

Minutes

Senate Consultative Committee December 6, 1990

Present: Warren Ibele (chair), W. Andrew Collins, Amos Deinard, Kathy Diaz, Steven Ellison, Paul Holm, Norman Kerr, K. Darby Laing, J. Bruce Overmier, Thomas Scott, Burton Shapiro, Charlotte Striebel, Shawn Towle, James VanAlstine, Christine VeLure, Shirley Zimmerman

Guests: John Beatty, Geoff Gorvin (Footnote), Barbara Muesing, Patricia Mullen, Maureen Smith (Brief)

1. Statement on Hate Crimes

Professor Ibele began the meeting with some preliminary remarks, observing that the work of democracy is never done. Each generation earns the rights that democracy bestows by shouldering the responsibility of preserving and extending those rights to all members of the society. No less an obligation obtains in a University. The opportunity to learn and teach will exist for all to the extent that all among us are able to pursue these tasks free from intimidation and harassment. It is important on this campus, more so than on residential campuses, that students and faculty members understand and accept this community responsibility. When one member of our community is hindered or thwarted, by behavior that discredits democratic processes or the purposes of the University, all are harmed. It is the responsibility of the community to express solidarity with those who are injured and to correct the conditions that give rise to the expressions of racism and bigotry. Until all accept that responsibility, both private and communal purposes will suffer.

These points are worth considering, he suggested to the Committee, when one contemplates the recent incidents at Frontier Hall and Bailey Hall. They destroy the fabric of the institution and sully its goals and purposes.

He then referred to the draft statement on hate crimes and solicited comments from Committee members. It should, he said, be an expression of both the student body and the faculty. Timing is a problem, with the end of finals week and the beginning of the quarter; it therefore might be useful to put such a statement in the hands of each faculty member before the beginning of winter quarter and ask each of them to either read it (on the first day of classes) or offer their own statement about the problem and invite commentary from the class. It is difficult for this complex institution to focus on a single issue, he said, but this issue is of such importance that an institutional response is imperative.

Asked about the specifics of the incidents (for those who were unaware of them), Professor Ibele turned to Patricia Mullen. She said there is no definitive answer to who the perpetrators are (and whether or not members of the University community). The actions included racial epithets left on dorm door message pads and telephone calls to black female students which were both sexually explicit and racially offensive. The incidents were unambiguously hateful and clearly racially-directed.

Professor Ibele also briefly reviewed the events that had occurred at Macalester College and the response of the College.

Committee members spent some time discussing the content and wording of the statement. The points made concerned the diversity of the institution, the need for specific reference to race, the usefulness of reading a statement in classes, the advisability of a convocation, the need for continued attention to the problem, the definition of hate crimes and use of the term, and the improbability that Committee action would reach or affect those who commit hate crimes but the corresponding need nevertheless to express the sense of anger of the community majority. Professor Ibele emphasized that the last point may be the most important--that the community must speak out strongly against such acts.

It was agreed that it might be useful to review the Student Conduct Code, in those instances where the perpetrators turn out to be students, in order to be sure that the Code has appropriate provisions covering hate crimes.

It was suggested that the statement should be distributed to the community at large as well as to the University community (on all campuses). The "community at large" should also go beyond the Twin Cities. But the primary point is to express condemnation and extend support to the victims.

It was agreed that the Committee on Social Concerns should also take up the subject and report back to the Consultative Committee. There is a need for action now, on the part of the Committee, but also a need for long-term follow-up attention.

It was agreed that the statement should be redrafted and circulated to the Committee for final review and that it should carry the names of the Committee members on it.

2. Discussion with President Hasselmo

Statement on Hate Crimes, continued The President joined the Committee at this point; he said that the issues being addressed by the Committee have been uppermost in his mind in recent days. Professor Ibele reported to the Committee that the President and Vice President Hughes had visited Frontier Hall on two occasions the previous weekend to respond to the incidents which had occurred.

The President said he was delighted with the action the Committee proposed to take; he concurred that the statement had to speak directly to racism, to the "virulent racism" reflected in the acts committed. There must be no mistake about the issue and the targets. His involvement in the events are, he said, what leads him to make several comments.

- It is a very serious issue which must be addressed by the University as a community. There must be no possibility of ambiguity as to the University's commitment on this issue.
- He has evaluated his own role, he said, to be sure that his position is equally unambiguous. Action, however, is not simply the President speaking out day and night on the issue; he tries to do so, in meaningful ways, but action by the vice presidents, deans, department heads, and the whole spectrum of the administration is more important. The resolutions and rhetoric are not the important part of what is done; it is

action at all levels of the University, that involves everybody. That is essential for this is not a problem which can be "administered away." It can only be dealt with when every member of the faculty, staff, and student body takes it as a personal responsibility.

- The response of the students in Frontier Hall was encouraging; a large number of white students attended the meeting and looked on the issue as one of concern to them as well as to black students. The discussion was painful and probing, to a certain extent, but all expressed concern. The division of students in Frontier Hall along racial lines began to break down during the meetings. If there has been a benefit to the incidents, it may be that they jarred the University community into a realization that this separation cannot be tolerated and that every member of the community is involved when these things happen.

The President endorsed the statement (and the suggestion that it be read and discussed in classes) and solicited advice to the administration on what actions could be taken that would be most meaningful. Such advice should go beyond telling the administration what to do; it must extend to every member and group in the University community on what they can do. Ultimately this is a problem which affects individuals and can be best addressed by individuals in the local settings of the groups that make up the University community. He also expressed a willingness to issue some sort of statement from the administration but speculated that efforts at lower levels would be more effective.

Whatever is done, the President concluded, should be done quickly. But there also needs to be a continuing effort, not just responses to crises as they occur. The efforts need to be woven into the educational enterprise because the issues raised go to the very fabric of the University community and the society. There is nothing else more important to be dealt with right now.

The President reported that he is also part of a task force with representation from all of the higher education systems. One of the outcomes of its work will likely be issuance of a manifesto against racism and a recommendation that there be a designated day against racism on all campuses.

The Budgetary Situation The President reported that he had been recently at a meeting of the Higher Education Advisory Council (the system heads); they have been asked to provide options for making 5% cuts in current budgets and similar cuts in the budgets for the next biennium. The University cannot provide such options, in the time requested (only a few days), because they would have to be approved by the Board of Regents. There has been in place for many years a planning process, he noted, and those plans would serve as the basis for any cuts. The University will do its share to help the State solve its financial problems--and will also make a strong case that the University is central to fueling economic activity in the State. Reducing the impact of the University in that respect would be penny-wise and pound-foolish (and people in the State government are aware of that).

The administration intends to follow the reallocation plan; under any circumstances the University will have to make some choices because it is over-extended and must meet dire needs from internal resources. It was thought that over the next several months, following the submission of collegiate reallocation plans in December, there would time for consultation and discussion before

recommendations were brought to the Board of Regents in March or April. It is possible that the timetable may have to be shortened; how much is not yet clear. Special meetings of the Committee may be required.

In order for the State to implement budget cuts during the current year legislative action will be required; any action would thus await the convening of the legislature. How soon thereafter steps will need to be taken is unknown but the University could find itself in the position of needing to act very quickly to make reductions.

As has been true all along, there will be a dual approach: One is to take a hard look at the University's priorities and determine what it can stop doing in order to fund the major institutional responsibilities. The other will be to continue to point out to the State and its decision-makers the tremendous importance of the University's contributions to the State.

The President confirmed that the 10% cut from the remainder of the current fiscal year, plus a 5% reduction in the 1991-93 biennium, amounted to a total reduction of about \$25 million per year or \$75 million for the period. The President cautioned that the University has by no means received instructions to make cuts of this magnitude; the State wishes to be able to consider various options. He also pointed out that at present State revenues are coming in at or slightly ahead of the forecasts; the problems arise with the projections for December of 1991, which have dismal implications. Much will depend on what happens in the Persian Gulf and the GATT talks, both of which will have a profound effect on the economy.

The President observed that it would be "tragic" if the University were able to reallocate funds in order to strengthen the institution and then lose those funds to some kind of retrenchment; everything possible will be done to avoid that outcome.

There are related questions which will have to be confronted as the University approaches the legislative session, the President told the Committee. The general statement accompanying the University's request contains a description of \$54 million in programmatic needs, of which \$20 million would come from reallocation and \$34 million from additional funds. These would be on top of an inflationary increase and possible additional salary increases for faculty and staff. Instructions from the Finance Department did not permit the University to request those funds although a statement has been provided to the State which outlines these needs. The University, however, will face discussions in the legislature about a possible base cut as well as questions about what would be done with additional resources. When it comes to setting priorities, seeking the inflationary increases would be the absolute top priority for any additions to the base. The programmatic improvements, to that extent, would take second place to the inflationary increases on salaries. But the University simply does not know what the conditions will be, at this point; as they become clearer the administration will return to the governance committees to talk about the priorities.

It was pointed out that the Committee on Finance and Planning (SCFP) had been told that a working assumption has been that there will be zero faculty salary increases. SCFP did not receive that information warmly, to say the least. This reaction appeared to surprise the administrators. It was suggested that the President was now saying something different. President Hasselmo responded that the statements may not be that different; the comments to SCFP were based on the question of using

reallocated funds for salary increases if there is no increase in University funding. The administration has received strong advice that reallocated funds should not be used for salaries even if there is no inflationary increase in State funding. Reallocated funds were used for salaries last year and there has been considerable criticism of that decision. It is an open question, the President said, if this should be repeated. His point was that if the opportunity to ask for additional funds presents itself, the first priority is inflationary run-ups on salaries. And there are wrinkles: If the University receives enough money for a 1% salary increase (about \$18 million), is it worth using that \$18 million for salary increases or should it be used for program improvements? Such trade-offs may need to be discussed.

Tuition and Financial Aid The President was asked about the appropriateness of 50% of the financial aid funds from the State being used by 35% of the students--those who attend private colleges. Is that balance fair? The President said he felt that private higher education institutions are an important part of the system in Minnesota; they serve a lot of students and finance their programs from tuition income and their endowments--all to the benefit of the State. It is also not true, he noted, that private institutions can raise tuition at will and have the increases funded by State resources; University of Minnesota tuition is the ceiling and no student can receive more aid than that which is equivalent to University tuition. Whether or not the present arrangements represent the perfect trade-off between public and private institutions, the President said, is hard to say. Generally, however, the State is well-served by private institutions and the financial aid system as currently structured is basically sound.

Response to the Assembly Survey on Athletics Professor Ibele next told the President that the Committee would try to respond to the results of the survey on athletics. An ad hoc faculty-student committee has been suggested and a letter of charge drafted; it would be asked to make recommendations about arrangements and policies which would bring athletics more into accord with the views of the Assembly. One of the recommendations would very likely be a request once again that the Assembly grant authority over student eligibility to the Committee on Athletics.

The President said he believed there should be strong faculty-student involvement in setting policies for intercollegiate athletics. He said he hoped that the Committee on Athletics would retain its role in providing guidance and representing faculty and students on these issues.

The President also reported that he would be attending Big Ten meetings the next weekend and that a prominent agenda item would be the reform proposals to be placed before the National Collegiate Athletic Association in January. The reform agenda takes steps in the right direction, in modest ways, but there are changes proposed which the President said he believed were inappropriate. He is thus in the difficult position of trying to decide whether or not to support the recommendations despite strong reservations about some of the details; he said he is inclined to support them just to get things moving. A major problem is an across-the-board reduction in financial aid for athletes; this is not appropriate because while there are excesses in certain sports, this is not the case in all. There are other aspects which cause him concern, he said, but he is likely to support the changes.

The benefits to be obtained include establishment of cost-containment measures in athletics, enhanced educational expectations of athletes, and a reduction in the excessive time demands on student-athletes. It is very important that progress in these areas be made, important enough despite other problems, he said, that "I may just grit my teeth and go with it."

Professor Ibele thanked the President for his time.

3. Response to Campus Assembly Survey on Athletics

Professor Ibele next drew the attention of Committee members to the tally of the results of the survey of Assembly members on athletics. He pointed out that one option favored was the appointment of an ad hoc faculty-student committee to take up matters relating to the governance of intercollegiate athletics; a draft letter of charge to such a committee was also distributed. He asked the Committee if it would be desirable to proceed in such a manner and, if so, who should be asked to serve. Involvement of the Assembly Committee on Intercollegiate Athletics (ACIA) would be useful, as the President had noted, but inasmuch as that committee had itself been a subject of concern, the nature of that involvement would have to be carefully considered.

It was suggested that student-athletes should be involved as the ad hoc committee went about its task; it was agreed that their views and perceptions should be taken into account by the ad hoc committee.

The size and nature of the faculty component of ACIA should also be part of the charge to the ad hoc committee, it was agreed.

The Senate Consultative Committee, it was clarified, should appoint this ad hoc committee; continuing responsibility for appointment of the members of the Committee on Athletics (which now rests with the Committee on Committees) is something upon which the ad hoc committee might wish to make a recommendation. It might, for instance, propose that the Committee on Athletics be appointed by the Consultative Committee.

It was agreed that nominees to the ad hoc committee would be arrived at in the near future.

4. Report on the ad hoc Ombuds Committee

Professor Ibele next asked Professor Striebel to report on the progress of the ad hoc committee to examine the ombuds service.

Professor Striebel said that the committee had made progress but would not meet the deadline of the end of the quarter. To date they have been examining models of conflict resolution (litigation, arbitration, ombuds, mediation, and negotiation/bargain). The differences among them pertain to the role of a third party in resolving the conflict. In the litigation model, the one most familiar in the University and reflected in the grievance procedures, the third party is a hearing panel. In the arbitration model it is the arbitrator. In the ombuds model it is the ombudsman, who makes a decision not only on the basis of the facts of a particular conflict but also on the basis of the best interests of the institution. The ombuds model is better designed to deal with conflicts within an institution; the other models tend to consider only the parties who are involved in the conflict. Sometimes this latter model works; at other times there are problems with it.

Their next step was to look at different areas in the University and the different types of

conflicts which can arise and to identify the types of conflict resolution models that are available for each. This task is nearly complete; the objective is to fill in the gaps and try to tie them all together in a manner which will serve the entire institution.

The Office of Equal Opportunity, she noted, is essentially an ombuds model; such a model is available for certain types of student conflicts and those involving discrimination.

One large need is for advocates or advisors. In the litigation model, widespread at the University, advisors are essential. In some of the other models this need is not quite so great.

Of the recommendations which they have begun to formulate, there appears to be agreement that a universal intake office and supervision of the cases are needed. After intake, a dispute can be assigned to certain types of models; a much larger number than is presently the case should be eligible for assignment to an ombuds model. The present use of mediation is only on an ad hoc basis and strains the ability of conflict resolution groups to provide mediators.

Advisors, Professor Striebel said, have in the past been found on an ad hoc basis--the Faculty Assistance Office, the AAUP, or the individuals involved. There is no regular procedure for finding them.

No one really knows how many conflicts or disputes arise at the University; there are no central records for all categories of disputes.

Professor Striebel agreed to keep the Committee apprised of progress and when there would be a need for its guidance.

The Committee adjourned at 11:50.

-- Gary Engstrand