

Minutes*

Faculty Consultative Committee
Thursday, May 24, 2001
1:30 – 3:30
238A Morrill Hall

Present: Joseph Massey (chair pro tem), Muriel Bebeau, Susan Brorson, Dan Feeney, Richard Goldstein, Marti Hope Gonzales, Charles Speaks, Billie Wahlstrom

Regrets: Fred Morrison, Wilbert Ahern, Linda Brady, Les Drewes, David Hamilton, Marvin Marshak, V. Rama Murthy, Paula Rabinowitz, Jeff Ratliff-Crain

Absent: none

Guests: Associate Vice President Richard Pfutzenreuter; Professor Sara Evans; Ms. Julie Sweitzer (Office of Equal Opportunity)

Other: none

[In these minutes: (1) the budget and political issues; (2) nominees for the Faculty Academic Oversight Committee for Intercollegiate Athletics; (3) report from the Faculty Academic Oversight Committee for Intercollegiate Athletics; (4) administrative policy on sexual assault/relationship violence]

1. The Budget and Related Political Matters

Professor Massey convened the meeting at 1:30, explained that Professor Morrison was out of the country, and welcomed Mr. Pfutzenreuter to discuss political issues and the budget. It was agreed that the discussion would be off the record.

At the conclusion of the discussion, the Committee voted unanimously in favor of the following statement:

The Faculty Consultative Committee requests that for the fiscal year 2001-02 there should be no change in tuition attribution; that is, none of the base tuition revenues should be retained by the central administration and the administration should, for the upcoming year, find a different way to address the financial circumstances of the University. The Committee requests that the Committee on Finance and Planning work with the administration to address questions about the appropriate tuition attribution model that the University should use in concert with Incentives for Managed Growth and the Internal Revenue Sharing assessment, recognizing that that are insufficient funds available to the administration for compact agreements and common goods.

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

It was agreed that the Committee on Finance and Planning would begin this discussion at its Fall Retreat on August 28 and that FCC, in turn, would take up the issue on the basis of recommendations from the Committee on Finance and Planning.

On the subject of health care, which the Committee discussed for some while, Professor Gonzales said that she has heard colleagues express concern that adding co-pays for health care is regressive in impact. She suggested the Committee advise the President that it is unconscionable to have employees making less than \$12 per hour who might also be now burdened with co-pays for health care coverage.

2. Nominees for the Faculty Academic Oversight Committee for Intercollegiate Athletics

Professor Massey next inquired whom should be nominated to serve on the Faculty Academic Oversight Committee for Intercollegiate Athletics (FAOCIA); Professor Evans, who serves as chair, has a fellowship next year and the term of one of the other faculty members expires. The Committee discussed possible nominees with Professor Evans, who had joined the meeting, and then asked Professor Massey to follow up.

3. Report from the Faculty Academic Oversight Committee for Intercollegiate Athletics

Professor Massey turned once again to Professor Evans for a report from FAOCIA.

Professor Evans provided a brief overview of what FAOCIA has done during the year. This was the first year of a new structure, she observed, with two committees; before this year there had only been one. FAOCIA is a purely faculty committee directly responsible to this Committee [that is, the Twin Cities Faculty Assembly Steering Committee--the Twin Cities members of the Faculty Consultative Committee] charged with overseeing academic integrity and compliance. FAOCIA has come through a hard-working, bumpy year because all of its members were without experience with athletics (which, she added, was by design, because the goal was creation of a faculty committee primarily attentive to the teaching and research enterprise) so that everyone had to learn a lot.

FAOCIA reviewed all policies related to athletics (a process that continues); most need only minor editorial corrections (to reflect the new structure). Some FAOCIA has affirmed (e.g., the policy governing travel time and permissible amounts of missed class time because of competition). FAOCIA also plays a major role in providing advice to the director of academic counseling for intercollegiate athletics; this year the interim director has been Professor Laura Koch, former chair of the Committee on Educational Policy [a permanent director has now been appointed]. The director reports to Vice Provost Craig Swan, in the office of the Executive Vice President and Provost, not inside athletics.

FAOCIA had a series of specific tasks that it worked on. One was a review of travel schedules; no team may travel and students may not compete until FAOCIA has approved the schedule. A second task was a review of grades by team each semester; the committee can also review individual data (all of its meetings, by Assembly bylaw provision, are closed). It can indicate concern, where appropriate. It does not have a lot of power per se but the integrity of the process is important; "we will not stick around if the University's integrity will be compromised," Professor Evans promised, and as a result they are taken seriously. The committee is provided excellent staff support from Vice President Brown's office and from Dr. Swan's office; it will be able to look at data over time to see how teams are functioning and learn to identify problems that are coming down the track. PeopleSoft will let the committee do a better job of getting information, she said.

The charge to FAOCIA also provides that the committee is to oversee the progress of individual students; it does so via averages and individual information but could not manage the task without the help of people in several offices (including the Registrar and college offices). The colleges inform the committee if students are making progress to a degree (that judgment MUST rest in college offices, she emphasized).

Professor Evans expressed the hope that next year the committee could project a calendar for the year, which would allow it to identify when it needs to accomplish its tasks. The staff support provided by the Senate office from Ms. Courtney is "magnificent," she concluded.

One charge that was not taken up was compliance, Professor Evans told the Committee. The reason is that she did not realize it was in the charge, for which she takes responsibility. They thought of the charge to FAOCIA as encompassing ACADEMIC oversight, but it also includes compliance, the latter of which includes compliance "with a gazillion tiny NCAA rules." The University has a very good compliance office and the faculty representatives are very good at dealing with these issues. The compliance officer, Frank Kara, serves ex officio on FAOCIA and does attend the meetings, she related. She received a "heads up" call on the problems in the women's basketball program--and breathed a sigh of relief when they did not revolve around academic matters.

Professor Evans recommended that the Committee consider revising the charge to FAOCIA; the other committee, the Advisory Committee on Athletics, could take on compliance issues because they are not primarily academic.

In her opinion, the two-committee structure has worked well, Professor Evans said, in part because the charge to FAOCIA is much clearer than that to the other committee; there is a clarity in the enumeration of the tasks it must perform). FAOCIA members are forbidden from accepting tickets to athletic events from one of the athletic departments--a policy with which FAOCIA members agree.

Professor Feeney inquired if there was hesitation about the authority of the committee, or a concern that if it makes a recommendation, the recommendation will not be executed? Professor Evans said "no." There are some places where it has authority (it must sign off on) and some places where it has a reporting function. Twice it expressed concern about something and both times received a satisfactory answer. FAOCIA is taken seriously; it is in the nature of the governance structure that except where it must sign off on something, it is advisory.

Does the committee act on compliance matters, Professor Massey asked? Professor Evans said she did not want this issue to fall through the cracks and suggested that she meet with Professors Morrison and Borgida to consider compliance. She said she did not believe it possible that serious academic problems would occur without FAOCIA seeing them coming (committees saw problems coming before but no one listened to them); in terms of other compliance issues, she said there needs to be discussion about the setting for faculty oversight.

Professor Massey thanked Professor Evans for the report, and then asked Ms. Sweitzer to join the discussion on a new topic, the

4. Administrative Policy on Sexual Assault/Relationship Violence

This policy is related to the previous topic, Ms. Sweitzer commented, because its genesis was in the events associated with intercollegiate athletics two years ago. The follow-up to the NCAA investigation included a task force, chaired by Professor Evans, on how to handle sexual assault charges; the task force made a number of recommendations about working with the Police Department and Student Judicial Affairs on when to prosecute. The task force recommended that the University not automatically delay the internal investigation until after any police investigation and possible prosecution. The task force also recommended a policy on sexual assault/relationship violence; the version presented at the meeting today is close to the final draft of an administrative (not Regents') policy. The issue predates the events in athletics; the University has a sexual harassment policy and all sexual assault is a form of sexual harassment, so technically there is already a policy in place. This proposal does not make anything more or less legal, but some of the events associated with athletics were not sex-related but were relationship violence--pure assault. There was discretion being exercised in dealing with these incidents and the task force thought there was need for a new policy. This policy sets forth a process on what to do if one learns about hears about sexual assault or relationship violence; it is not a new policy.

The problem was that there was too much variation in the responses to sexual assault/relationship violence, Ms. Sweitzer related; this policy sets out the rules on what employees are to do. There were reports that in some cases nothing was done, for a variety of reasons. The policy calls for referral to the sexual violence program or victim/survivor program and all will strongly encourage referral to the police. If the event takes place on campus, the incident MUST be reported to the police (although it can be reported without names). When her office receives information, it can usually get the victim comfortable enough to report an incident to the police; there are concerns about the safety of the rest of the University community (i.e., a repeat offender) and they must take action. Student Judicial Affairs handles investigations and the disciplinary process with the person accused of misconduct is a student (unless it occurs in the student's role as an employee).

If a victim just wants to talk in confidence, all campuses have programs that provide that service; each will urge that someone at the University who can do something be contacted. If there is a serious risk of harm again, she is obligated to take action, Ms. Sweitzer said, but she also needs to honor ethical and legal obligations of medical and sexual counselors.

The present policy is still a draft; there is need to get user-friendly information to students. The Duluth campus takes the most aggressive stance on these incidents: if they hear of sexual assault, there is a report to the police regardless of what the victim wants. (There are two competing and hotly-debated schools of thought on this matter, Ms. Sweitzer commented--whether to take a report to authorities irrespective of victim wishes or to honor those wishes.)

Specific unit protocols are still needed--who will be the point person who will get information to people in athletics, housing, and so on. One fuzzy area is the instance when a faculty member learns of an incident but is not the student's advisor; the intent is that faculty know there is a resource they can turn to for information.

The policy does not need action by the Committee, Ms. Sweitzer concluded. Professor Evans agreed but said that comments were important.

Professor Massey said he once had a student whom he was sure was being abused but never said anything because he felt his hands were tied. Is that so? It is not, Ms. Sweitzer said; one good response would be to get information to the student on resources available on campus. Unless one is aware of abuse in a vulnerable population, one is not obligated to report; it must be recognized that the University is dealing with adults who can make their own decisions, she said, even if they are not the decisions that we might make. Anyone may also call her office for advice, she said.

What kinds of things are done to help students (e.g., programs for athletes who may come from less-privileged environments), Professor Bebeau asked? They have looked at training, Ms. Sweitzer said, and required the programs to be conducted annually, including mentors in violence prevention (e.g., athlete to athlete). Professor Evans agreed that this training must be conducted in a way that students will hear it; this is about culture, she said. No one is more influential with the athlete than the coach; if the coach emphasizes academic performance, the student will respond. There are a lot of systems in place; if the University admits athletes who need help, it is obligated to provide that support in order that the student can succeed. The University should not admit anyone who cannot succeed, she added.

Beyond athletics, New Student Orientation includes sessions on sexual assault and relationship violence, Ms. Sweitzer said. Housing and Residential Life do additional training. There is, however, little done for employees.

Professor Massey suggested looking at the age distribution of the faculty; some older faculty may be less sensitive to sexual harassment/relationship violence and any information about it may not be reaching them. Ms. Sweitzer said they would. On the other hand, she said, the people who often understand the point best are deans and faculty whose daughters reach adult age and tell them what happens. In terms of sexual harassment, there have been various training and professional development programs and they are now developing a CD ROM on sexual harassment that all employees could look at on their own time; the Medical School and Facilities Management have agreed to try the beta version.

This is something that could also be done online, Professor Evans said; one could then answer questions so it would be evident the material had been read. That is ultimately what will be done, Ms. Sweitzer said, in order that the University can keep track of who has done the training. If it works well, something similar could be done for issues of people with disabilities and with racism.

Professor Massey thanked Ms. Sweitzer and Professor Evans for their report and adjourned the meeting at 3:00.

-- Gary Engstrand

University of Minnesota