty who bear the responsibility for evaluating the information and reaching conclusions about the appropriate steps to be taken when teams fail academically.

10. The ad hoc Committee is concerned that student-athletes' lives are too

tightly regulated and that they are not permitted to lead lives similar to those of other non-athlete students. In general, student-athletes should be treated like all other students and should be permitted to lead as normal a "student life" as possible. On the other hand, we also recognize that as representatives of the University, student-athletes can and should be held to a higher standard of behavior than those who do not serve in a representative capacity. (We note, too, that this same logic applies to other students who represent the University in various kinds of non-athletic events.)

We recommend that ACIA take action in the following areas:

- Develop a statement on ethical behavior and appropriate conduct and how the issues associated therewith should be the subject of continuing activity in the departments of intercollegiate athletics;
- Establish or clarify the responsibilities of the coaching staff and the department administrators in emphasizing the importance of ethical behavior to student-athletes;
- Develop a statement on how misconduct on the part of student-athletes should be considered when reviews of coaches are being conducted (because it is the coaches who are responsible for recruiting the student-athletes who make up the teams).

11. The ad hoc Committee recommends that the practice of providing season tickets to ACIA members cease. The ad hoc Committee does accept the proposition, however, that ACIA members should be familiar with the conduct and atmosphere of events and should be afforded the opportunity to view those events. We recommend that some season passes for each sport be available to be shared among Committee members.

12. The ad hoc Committee was informed repeatedly that there were insufficient faculty members on ACIA to perform the tasks required. We believe that by adding two faculty to ACIA (for a total of 8), those burdens can be lightened and the tasks performed. We urge, however, that ACIA consider carefully whether it has delegated appropriate tasks to its staff.

While we do not believe that the Athletic Academic Counseling Office should be considered "staff" to ACIA, the ad hoc Committee nonetheless finds that the AACO should be the principal source of information useful to ACIA members. We wish to acknowledge and strongly endorse the healthy and active relationship between the AACO and ACIA, because the AACO has significant responsibility for advising ACIA on the development and implementation of its policies. This working relationship must continue.

## MOTION

To amend Article III, Section 3 of the Bylaws, and Article III, Section 2 of the Rules, of the Twin Cities Campus Assembly to change the composition and responsibilities of the Assembly Committee on Intercollegiate Athletics (ACIA), as follows [*Bracketed items in italics are commentary on each proposed bylaw change but are not intended to be part of the motion*]; new language is underlined and language to be deleted is ~~struck out~~:

(Article III, Section 3 of the Bylaws)

### **3A. INTERCOLLEGIATE ATHLETICS COMMITTEE**

The Twin Cities Campus Assembly delegates to the Committee on Intercollegiate Athletics faculty control of intercollegiate athletics. This delegation includes the formulation, adoption, and supervision of appropriate policy. ~~The Twin Cities Faculty Assembly may only strike down a policy passed by the Committee on Intercollegiate Athletics if the Steering Committee specifically singles out the policy after it has been passed, and brings it forward to the Faculty Assembly for specific debate and vote, with the motion framed as "Shall the Faculty Assembly disapprove of the following policy adopted by the Committee on Intercollegiate Athletics: . . ."~~

#### **I. Membership**

The Intercollegiate Athletics Committee shall be composed of 8 regular faculty members and other ex officio representation as specified by vote of the Assembly. ~~The 2 faculty representatives to the Big Ten and NCAA shall also serve as ex-officio members. 8 faculty/academic professional members, including the 2 ex officio voting faculty representatives to the Big Ten and NCAA; 3 students; 3 alumni representatives of the University (2 of whom shall have voting privileges as determined by the committee each year; one civil service staff member, and other ex-officio representation as specified by vote of the Assembly.~~

~~Faculty/academic professional and student members shall be nominated by the Committee on Committees~~ Faculty Assembly Steering Committee in consultation with the Committee on Committees and with the approval of the Faculty Assembly. ~~Faculty/academic professional members shall serve one term of three years that may be renewed by the Committee on Committees~~ Faculty Assembly Steering Committee for one additional three-year term.

The faculty representatives shall be nominated according to procedures approved by the Intercollegiate Athletics Committee.

~~Alumni members shall be appointed by the president in consultation with the director of alumni relations and shall include one representative from each of the men's and women's athletic alumni groups.~~

38 ~~The civil service member shall be appointed by the president in consultation with~~  
 39 ~~the Civil Service Committee.~~

40 *[This change removes everyone but regular faculty members from ACIA and changes*  
 41 *the nominating body from the Committee on Committees to the Faculty Assembly*  
 42 *Steering Committee (the Twin Cities faculty members of the Faculty Consultative*  
 43 *Committee).]*

#### 44 Chair and Vice Chair

45 The chair of the Committee on Intercollegiate Athletics ~~shall be a faculty member~~  
 46 shall be designated by the Faculty Assembly Steering Committee and ~~shall~~ should  
 47 have at least one year's experience as a committee member.

48 The committee shall elect a vice chair from among its members.

49 Staff *[This heading is not new; it is underlined in the existing bylaw]*

50 The president shall ensure that the committee receives staffing and an office to  
 51 hold its records. Such staffing ~~shall consist of the appointment of a staff position~~  
 52 ~~responsible to the chair of the committee.~~ shall be provided by the office of the  
 53 University Senate; duties of the staff person shall be those ~~ap~~rescribed by the  
 54 committee in consultation with the president and the chair of the Faculty Assembly  
 55 Steering Committee.

56 *[With the assent of the president, the staff to ACIA shall be a part of the staffing*  
 57 *provided to all Senate and Assembly committees through the Senate office. The*  
 58 *individual who serves as staff to ACIA will be responsible both to ACIA and to the*  
 59 *Faculty Assembly Steering Committee; this change ratifies existing practice.]*

## 60 II. Duties and Responsibilities

### 61 1. Policy-Setting

62 a. To promote high academic standards in intercollegiate athletics;  
 63 to ensure as much as possible that intercollegiate athletics do  
 64 not interfere with the academic responsibilities of student-  
 65 athletes and, when this cannot be completely accomplished, to  
 66 ensure that student-athletes be given a fair opportunity to  
 67 complete their education.

68 b. To promote the operation of athletic programs which comply  
 69 with the spirit and the letter of all applicable external governing  
 70 organization rules and all applicable University rules.

71 c. To initiate, review, and vote on: all legislative matters  
 72 pertaining to rules and regulations; policies and procedures  
 73 controlling the eligibility of students for participation in  
 74 intercollegiate athletics; and such other policies and procedures it

75 deems necessary and appropriate to govern the conduct of  
76 intercollegiate athletics programs on the Twin Cities campus.

- 77 d. To direct the faculty representatives for intercollegiate athletics  
78 with respect to positions on issues these faculty representatives  
79 consider at meetings of the Big Ten, of the NCAA, of the  
80 WCHA, and of any successor or other athletic governing  
81 organizations of which the University of Minnesota, Twin Cities,  
82 is a member, recognizing, however, the ultimate authority of the  
83 president to specify final directions to these representatives.
- 84 e. To devise policies governing eligibility for awards based in any  
85 part on academic performance for student-athlete participation in  
86 the Twin Cities intercollegiate athletics programs.

87 2. Administrative

- 88 a. To formally review at least once every three years the  
89 performance of the faculty representatives and to advise the  
90 president thereon, to make recommendations to the president  
91 about the continuance in office of the faculty representatives,  
92 and to participate in the selection of faculty representatives when  
93 vacancies occur.
- 94 b. To debate and approve or disapprove of, or amend all any  
95 schedules of varsity and junior varsity events, subject only to the  
96 authority of the Senate Committee on Educational Policy to  
97 approve events which would fall during the period of Study Day  
98 through Finals Week. of the Twin Cities campus.

99 *[Makes more general the authority of ACIA over schedules of*  
100 *competition, makes it clear that the authority runs to all events and*  
101 *that the committee may change the schedules as well as approve or*  
102 *disapprove the ones formulated by the intercollegiate athletics*  
103 *departments, and recognizes the authority of SCEP, per Senate*  
104 *policy, to make decisions about events which might occur during*  
105 *the period from Study Day through Finals Week.]*

- 106 c. To periodically review ~~conduct on a team-by-team basis, an in-~~  
107 ~~depth annual periodic review~~ of the academic progress and  
108 performance of all Twin Cities campus student-athletes  
109 participating in intercollegiate athletics. This review will be  
110 conducted with the participation of ~~the faculty~~ members of the  
111 committee, the director of academic counseling for intercollegiate  
112 athletics, and with the coaches and their staffs, according to  
113 policy and procedures determined by the committee. ~~Further,~~  
114 The reports which result from these academic audits shall be  
115 considered in the annual evaluation of all head coaches.

- 116 d. ~~To be given the opportunity to~~ participate in the search for and  
 117 evaluation of the intercollegiate athletic directors, the director of  
 118 academic counseling for intercollegiate athletics, and the  
 119 compliance officer when such searches or evaluations take place.  
 120 ~~In addition,~~ The committee shall be given the opportunity to  
 121 participate in searches for all head coaches and such other  
 122 administrators in the departments of intercollegiate athletics as  
 123 may be prescribed by policy adopted by the committee.

124 *[This requires that ACIA participate in searches for the athletic*  
 125 *directors, the director of academic counseling, and the compliance*  
 126 *officer; it provides for the committee to have the opportunity, at its*  
 127 *discretion, to participate in other searches for athletic personnel.]*

- 128 e. To review and approve reports to external governance bodies  
 129 which pertain to compliance.

130 *[Requires that ACIA be involved in the drafting of reports from the*  
 131 *University to the NCAA or Big Ten or other bodies which have to*  
 132 *do with allegations of rules violations.]*

- 133 f. To regularly receive reports from the compliance officer about  
 134 the status of rules compliance in the departments of  
 135 intercollegiate athletics.

136 3. Judicial

- 137 a. To determine the eligibility for participation in intercollegiate  
 138 athletics of student-athletes who are alleged to have violated any  
 139 rules of athletic governing organizations, and to determine,  
 140 within the limits permitted by those rules, the appropriate  
 141 sanction if it is determined that the violation(s) occurred.
- 142 b. To retain final authority over the determination of eligibility of a  
 143 student for participation in intercollegiate athletics irrespective of  
 144 the cause or locus of any dispute which casts doubt on his or  
 145 her eligibility.

146 4. Advisory and Consulting

- 147 a. To advise the president and central administration and the  
 148 directors of intercollegiate athletics and the director of academic  
 149 counseling for intercollegiate athletics on all policies affecting  
 150 personnel, budget, and facilities relating to the intercollegiate  
 151 athletic programs of the Twin Cities campus.

- 152 b. To review annually, in cooperation with the Senate Committee  
 153 on Finance and Planning, the budgets of the departments of  
 154 intercollegiate athletics and of the office for academic counseling

155 for intercollegiate athletics. This review should occur prior to  
 156 the approval of the budget by the central administration. The  
 157 committee shall establish a review process in consultation with  
 158 the Senate Committee on Finance and Planning.

159 *[This provision is intended to give effect to the recommendation of*  
 160 *the Page-Merwin ad hoc committee on athletics; it specifically*  
 161 *restores to ACIA the responsibility to review expenditures and*  
 162 *income in athletics and to advise the central administration*  
 163 *thereon. The budget review is intended to take place jointly with*  
 164 *the Senate Committee on Finance and Planning in a way to be*  
 165 *worked out between the committees.]*

166 c. To consult periodically, but at least annually, with student-  
 167 athletes.

168 d. The chair and the vice chair of the committee shall meet at  
 169 least quarterly with the President.

170 e. To consult with ~~the Recreational Sports Committee~~ and such  
 171 other committees about concerning items of common concern.

172 5. Reporting

173 a. To make timely regular reports to the Twin Cities Campus  
 174 Assembly and to the wider University community on items of  
 175 importance with respect to its governance of intercollegiate  
 176 athletics. ~~Such reports shall consist of, but not be limited to,~~  
 177 ~~composite team statistics of quarterly grade reports for~~  
 178 ~~intercollegiate athletic teams, reports on graduation rates of~~  
 179 ~~student-athletes by team and year, other data of relevance to the~~  
 180 ~~conduct of intercollegiate athletics on the Twin Cities campus,~~  
 181 ~~such as admissions qualifications of recruits by team, ethnic~~  
 182 ~~make-up of the body of student-athletes, and reports of~~  
 183 ~~discussions or essays which would be of interest to the Twin~~  
 184 ~~Cities Campus Assembly and to the wider University community.~~

185 b. To ensure that the chair of the committee or his or her designee  
 186 shall be present at the regular quarterly meetings of the Twin  
 187 Cities Campus Assembly and shall be afforded time to report  
 188 and shall be ready to respond to questions concerning published  
 189 reports of the committee or other items of interest to Assembly  
 190 members.

191 c. To report all policy adoptions and changes to the Faculty  
 192 Assembly Steering Committee.

193 d. To submit an annual report to the Twin Cities Campus  
 194 Assembly.

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6. General

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Notwithstanding any other provision to the contrary in these bylaws, to promulgate any such policies and to take any such actions that it deems ~~necessary~~ and appropriate to ensure that intercollegiate athletics are conducted in a fashion suitable for the students, faculty, and staff of the University of Minnesota, for the University of Minnesota generally, and for the people of the State of Minnesota. It is to be understood that this is a plenary grant of authority subject only to review by the Faculty Assembly and to the final responsibility of the president and the regents for the governance of the University.

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*[The committee can act when it deems action "appropriate"; "necessity" should not be required.]*

# UNIVERSITY OF MINNESOTA

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*University Senate*

*427 Morrill Hall  
100 Church Street S.E.  
Minneapolis, MN 55455-0110  
612-625-9369  
Fax: 612-626-1609*

March 17, 1993

**MEMO TO:** Mike Bognanno, Chair  
Faculty Consultative and Assembly Steering Committees

**FROM:** Norman L. Chervany, Chair  
Assembly Committee on Intercollegiate Athletics

**SUBJECT:** The Shapiro Report

Attached you will find the memo from the Assembly Committee on Intercollegiate Athletics (ACIA) responding to the issues raised in the "Report of the ad hoc Committee on Intercollegiate Athletics." ACIA looks forward to your comments and questions on our response. ACIA believes strongly that the issues surrounding the governance of the Women's and Men's Athletic Programs need to be resolved as soon as possible.

· Please let me know what the next steps will be.

cc: ACIA Members

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427 Morrill Hall  
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612-625-9369  
Fax: 612-626-1609

March 17, 1993

**MEMO TO:** Mike Bognanno, Chair  
Senate Consultative and Assembly Steering Committees

**FROM:** Norman L. Chervany, Chair [\*]  
Assembly Committee on Intercollegiate Athletics

for the Committee

McKinley Boston (Men's Athletic Director)  
Mike Bjorkman (Student) [\*]  
Jim Borgestad (President's Office)  
Steve Carlson (Alumni) [\*]  
Elayne Donahue (Academic Counseling)  
Byron Egeland (Faculty) [\*]  
Mary Lou Fellows (Faculty) [\*]  
Susan Gerberich (Faculty) [\*]  
Jo-Ida Hansen (NCAA Rep; Faculty) [\*]  
Karla Hill-Donisch (Alumni) [\*]  
Ben McMahon (Student) [\*]  
Marsha Reid (Student) [\*]  
Vickie Roberts (Civil Service) [\*]  
Jeff Schemmel (Compliance Coordinator)  
Bob Serfass (Faculty) [\*]  
Nick Spadaccini (Faculty) [\*]  
Bob Stein (NCAA Rep; Faculty) [\*]  
Chris Voelz (Women's Athletic Director)  
John Williams (Alumni) [\*]

[\*] Indicates voting member; only two of the three alumni can vote on any issue.

**SUBJECT:** Comments on the "Report of the ad hoc Committee on Intercollegiate Athletics"

## Some Background

This memo summarizes the conclusions of the Assembly Committee on Intercollegiate Athletics (ACIA) on the "Report of the ad hoc Committee on Intercollegiate Athletics (hereafter, The Report), chaired by Burton L. Shapiro. The Ad Hoc Committee was appointed in Spring 1991 in response to a survey of members of the Twin Cities Assembly. The purpose of the Ad Hoc Committee was to examine issues of governance for intercollegiate athletics. The Report was transmitted to ACIA in February 1993.

The memo reflects the consensus opinion of ACIA. It is based upon a discussion of The Report and a review of the draft of the summary memo by the entire ACIA.

### The ACIA's Overall Conclusions

ACIA strongly disagrees with the overall premise of The Report, as well as most of the specific recommendations made in The Report. The major reasons for this disagreement are:

1. ACIA believes that The Report does not address the real reasons behind why the Ad Hoc Committee was formed and The Report was commissioned. In particular, ACIA believes that at the time that the ad hoc Committee was formed, the real issue was a lack of trust in the efforts of the ACIA. The "trust issue" is evident in the January 19, 1993 transmittal letter from Burton Shapiro to Mike Bognanno which states "... that the Assembly lacked confidence in the ability of its own Committee..." ACIA does not believe that restructuring our Committee addresses the issue of confidence, the issue of trust. The more informed, more pertinent question is: "What can ACIA do to re-establish and maintain trust within all of the constituent bodies of the University community?" The question is not: "What should the membership of ACIA be?" A focus on committee membership is, at best, a weak surrogate for a focus on behavior and performance that engender trust.
2. Even if membership, not trust, was considered to be the issue, ACIA strongly disagrees with the premise that an all faculty committee, operating in a vacuum, could make informed decisions on "academic matters." The University of Minnesota's athletic programs affect a large number of stakeholders. To make informed decisions on academic matters, ACIA needs to hear from all of the major stakeholder groups. The current membership of ACIA (see the list above) provides informed input. To think that an all faculty group, operating without discussion with key stakeholders, could make informed decisions presumes, at best, more faculty knowledge than ACIA believes exist. At worst, it is a form of elitism that is not consistent with the philosophy of the University of Minnesota.
3. ACIA believes that the concern of "faculty control" raised in The Report is not an issue. Of the fourteen voting members of ACIA, eight are faculty. Six of the faculty members are appointed by the Twin Cities Assembly; two of the faculty, the NCAA representatives, are selected via an ACIA-based, faculty-led search process and appointed by the President. This voting majority, coupled with the insight provided by diverse stakeholder membership on the Committee, provides for informed faculty control.

The composition of ACIA meets the requirements of the NCAA Constitution and Bylaws. Article 6 of the NCAA Constitution deals with Institutional Control. Section 6.1.2.1, which defines the composition of an Athletic Governing Board, states: "Administration and/or faculty staff members shall constitute .... a majority of the board in control of athletics..."

Additional evidence on the existence of sound faculty control is provided by the "Orientation Report" from the voluntary NCAA compliance review (3/4/93) currently being undertaken. Throughout the report provided by the Audit Team, the ACIA (and through it the faculty) is cited as an important link in the compliance strategy of the University. In discussions with the ACIA, the Audit Team said: "The composition of the [ACIA] committee is a strength. It is important that all key constituents are represented; complete information is important. The intent of the [NCAA] legislation is for involvement of all under the direction of a faculty Chair."

4. The Report is a little vague about what is meant by "academic matters." Further, the not-so-subtle implication of The Report is that a focus on "academic matters" is somehow different than the current focus of the ACIA.

The Report [page 2] defines academic matters as "... deal[ing] with academic standards, compliance issues, and ethics and equality issues." This, along with issues such as the broader aspects student development, is exactly the focus of the ACIA. The 1992-93 agenda for the ACIA includes, "continuing discussion of issues raised by gender equity," "the regular academic audit of six athletic teams," and "involvement with the current voluntary NCAA compliance review." In contrast to the impression raised in The Report, ACIA is focussed on "academic matters."

If there is any doubt about the premise which serves as the basis of The Report, the transmittal letter provides useful information. In the third paragraph, Professor Shapiro writes "It is, in his [Professor Sam Becker, Iowa's NCAA representative and one source of information for the Ad Hoc Committee] example, much more important to grapple with academic standards and how well teams do academically than the price of hotdogs at the football stadium." While it is not evident from The Report, you can rest assured that ACIA's attention is on academics!

5. The transmittal letter [first full paragraph on page 2] illustrates the Ad Hoc Committee's mis-perceptions about the focus of the ACIA and the roles of non-faculty members. ACIA is not a programmatic advisory board for the two athletic departments. ACIA deals with academic matters and governance. Oversight provided and advice given deals with the philosophies, policies, and procedures required to help the Women's and Men's Athletic Programs be a responsible and valuable part of the University of Minnesota. To provide this oversight and advice requires diverse perspectives.

ACIA compliments the two athletic programs for having meaningful advisory boards for their various programs. But, the existence and use of programmatic advisory boards are management decisions. And, management decisions are the responsibility of the two Athletic Directors. ACIA is not, nor should it be, involved in micro-management of the two Athletic Departments.

6. The ACIA finds that The Report is, in some places, mis-informed about the focus of the ACIA's work. In addition to the mis-perception that ACIA is not involved with "academic matters," several other examples will help to illustrate the problem:

- \* Contrary to the implications [page 3] of The Report, ACIA is actively involved in the selection and direction of the two NCAA representatives.
- \* Contrary to the implications [page 4] of The Report, the ACIA Chair meets quarterly with the President. In addition, two members of the President's staff, Jim Borgestad and Jeff Schemmel, attend ACIA meetings. Communication with the President is good.

One other comment is in order. The ACIA stands moot on the issue of whether or not the intercollegiate programs should report directly to the President. The ACIA has not been asked to discuss this issue. If asked, however, ACIA would be happy to address this question.

#### A Recommendation

Based upon its discussion of The Report, ACIA does have a broad recommendation that the Assembly Steering Committee should consider. In particular, the ACIA and the Assembly Steering Committee should meet to discuss what can be done to re-gain and maintain the trust required for ACIA, the Assembly Steering Committee, the Twins Cities Assembly, and the faculty to work together.

After you have had an opportunity to read this memo, I (and the entire ACIA if you desire) would like to talk to you about the ideas presented.

## UNIVERSITY OF MINNESOTA

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*University Senate**427 Morrill Hall  
100 Church Street S.E.  
Minneapolis, MN 55455-0110  
612-625-9369  
Fax: 612-626-1609*

April 6, 1993

Professor Mario Bognanno  
Chair, Assembly Steering Committee  
Industrial Relations Center  
537 Management & Economics

Dear Mike:

I appreciated the opportunity to appear before the Steering Committee last Thursday to present findings of the ad hoc committee on intercollegiate athletics. It became clear that a major objection to our recommendations was the exclusion of students from the suggested reconstitution of ACIA.

This decision was not arrived at capriciously. We did not set out specifically to exclude students, but rather we came to this conclusion after lengthy interviews with active participants in ACIA activities and discussions within the ad hoc Committee.

We concluded that many of the difficulties experienced by ACIA described to us could be attributed to the virtual lack of faculty voice in its deliberations and findings. To remedy this shortcoming, it seemed to us that a Faculty Assembly committee ought to be made up of faculty members. If constituencies other than faculty were to be removed from active membership, an exception for students might weaken the argument. Further, and this was not conjured up by the ad hoc committee, repeatedly we were told that the contribution of students on the ACIA was nil. The only reasons students agree to be on ACIA is "to obtain free tickets to athletic events." The students' contribution to the ad hoc committee is a case in point. Despite the mildly vitriolic but grossly misinformed letter to the Steering Committee from David Dahlgren, our report never stated that students (on the committee) "left the University during an extended period of committee inactivity." They merely did not attend meetings.

After polling the membership of the ad hoc committee, we agree, reluctantly, although unanimously,<sup>1</sup> to amend our recommendation concerning the membership of ACIA to include nine faculty members and three students; I have enclosed a

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<sup>1</sup>I was unable to reach Professor Ronald Phillips, who is out of the country until April 14, but I have no reason to believe that he would dissent from this recommendation.

revision of the bylaw amendment including that change. After lengthy, thorough and thoughtful deliberations about Assembly oversight of intercollegiate athletics at the University, however, we remain adamant that any further modification of our recommendations would seriously undercut appropriate and necessary academic oversight of intercollegiate activities at the University.

Sincerely,



Burton L. Shapiro

cc: The Assembly Steering Committee  
The ad hoc committee on intercollegiate athletics

## MOTION

To amend Article III, Section 3 of the Bylaws, and Article III, Section 2 of the Rules, of the Twin Cities Campus Assembly to change the composition and responsibilities of the Assembly Committee on Intercollegiate Athletics (ACIA), as follows [*Bracketed items in italics are commentary on each proposed bylaw change but are not intended to be part of the motion*]; new language is underlined and language to be deleted is ~~struck out~~:

(Article III, Section 3 of the Bylaws)

### 3. INTERCOLLEGIATE ATHLETICS COMMITTEE

The Twin Cities Campus Assembly delegates to the Committee on Intercollegiate Athletics faculty control of intercollegiate athletics. This delegation includes the formulation, adoption, and supervision of appropriate policy. ~~The Twin Cities Faculty Assembly may only strike down a policy passed by the Committee on Intercollegiate Athletics if the Steering Committee specifically singles out the policy after it has been passed, and brings it forward to the Faculty Assembly for specific debate and vote, with the motion framed as "Shall the Faculty Assembly disapprove of the following policy adopted by the Committee on Intercollegiate Athletics: . . ."~~

#### I Membership

The Intercollegiate Athletics Committee shall be composed of 9 regular faculty members, 3 students, and other ex officio representation as specified by vote of the Assembly. The 2 faculty representatives to the Big Ten and NCAA shall also serve as ex-officio members. ~~8 faculty/academic professional members, including the 2 ex officio voting faculty representatives to the Big Ten and NCAA, 3 students, 3 alumni representatives of the University (2 of whom shall have voting privileges as determined by the committee each year, one civil service staff member, and other ex-officio representation as specified by vote of the Assembly.~~

~~Faculty/academic professional and student members shall be nominated by the Committee on Committees~~ Assembly Steering Committee in consultation with the Committee on Committees and with the approval of the Twin Cities Assembly. ~~Faculty/academic professional members shall serve one term of three years that may be renewed by the Committee on Committees~~ Assembly Steering Committee for one additional three-year term. Student members shall serve one-year terms that may be renewed no more than three times.

The faculty representatives shall be nominated according to procedures approved by the Intercollegiate Athletics Committee.

~~Alumni members shall be appointed by the president in consultation with the director of alumni relations and shall include one representative from each of the men's and women's athletic alumni groups.~~

~~The civil service member shall be appointed by the president in consultation with the Civil Service Committee.~~

*[This change removes everyone but students and regular faculty members from ACIA and changes the nominating body from the Committee on Committees to the Assembly Steering Committee (the Twin Cities members of the Senate Consultative Committee).]*

### Chair and Vice Chair

The chair of the Committee on Intercollegiate Athletics ~~shall be a faculty member~~ shall be designated by the Faculty Assembly Steering Committee and ~~shall~~ should have at least one year's experience as a committee member.

The committee shall elect a vice chair from among its members.

Staff *[This heading is not new; it is underlined in the existing bylaw]*

The president shall ensure that the committee receives staffing and an office to hold its records. Such staffing ~~shall consist of the appointment of a staff position responsible to the chair of the committee.~~ shall be provided by the office of the University Senate; duties of the staff person shall be those ~~ap~~rescribed by the committee in consultation with the president and the chair of the Faculty Assembly Steering Committee.

*[With the assent of the president, the staff to ACIA shall be a part of the staffing provided to all Senate and Assembly committees through the Senate office. The individual who serves as staff to ACIA will be responsible both to ACIA and to the Faculty Assembly Steering Committee; this change ratifies existing practice.]*

## II. Duties and Responsibilities

### 1. Policy-Setting

- a. To promote high academic standards in intercollegiate athletics; to ensure as much as possible that intercollegiate athletics do not interfere with the academic responsibilities of student-athletes and, when this cannot be completely accomplished, to ensure that student-athletes be given a fair opportunity to complete their education.
- b. To promote the operation of athletic programs which comply with the spirit and the letter of all applicable external governing organization rules and all applicable University rules.
- c. To initiate, review, and vote on: all legislative matters pertaining to rules and regulations; policies and procedures controlling the eligibility of students for participation in intercollegiate athletics; and such other policies and procedures it deems necessary and appropriate to govern the conduct of

intercollegiate athletics programs on the Twin Cities campus.

- d. To direct the faculty representatives for intercollegiate athletics with respect to positions on issues these faculty representatives consider at meetings of the Big Ten, of the NCAA, of the WCHA, and of any successor or other athletic governing organizations of which the University of Minnesota, Twin Cities, is a member, recognizing, however, the ultimate authority of the president to specify final directions to these representatives.
- e. To devise policies governing eligibility for awards based in any part on academic performance for student-athlete participation in the Twin Cities intercollegiate athletics programs.

## 2. Administrative

- a. To formally review at least once every three years the performance of the faculty representatives and to advise the president thereon, to make recommendations to the president about the continuance in office of the faculty representatives, and to participate in the selection of faculty representatives when vacancies occur.
- b. To debate and approve or disapprove of, or amend all any schedules of varsity and junior varsity events, subject only to the authority of the Senate Committee on Educational Policy to approve events which would fall during the period of Study Day through Finals Week. of the Twin Cities campus. } ??

*[Makes more general the authority of ACIA over schedules of competition, makes it clear that the authority runs to all events and that the committee may change the schedules as well as approve or disapprove the ones formulated by the intercollegiate athletics departments, and recognizes the authority of SCEP, per Senate policy, to make decisions about events which might occur during the period from Study Day through Finals Week.]*

- c. To periodically review ~~conduct on a team-by-team basis, an in-depth annual periodic review~~ of the academic progress and performance of all Twin Cities campus student-athletes participating in intercollegiate athletics. This review will be conducted with the participation of the faculty members of the committee, the director of academic counseling for intercollegiate athletics, and with the coaches and their staffs, according to policy and procedures determined by the committee. Further, The reports which result from these academic audits shall be considered in the annual evaluation of all head coaches.
- d. To ~~be given the opportunity to~~ participate in the search for and

evaluation of the intercollegiate athletic directors, the director of academic counseling for intercollegiate athletics, and the compliance officer when such searches or evaluations take place. ~~In addition,~~ The committee shall be given the opportunity to participate in searches for all head coaches and such other administrators in the departments of intercollegiate athletics as may be prescribed by policy adopted by the committee.

*[This requires that ACIA participate in searches for the athletic directors, the director of academic counseling, and the compliance officer; it provides for the committee to have the opportunity, at its discretion, to participate in other searches for athletic personnel.]*

- e. To review and approve reports to external governance bodies which pertain to compliance.

*[Requires that ACIA be involved in the drafting of reports from the University to the NCAA or Big Ten or other bodies which have to do with allegations of rules violations.]*

- f. To regularly receive reports from the compliance officer about the status of rules compliance in the departments of intercollegiate athletics.

### 3. Judicial

- a. To determine the eligibility for participation in intercollegiate athletics of student-athletes who are alleged to have violated any rules of athletic governing organizations, and to determine, within the limits permitted by those rules, the appropriate sanction if it is determined that the violation(s) occurred.
- b. To retain final authority over the determination of eligibility of a student for participation in intercollegiate athletics irrespective of the cause or locus of any dispute which casts doubt on his or her eligibility.

### 4. Advisory and Consulting

- a. To advise the president and central administration and the directors of intercollegiate athletics and the director of academic counseling for intercollegiate athletics on all policies affecting personnel, budget, and facilities relating to the intercollegiate athletic programs of the Twin Cities campus.
- b. To review annually, in cooperation with the Senate Committee on Finance and Planning, the budgets of the departments of intercollegiate athletics and of the office for academic counseling for intercollegiate athletics. This review should occur prior to

the approval of the budget by the central administration. The committee shall establish a review process in consultation with the Senate Committee on Finance and Planning. } \*\*

*[This provision is intended to give effect to the recommendation of the Page-Merwin ad hoc committee on athletics; it specifically restores to ACIA the responsibility to review expenditures and income in athletics and to advise the central administration thereon. The budget review is intended to take place jointly with the Senate Committee on Finance and Planning in a way to be worked out between the committees.]*

- c. To consult periodically, but at least annually, with student-athletes.
- d. The chair and the vice chair of the committee shall meet at least quarterly with the President.
- e. To consult with the ~~Recreational Sports Committee~~ and such other committees about concerning items of common concern.

5. Reporting

- a. To make timely regular reports to the Twin Cities Campus Assembly and to the wider University community on items of importance with respect to its governance of intercollegiate athletics. ~~Such reports shall consist of, but not be limited to; composite team statistics of quarterly grade reports for intercollegiate athletic teams; reports on graduation rates of student-athletes by team and year; other data of relevance to the conduct of intercollegiate athletics on the Twin Cities campus, such as admissions qualifications of recruits by team; ethnic make-up of the body of student-athletes, and reports of discussions or essays which would be of interest to the Twin Cities Campus Assembly and to the wider University community.~~
- b. To ensure that the chair of the committee or his or her designee shall be present at the regular quarterly meetings of the Twin Cities Campus Assembly and shall be afforded time to report and shall be ready to respond to questions concerning published reports of the committee or other items of interest to Assembly members.
- c. To report all policy adoptions and changes to the Assembly Steering Committee.
- d. To submit an annual report to the Twin Cities Campus Assembly.

## 6. General

Notwithstanding any other provision to the contrary in these bylaws, to promulgate any such policies and to take any such actions that it deems ~~necessary~~ and appropriate to ensure that intercollegiate athletics are conducted in a fashion suitable for the students, faculty, and staff of the University of Minnesota, for the University of Minnesota generally, and for the people of the State of Minnesota. It is to be understood that this is a plenary grant of authority subject only to review by the Faculty Assembly and to the final responsibility of the president and the regents for the governance of the University.

*[The committee can act when it deems action "appropriate"; "necessity" should not be required.]*

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(Article III, Section 2 of the Rules)

### 2. Ex Officio members of Assembly Committees

Ex officio members shall be appointed from each of the offices below

....

- Intercollegiate Athletics: 2 Faculty Representatives; Director, Men's Intercollegiate Athletics; Director, Women's Intercollegiate Athletics; Director, Academic Counseling for Intercollegiate Athletics; compliance officer for intercollegiate athletics; central administrative officer responsible for intercollegiate athletics; University of Minnesota representative to the Big Ten Advisory Commission.

*[The Big Ten Advisory Commission is a group of individuals, one representative from each institution, that advises the conference on issues having to do with minority student-athletes; inasmuch as the Intercollegiate Athletics Committee is charged to consider minority student issues, it would be desirable to have the University's representative to the Commission serve on it.]*

# UNIVERSITY OF MINNESOTA

*University Senate*

427 Morrill Hall  
100 Church Street S.E.  
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612-625-9369  
Fax: 612-626-1609

April 26, 1993

**TO:** Mike Bognanno, Chair  
Faculty Consultative and Assembly Steering Committee

**FROM:** Norman L. Chervany, Chair  
Assembly Committee on Intercollegiate Athletics  
for the Committee

**SUBJECT:** The Revised Shapiro Committee Recommendations

At its April 22 meeting the Assembly Committee on Intercollegiate Athletics (ACIA) reviewed the revised recommendations of the Shapiro Committee. Attached you will find ACIA's motion for the amendments to:

1. Article III, Section 3 of the Bylaws
2. Article III, Section 2 of the Rules

of the Twin Cities Campus Assembly.

ACIA agrees with many of the recommendations made by the Shapiro Committee. ACIA has, however, three areas of significant disagreement with the Shapiro Committee. These involve:

1. Committee Membership [Article III, Section 3, Subsection I]
2. Duties and Responsibilities: Advisory and Consulting [Article III, Section 3, Subsection II.2. e. & f.]
3. Duties and Responsibilities: Advisory and Consulting [Article III, Section 3, Subsection II.4.b]

ACIA's recommendations for these three areas are presented in the attached motion.

The reasons for ACIA's recommendations are discussed below.

## Committee Membership

The Shapiro Committee's recommendation, while keeping student membership on ACIA, eliminates Academic Professionals, Civil Service, and Alumni. It also removes voting power from the Faculty Representatives to the Big Ten and NCAA. The recommendation also increases the number of faculty, excluding the Faculty Representatives, from six to nine members.

Mike Bognanno  
April 26, 1993  
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ACIA agrees with the recommendation to increase the faculty membership, excluding the Faculty Representatives to the Big Ten and NCAA, from six to nine. But, ACIA's rationale for its recommendation is to increase the resources necessary to do the work of the Committee. The implementation of regular academic audits of teams is one primary activity in which these additional faculty resources would be used. The rationale is not one of increasing faculty control. ACIA believes that faculty control exists under the current membership.

ACIA's rationale for maintaining the widespread membership was outlined in our March 17, 1993 memo to you. The essence of the argument is that good decision making requires input and discussion from representatives of all major stakeholders. The exclusions recommended by the Shapiro Committee would significantly reduce the quality of the discussion on matters that come before the Committee. I also want to reiterate the point made by the NCAA Compliance Review Team that visited the campus during Winter Quarter 1993. They stated:

The composition of the [ACIA] Committee is a strength. It is important that all key constituents are represented; complete information is important. The intent of the [NCAA] legislation is for the involvement of all under the direction of a faculty chair.

#### Duties and Responsibilities: Administrative

The Shapiro Committee recommendation would require the ACIA to "review and approve reports to external governance bodies which pertain to compliance."

ACIA believes that the prior [ACIA's interpretation of the drafting intent of the recommendation] review and approval recommendation is seriously flawed. The flaw rests upon an unsound definition of ACIA's role. ACIA is a policy making - a context setting - and review Committee for Intercollegiate Athletics. ACIA has oversight responsibility. ACIA does not, and should not, have ongoing management responsibility.

If implemented, the recommendation would lead to micro-management of the two Departments of Intercollegiate Athletics. The Departments and the President's Office, through the Compliance Coordinator, should manage compliance issues. ACIA, by receiving copies of the reports, can engage in its oversight responsibilities.

In addition, to the philosophical difference in the role of ACIA, it must be noted that ACIA has neither the resources nor the expertise required to manage the two Departments. To create such resources and expertise would be to recreate a substantial portion of the management structures in place today.

#### Duties and Responsibilities: Advisory and Consulting

The Shapiro Committee recommendation would require ACIA, operating in conjunction with the Senate Committee on Finance and Planning, to participate in the budget planning process of the two Intercollegiate Athletic Departments.

ACIA believes that this recommendation is seriously flawed. The flaw is similar to the flaw discussed with respect to the Committee's recommendation on "compliance reporting." If implemented, this recommendation would result in micro-management. Currently, the two Athletic Departments work internally, and with the Office of the Senior Vice President for Finance and Operations, to develop their budgets. This is the approach used for all major

Mike Bognanno  
April 26, 1993  
Page Three

budget units on the Campus. There is no reason to employ a differential process for Intercollegiate Athletic units. Further, the development of the resources and expertise to implement this recommendation would require the University to duplicate a significant portion of its management structures.

ACIA, by reviewing the academic performance of student-athletes in the Departments of Intercollegiate Athletics, can determine if, in the aggregate, the resources spent are producing the results desired. If the results are unacceptable, ACIA will highlight the need for changes. This is an appropriate role for ACIA. How to manage to achieve changes is not the responsibility of ACIA. This responsibility rests with the two Athletic Directors and the President.

While it is not in its immediate purview, ACIA notes that the Shapiro Committee's recommendation could also be the beginning of a move that would lead the Senate Committee on Finance and Planning in the direction of micro-management for all of the budgetary units. If this happened, the philosophical problems and resource duplication that ACIA noted with respect to the financial management of Intercollegiate Athletics would increase geometrically. This, ACIA believes, would not be a wise course of action.

Attachment  
NLC:vc

ACIA'S RECOMMENDATIONS IS SHOWN IN BOLD PRINT FOLLOWING THE RECOMMENDATIONS OF THE AD HOC COMMITTEE

MOTION

To amend Article III, Section 3 of the Bylaws, and Article III, Section 2 of the Rules, of the Twin Cities Campus Assembly to change the composition and responsibilities of the Assembly Committee on Intercollegiate Athletics (ACIA), as follows [*Bracketed items in italics are commentary on each proposed bylaw change but are not intended to be part of the motion*]; new language is underlined and language to be deleted is ~~struck out~~:

(Article III, Section 3 of the Bylaws)

**3. INTERCOLLEGIATE ATHLETICS COMMITTEE**

The Twin Cities Campus Assembly delegates to the Committee on Intercollegiate Athletics faculty control of intercollegiate athletics. This delegation includes the formulation, adoption, and supervision of appropriate policy. ~~The Twin Cities Faculty Assembly may only strike down a policy passed by the Committee on Intercollegiate Athletics if the Steering Committee specifically singles out the policy after it has been passed, and brings it forward to the Faculty Assembly for specific debate and vote, with the motion framed as "Shall the Faculty Assembly disapprove of the following policy adopted by the Committee on Intercollegiate Athletics: ..."~~

**I. Membership**

The Intercollegiate Athletics Committee shall be composed of 9 regular faculty members, 3 students, and other ex officio representation as specified by vote of the Assembly. The 2 faculty representatives to the Big Ten and NCAA shall also serve as ex-officio members. ~~8 faculty/academic professional members, including the 2 ex officio voting faculty representatives to the Big Ten and NCAA; 3 students; 3 alumni representatives of the University (2 of whom shall have voting privileges as determined by the committee each year; one civil service staff member; and other ex officio representation as specified by vote of the Assembly.~~

~~Faculty/academic professional~~ and student members shall be nominated by the ~~Committee on Committees~~ Assembly Steering Committee in consultation with the Committee on Committees and with the approval of the Twin Cities Assembly. ~~Faculty/academic professional~~ members shall serve one term of three years that may be renewed by the ~~Committee on Committees~~ Assembly Steering Committee for one additional three-year term. Student members shall serve one-year terms that may be renewed no more than three times.

The faculty representatives shall be nominated according to procedures approved by the Intercollegiate Athletics Committee.

~~Alumni members shall be appointed by the president in consultation with the director of alumni relations and shall include one representative from each of the men's and women's athletic alumni groups.~~

~~The civil service member shall be appointed by the president in consultation with the~~

Civil Service Committee.

*[This change removes everyone but students and regular faculty members from ACIA and changes the nominating body from the Committee on Committees to the Assembly Steering Committee (the Twin Cities members of the Senate Consultative Committee).]*

ACIA's Recommendation: Membership [start] \*\*\*\*\*

The Intercollegiate Athletics Committee shall be composed of 11 Faculty/academic professional members; including the 2 ex officio voting faculty representatives to the Big Ten and NCAA; 3 students; 3 alumni representatives of the University (2 of whom shall have voting privileges as determined by the committee each year); one civil service staff member; and other ex officio representation as specified by vote of the Assembly.

Faculty/academic professional and student members shall be nominated by the Assembly Steering Committee in consultation with the Committee on Committees and with the approval of the Twin Cities Assembly. Faculty/academic professional members shall serve one term of three years that may be renewed by the Assembly Steering Committee for one additional three-year term. Student members shall serve on-year terms that may be renewed no more than three times.

The faculty representatives shall be nominated according to procedures approved by the Intercollegiate Athletics Committee.

Alumni members shall be appointed by the president in consultation with the director of alumni relations and shall include one representative from each of the men's and women's athletic alumni groups.

The civil service member shall be appointed by the president in consultation with the Civil Service Committee.

ACIA's Recommendation: Membership [End] \*\*\*\*\*

Chair and Vice Chair

The chair of the Committee on Intercollegiate Athletics shall be a faculty member shall be designated by the Faculty Assembly Steering Committee and shall should have at least one year's experience as a committee member.

The committee shall elect a vice chair from among its members.

Staff *[This heading is not new; it is underlined in the existing bylaw]*

The president shall ensure that the committee receives staffing and an office to hold its records. Such staffing shall consist of the appointment of a staff position responsible to the chair of the committee, shall be provided by the office of the University Senate; duties of the staff person shall be those prescribed by the committee in consultation with the president and the chair of the Faculty Assembly Steering Committee.

*[With the assent of the president, the staff to ACIA shall be a part of the staffing provided to all Senate and Assembly committees through the Senate office. The individual who serves as staff to ACIA will be responsible both to ACIA and to the Faculty Assembly Steering Committee; this change ratifies existing practice.]*

## II.

### **Duties and Responsibilities**

#### 1. Policy-Setting

- a. To promote high academic standards in intercollegiate athletics; to ensure as much as possible that intercollegiate athletics do not interfere with the academic responsibilities of student-athletes and, when this cannot be completely accomplished, to ensure that student-athletes be given a fair opportunity to complete their education.
- b. To promote the operation of athletic programs which comply with the spirit and the letter of all applicable external governing organization rules and all applicable University rules.
- c. To initiate, review, and vote on: all legislative matters pertaining to rules and regulations; policies and procedures controlling the eligibility of students for participation in intercollegiate athletics; and such other policies and procedures it deems necessary and appropriate to govern the conduct of intercollegiate athletics programs on the Twin Cities campus.
- d. To direct the faculty representatives for intercollegiate athletics with respect to positions on issues these faculty representatives consider at meetings of the Big Ten, of the NCAA, of the WCHA, and of any successor or other athletic governing organizations of which the University of Minnesota, Twin Cities, is a member, recognizing, however, the ultimate authority of the president to specify final directions to these representatives.
- e. To devise policies governing eligibility for awards based in any part on academic performance for student-athlete participation in the Twin Cities intercollegiate athletics programs.

#### 2. Administrative

- a. To formally review at least once every three years the performance of the faculty representatives and to advise the president thereon, to make recommendations to the president about the continuance in office of the faculty representatives, and to participate in the selection of faculty representatives when vacancies occur.
- b. To debate and approve or disapprove of, or amend all any schedules of varsity and junior varsity events, subject only to the authority of the Senate Committee on Educational Policy to approve events which would fall during the period of Study Day through Finals Week. of the Twin Cities campus.

*[Makes more general the authority of ACIA over schedules of competition, makes it clear that the authority runs to all events and that the committee may change the schedules as well as approve or disapprove the ones formulated by the intercollegiate athletics departments, and recognizes the authority of SCEP, per Senate policy, to make decisions about events which might occur during the period from Study Day through Finals Week.]*

- c. ~~To periodically review conduct on a team-by-team basis, an in-depth annual periodic review~~ of the academic progress and performance of all Twin Cities campus student-athletes participating in intercollegiate athletics. This review will be conducted with the participation of the faculty members of the committee, the director of academic counseling for intercollegiate athletics, and with the coaches and their staffs, according to policy and procedures determined by the committee. ~~Further,~~ The reports which result from these academic audits shall be considered in the annual evaluation of all head coaches.
- d. ~~To be given the opportunity to participate in the search for and evaluation of the intercollegiate athletic directors, the director of academic counseling for intercollegiate athletics, and the compliance officer when such searches or evaluations take place. In addition,~~ The committee shall be given the opportunity to participate in searches for all head coaches and such other administrators in the departments of intercollegiate athletics as may be prescribed by policy adopted by the committee.

*[This requires that ACIA participate in searches for the athletic directors, the director of academic counseling, and the compliance officer; it provides for the committee to have the opportunity, at its discretion, to participate in other searches for athletic personnel.]*

- e. To review and approve reports to external governance bodies which pertain to compliance.

*[Requires that ACIA be involved in the drafting of reports from the University to the NCAA or Big Ten or other bodies which have to do with allegations of rules violations.]*

- f. To regularly receive reports from the compliance officer about the status of rules compliance in the departments of intercollegiate athletics.

**ACIA's Recommendation: Administrative [Start] \*\*\*\*\***

**Combine items e and f as follows:**

- e. To regularly receive reports from the compliance officer about the status of rules compliance in the departments of intercollegiate athletics.

**ACIA's Recommendation: Administrative [End] \*\*\*\*\***

**3. Judicial**

- a. To determine the eligibility for participation in intercollegiate athletics of student-athletes who are alleged to have violated any rules of athletic governing organizations, and to determine, within

determined that the violation(s) occurred.

- b. To retain final authority over the determination of eligibility of a student for participation in intercollegiate athletics irrespective of the cause or locus of any dispute which casts doubt on his or her eligibility.

4. Advisory and Consulting

- a. To advise the president and central administration and the directors of intercollegiate athletics and the director of academic counseling for intercollegiate athletics on all policies affecting personnel, budget, and facilities relating to the intercollegiate athletic programs of the Twin Cities campus.
- b. To review annually, in cooperation with the Senate Committee on Finance and Planning, the budgets of the departments of intercollegiate athletics and of the office for academic counseling for intercollegiate athletics. This review should occur prior to the approval of the budget by the central administration. The committee shall establish a review process in consultation with the Senate Committee on Finance and Planning.

*[This provision is intended to give effect to the recommendation of the Page-Merwin ad hoc committee on athletics; it specifically restores to ACIA the responsibility to review expenditures and income in athletics and to advise the central administration thereon. The budget review is intended to take place jointly with the Senate Committee on Finance and Planning in a way to be worked out between the committees.]*

ACIA's Recommendation: Advisory and Consulting [Start] \*\*\*\*\*

4.b. Strike from motion

ACIA's Recommendation: Advisory and Consulting [End] \*\*\*\*\*

- c. To consult periodically, but at least annually, with student-athletes.
- d. The chair and the vice chair of the committee shall meet at least quarterly with the President.
- e. To consult with ~~the Recreational Sports Committee and such other committees~~ about concerning items of common concern.

5. Reporting

- a. To make ~~timely regular~~ reports to the Twin Cities Campus Assembly and to the wider University community on items of importance with respect to its governance of intercollegiate athletics. ~~Such reports shall consist of, but not be limited to, composite team statistics of quarterly grade reports for intercollegiate athletic teams; reports on graduation rates of student athletes by team and year; other data of relevance to the conduct of intercollegiate athletics on the Twin Cities campus, such as admissions qualifications of recruits by team,~~

~~ethnic make-up of the body of student athletes, and reports of discussions or essays which would be of interest to the Twin Cities Campus Assembly and to the wider University community.~~

- b. To ensure that the chair of the committee or his or her designee shall be present at the regular quarterly meetings of the Twin Cities Campus Assembly and shall be afforded time to report and shall be ready to respond to questions concerning published reports of the committee or other items of interest to Assembly members.
- c. To report all policy adoptions and changes to the Assembly Steering Committee.
- d. To submit an annual report to the Twin Cities Campus Assembly.

6. General

Notwithstanding any other provision to the contrary in these bylaws, to promulgate any such policies and to take any such actions that it deems ~~necessary and~~ appropriate to ensure that intercollegiate athletics are conducted in a fashion suitable for the students, faculty, and staff of the University of Minnesota, for the University of Minnesota generally, and for the people of the State of Minnesota. It is to be understood that this is a plenary grant of authority subject only to review by the Faculty Assembly and to the final responsibility of the president and the regents for the governance of the University.

*[The committee can act when it deems action "appropriate"; "necessity" should not be required.]*

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(Article III, Section 2 of the Rules)

**2. Ex Officio members of Assembly Committees**

Ex officio members shall be appointed from each of the offices below

- ...
- Intercollegiate Athletics: 2 Faculty Representatives; Director, Men's Intercollegiate Athletics; Director, Women's Intercollegiate Athletics; Director, Academic Counseling for Intercollegiate Athletics; compliance officer for intercollegiate athletics; central administrative officer responsible for intercollegiate athletics; University of Minnesota representative to the Big Ten Advisory Commission.

**ACIA's Recommendation: Ex Officio members of Assembly Committees [Start] \*\*\*\*\***

- **Strike 2 Faculty Representatives**

**ACIA's Recommendation: Ex Officio members of Assembly Committees [End] \*\*\*\*\***

*[The Big Ten Advisory Commission is a group of individuals, one representative from each institution, that advises the conference on issues having to do with minority student-athletes; inasmuch as the Intercollegiate Athletics Committee is charged to consider minority student*

UNIVERSITY OF MINNESOTA  
ALUMNI ASSOCIATION

*Making the Minnesota Connection*

501 Coffman Memorial Union  
300 Washington Avenue SE  
Minneapolis, MN 55455 0396  
612-624-2323  
Fax 612 626-8167

**VIA FACSIMILE**

April 21, 1993

**To:** Norm Chervany, Chair, Assembly Committee on Intercollegiate Athletics (ACIA)  
Mike Bognanno, Chair, Faculty Consultative Committee (FCC)  
Burton Shapiro, Chair, FCC Ad Hoc Committee on Intercollegiate Athletics

**Fr:** Margaret Carlson, Executive Director/Assistant Vice President  
Alumni Association/Department of Alumni Relations (AA/AR)

**RE:** Recommendations of FCC Ad Hoc Committee on Intercollegiate Athletics

It has come to my attention that the FCC Ad Hoc Committee on Intercollegiate Athletics has recommended changing the composition of the ACIA. This suggested change would ensure "faculty control" of athletics.

While it is appropriate and responsible for the faculty to chair the ACIA and have a majority of the representation, it would be a mistake to dismiss the representatives of the other University shareholders from this important committee -- namely the students, the civil service, and the alumni. The University of Minnesota Alumni Association values its input and vote on policies and procedures affecting athletics through its alumni representatives on the ACIA (two votes among the three alumni representatives).

Before such a change is finalized, we would appreciate if a representative of the FCC would meet with the UMAA National Board of Directors to explain the problem at hand, to outline the proposed change, and finally to explain why alumni representatives to the ACIA would not be helpful in resolution of current and future problems and opportunities. We would also invite Professor Chervany, or his representative, to the meeting as well.

Our next national board meeting will be Monday, May 10, from 12 noon to 2 p.m., at the Radisson Hotel Metrodome. Our agenda is full, but we would revise the agenda so that this important issue could come before our governing board. Following this meeting, we would send our official response to the FCC and ACIA. Would you please advise me as soon as possible on this request, since we will be sending our agenda and support materials out on April 27.

cc. UMAA Representatives to ACIA: Steve Carlson, John Williams,  
Karla Hill-Donisch  
Mike Unger, UMAA National President  
Vickie Courtney, ACIA Staff

*Please consult  
before finalizing  
any adverse  
action.*