

MINUTES OF THE MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA
Monday, December 6, 1948, Room 101, Law Building

President McCormick presided, with twenty-seven members of the Senate present.

The minutes of the meeting of November fifteenth were approved with the following changes:

STUDENT BODY ASSEMBLIES: In the second line of the third paragraph, delete the words "the instructor feels that his." In the third line of the third paragraph, change the words "There was a general feeling" to "The President expressed the view."

OUTSIDE WORK, DISCUSSION OF: Page 71, last paragraph, delete the third sentence reading "Dr. W. H. Brown said, etc." Page 72, first line, change the word "outside" to "assigned."

CHEATING REVIEW REPORT: President McCormick suggested that it would be well to have the Cheating Review Report as finally approved by the Senate explained to the faculty by Dr. Hudson, chairman of the committee. It was agreed that this would be arranged for the next general faculty meeting.

SENATE MEETINGS, NONMEMBER ATTENDANCE AT: Dr. Houghton raised the question of whether or not members of the faculty not members of the Senate are privileged to attend meetings of the Senate. There was a brief discussion during which it was pointed out that although members of the faculty receive a copy of the proceedings of the Senate, they do not receive the complete minutes and are comparatively uninformed as to what takes place. It was agreed that members of the faculty should have the privilege of attending the Senate meetings as listeners; and on motion by Dr. Houghton with a second by Dean Burgess, the Senate directed the secretary to send to all members of the faculty, with the copy of the proceedings of this meeting, a statement indicating that they would be welcome to attend meetings of the Senate.

OUTSIDE WORK, FURTHER CONSIDERATION OF REGULATIONS REGARDING: President McCormick called attention to receipt of a statement from The Committee of Eleven in which certain changes were recommended in the proposal concerning outside work as originally submitted by the Committee of Eleven. Dr. Solve read the statement which was addressed to the Secretary of the Senate as follows:

"The Committee of Eleven is aware of a number of criticisms of its recommendations to the Senate on the question of remuneration of outside work by faculty and staff members. The Committee feels that it might be helpful if the Senate were offered some comments that will clarify the Committee's interpretations of the recommended provisions.

The Committee's views rest upon a major principle, as follows: The individual faculty or staff member has complete freedom of action, like any other citizen, except where it is clearly shown that his activities are (2) detrimental to his work and (b) of a nature that would rouse scandal or some other form of justified opprobrium directed against the University. In this connection we wish to emphasize our view that the entire burden of proof rests upon those who might seek to restrict the activity of the faculty or staff member.

It is the view of the Committee that although "it should be the duty of the employee who engages in outside work to report that fact to his department head,"

Committee is flatly opposed to any attempt to interpret any of the
own property for an individual's

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This does not in any way imply the necessity of obtaining approval from the department head or from any other administrative officer. If the proposed activity is to be questioned at all it should be questioned only on the basis of the initial principle stated above, and only through established and recognized channels. In this connection we feel that the right of the faculty or staff member to appeal to the Grievance Committee shall not be abridged, and that the exercise of that right shall not result in prejudice against the individual in question. The Committee therefore requests that the Senate amend the recommendation before it by adding, after the last sentence under Section IV, the following: This does not imply that reporting to the department head means that approval is requested or required.

There appears to be some misunderstanding about the Committee's definition of outside work. It is not meant, for instance, to include such matters as purchase and sale of an individual's own account and possible profit. It does not mean that whenever a member of the Art Department paints a picture which he hopes to sell that he must report each such instance to anybody. It is enough for the department head to know that the individual does paint pictures, and that when he can he sells them. The Committee's general idea was that any and all interpretations of these matters should err, if they err at all, on the side of freedom for the individual. The recommended provisions to restrict, except where restriction is clearly and unmistakably indicated, as has been stated above. In this connection the Committee recommends that in the last sentence in Section III the word prohibit should be changed to "discourage."

It has come to the Committee's attention that in some instances the attitude has been taken that no faculty or staff member should engage in any work which might come into competition with persons outside the University. The Committee feels that the University ought not to take such a stand. We believe that while it may be inappropriate for the University as an institution to engage in competition with commercial interests, there is no reason why individuals who may be employed by the University should not do so. If these individuals have the abilities and talents for which anyone is willing to pay, we see no reason why there should be any interference with it. The idea that there should be no such competition seems to us to imply that anyone not in the employ of the University, may merely by announcing that his services are for sale to the public, at once preempt the field for himself and for others so engaged. This appears to be, in a reverse sense, a closed shop from which all public employees are excluded. The same principle, we believe, applies to the idea that a faculty or staff member should not accept routine or non-professional work outside the University. Nor do we feel that our personnel are in any way obligated to charge fees that are at least as high as fees that some other persons may be charging. This view is in line with the idea that individual members of our faculty and staff are, in their commercial relations outside the University, American citizens with exactly the same rights and privileges that other American citizens have. It should be understood, of course, that when a member of the University staff engages in work for which the law requires a license, he will obey that law.

In recent years it has sometimes been necessary for some members of our faculty to engage in outside work that has no reference whatever to special professional training. This has included, in some instances, manual labor, work in grocery stores, in automobile service stations, and similar activities. Since these activities are entirely respectable and in no way demeaning to any American, we feel that there should be not even a faint attempt to interfere with such work.

The Committee of Eleven recognizes the importance to the University of sound public relations. We realize that criticisms from outside sources will be received

and that the University cannot always ignore them. We believe, however, that where proper outside work is concerned, an understandable desire to maintain smooth public relations should not be allowed to do injustice to the University personnel. We believe that it would not be sound public relations if the University, in matters affecting our present problem, were to yield with every puff of adverse criticism. There should be a reasonable accommodation between the rights of the individual and the principle that should be followed, however, is one that should be consistent with the foregoing discussion. That is, that only in exceptional and unavoidable instances should our desire for smoothness in public relations be allowed to subvert the rights of the individual staff member. It is hoped that in all such cases the burden of showing the absolute necessity for such interference will be upon anyone who proposes to interfere.

The Committee of Eleven wishes to assure the Senate that in presenting this recommendation, it is merely doing what the Faculty Constitution requires it to do. The legislative body is the Senate. The Committee merely requests that consideration be given by the Senate, and possible action taken."

Dr. Solve moved with a second by Dr. Roberts that the original resolution be taken from the table. The motion was passed.

President McCormick stated that he was not in agreement with the recommendation of the committee, particularly with the recommendation that the following statement be added after the last sentence under Section IV: "This does not imply that reporting to the department head means that approval is requested or required."

The President stated that while policy does not suggest that a person should lose citizenship in connection with an appointment to the University, neither does it imply a lack of any restriction with regard to employment. It may be, he said, that in this connection state universities differ from private institutions.

It was Dr. Solve's feeling that the committee and the administration were not in disagreement on the recommendation concerning the basic principles affecting outside work. Employment is necessarily on "marginal time," and a limited number of faculty members are affected. The recommendation requires a report only to the department head. However, if the head of the department disapproves of the outside work, the matter can be carried to higher authority. Such approval by higher authority was desirable in the President's judgment.

Dr. Houghton called attention to the basic principles upon which the committee's views rest as indicated in the second paragraph of the foregoing statement. That is, "The individual faculty or staff member has complete freedom of action, like any other citizen, except where it is clearly shown that his activities are (a) detrimental to his work, and (b) of a nature that would rouse scandal or some other form of justified opprobrium directed against the University."

Dr. W. H. Brown reported his understanding that higher administrative approval was not required at either Tempe or Flagstaff, but Mr. Leshar explained that in the Interinstitutional Committee appointed to implement the Work's Report, representatives of those institutions had reported that the approval of outside work is referred to the President.

Dr. Roberts stated that the new idea presented by the recommendations of The Committee of Eleven was more restrictive than the present policy, as indicated by an excerpt from the minutes of a meeting of the Board of Regents of September 28, 1940,

which he read as follows:

"Outside Remuneration for Members of the Faculty

President Atkinson recommended that, in light of information assembled from a study of the policies of thirty educational institutions regarding outside remuneration for faculty members, and in further recognition of the somewhat lower salaries prevailing at the University of Arizona than at many of the larger institutions, no account be taken of earnings from outside employment by members of the faculty, unless such employment interferes with their service to the University. He also recommended that faculty members be required to report earnings in addition to their regular salaries from activities in any way associated with the University of Arizona. Regent Crawford moved that the President's recommendations be approved; Regent Houston seconded the motion, and it was unanimously carried." (Adopted)'

Dean Clarson raised the question as to the nature of the authority referred to in the committee statement and the person to whom a showing of proof must be made (with respect to activities detrimental to University work or of a nature to bring criticism). Dr. Solve replied that usual channels would be resorted to. Presumably cases might go to the President and finally to the Faculty Grievance Committee or perhaps the Board of Regents.

Professor Borgquist pointed out that at the present time there is a need for engineers in connection with the study of the sewage disposal problem in Tucson, and that members of his department have indicated a willingness to accept assignments in this connection. There seems to be no objection at the present time to this arrangement, but he pointed out in a time of depression it might well be that professional engineers engaged in private practice would criticize the University if members of the faculty were allowed to accept outside professional employment. He added that in his judgment, while there should be opportunity for outside employment, this should have the approval of the head of the department and the dean. Dr. Houghton pointed out that the Board of Regents' action as stated above does not require any specific approval of outside work.

Dean Harvill argued in favor of procedure which would provide for a report of outside work not only to the head of the department and the dean of the college but to the President of the University. He felt that the Senate was in general agreement about the basic principles affecting outside work. He felt that Section IV of the recommendation of The Committee of Eleven as presented to the Senate November fifteenth should be rewritten to provide for additional administrative approval of outside work.

After some discussion as to the nature of the revision, Dean Harvill moved, with a second by Registrar Leshner, that Section IV of the committee recommendations be rewritten as follows:

"a. Members of the faculty and staff who propose to accept outside work will report to the head of the department who will forward the information to the appropriate dean to be reported to the Office of the President. The question of whether or not outside work interferes with the assigned duties of the employee shall be determined in each instance in conference between the employee and his department head; or if it becomes necessary, with the appropriate dean and the Office of the President." NOTE: See revision adopted below.

Dr. Houghton moved to amend the motion by adding the last sentence in paragraph three of the committee's statement to the forgoing. This motion was lost for want of a second.

In the ensuing discussion, it was agreed that following a report by the faculty member as to his outside work, in the absence of any objection it would be assumed that approval was given. The President in reply to a question by Dr. Barnes stated that the restriction on outside work would not apply to work during the summer when members of the faculty were not engaged in University employment. On a call for the question, the Senate voted in favor of the motion.

On motion by Dean Patrick, the Senate voted to delete in the fourth line of Section I the words "teaching or other assigned" and to substitute the word "proper."

The word "prohibit" in the sixth line of Section III was changed to "discourage."

President McCormick stated that it would be desirable to clarify Section IV as rewritten still further by adding a reference to public relations; and on motion by Dr. Gray, with a second by Professor Borgquist, the Senate voted to add after the word "employee" in the fourth line of Section IV as above stated, the words "or whether or not it affects adversely the public relations of the institution."

Dr. Roberts moved that further revision of Section IV as restated be made by the addition of the statement "Unless objection is made, the outside work will be considered approved." This motion was seconded by Dean Slonaker and passed.

In view of the above changes, the complete statement of Section IV as restated and adopted in revised form is as follows:

"IV. Members of the faculty and staff who propose to accept outside work will report to the head of the department who will forward the information to the appropriate dean to be reported to the Office of the President. The question of whether or not outside work interferes with the proper duties of the employee, or whether or not it affects adversely the public relations of the institution, shall be determined in each instance in conference between the employee and his department head; or if it becomes necessary, with the appropriate dean and the Office of the President. Unless objection is made, the outside work will be considered approved.

On motion by Dr. Garretson with a second by Dr. Gray, the Senate adopted the recommendations of the Committee of Eleven as presented at the meeting of November fifteenth and presently revised in the following form:

- I. When the outside work is classifiable as falling within the employee's professional field or within the field of public service, it should not only be permitted freely but to the extent that it does not interfere with the employee's proper duties, it should be encouraged. The University recognizes the fact that such work tends to broaden the employee's background and experience and thus to increase his value to the University as a teacher, research worker or administrator.

Whether or not the employee who engages in such work received compensation therefor is deemed of no consequence and as having no bearing on the general question.

If no University facilities are employed or consumed in the work, the University shall place no prohibition upon it nor claim any part of any compensation received for it.

If the University facilities are employed or consumed in the work, the University may enter into a suitable arrangement with the person performing the work and the one for whom it is performed as to the amount to be paid to the University to compensate for the use of its facilities. This fee shall bear no relation to the salary or to other pay received by the employee for services rendered the University. In this connection, the practice specified in the University Announcement TEST POLICY AND PROCEDURE dated October, 1942, may be followed.

- II. The writing of books or other creative work of a similar nature shall be encouraged to the extent that it does not interfere with the assigned duties of the employee. If such creative work results in royalties or the sale of copyrights, etc., the University shall make no claim thereto.
- III. Engaging in work of a non-professional or non-public service nature may sometimes be considered by some persons as inappropriate to the professional or academic standing of the employee and the University. For this reason it might be considered undesirable for faculty members to engage in this type of activity. However, faculty members not infrequently find it necessary to engage in such employment. Therefore, the University should discourage such work only when it is entirely clear that that work is inappropriate and would result in discredit or in diminished effectiveness of the employee or the University.
- IV. Members of the faculty and staff who propose to accept outside work will report to the head of the department who forwards the information to the appropriate dean to be reported to the Office of the President. The question of whether or not outside work interferes with the assigned duties of the employee or whether or not it affects adversely the public relations of the institution shall be determined in each instance in conference between the employee and his department head; or if it becomes necessary, with the appropriate dean and the Office of the President. Unless objection is made, the outside work will be considered approved. //

SUMMER SCHOOL COURSES, AUTHORITY FOR APPROVAL OF: Dean Clarson requested that the Senate give authority to the Advisory Council to approve all new summer session courses for the announcement of 1949. It was desirable that this arrangement be made in order to conserve time in the publication of the announcement. His motion to authorize the Council to take such action was seconded by Dean Chapman.

Dr. Roberts emphasized the desirability of following the procedure assigned in the Faculty Constitution for the approval of new course offerings and called attention to the requirement recently adopted that catalog material for the next biennium be referred to the Senate in the form of an abstract of all actions taken by the Advisory Council. Registrar Leshner explained that in general practice, the University regards the summer session as an integral part of the regular academic year and that the announcement for 1948-49 would cover the summer session of 1949. Under the circumstances, it would appear reasonable to allow the Advisory Council to handle the new summer session offerings under the arrangement already made by the Senate.

The question being called for, the Senate voted in favor of the motion and authorized the Advisory Council to approve new summer session offerings for 1949.

LETTER OF THE COMMITTEE OF ELEVEN, PUBLICATION OF: Dr. Solve expressed his distress at the view of the President regarding the letter received from The Committee of Eleven, as already stated. He asked that the President review this letter with particular reference to the statement of principles contained in paragraph two. He felt it would be desirable that this statement come to the attention of the members of the general faculty, and he moved that the letter be included in the minutes of this meeting and sent with the proceedings of the meeting to all members of the faculty for their information. This motion was seconded by Dr. Garretson and passed.

RETIREMENT PLAN, REPORT ON: President McCormick explained that he had received a copy of the report on the Retirement Plan. It was Dr. Thomas's judgment that the University could be included under the provisions of the plan recently adopted by the State. This judgment was confirmed by Professor Howard, who had devoted a great deal of time to consideration of the retirement plans. The matter will be considered by the Board of Regents, which feels it desirable that a general retirement plan be applied uniformly in all three institutions. Consideration will be given to the question of which plan is the most favorable. The President suggested that the matter would come to the attention of the Senate before final action is taken.

SPECIAL MEETING OF SENATE: It was agreed that in order to expedite consideration of business to come before the Senate, a special meeting will be held on Tuesday, December fourteenth at 3:40 p.m.

Meeting adjourned.


C. Laner Leshner
Secretary

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