

**MINUTES  
FACULTY SENATE  
THE UNIVERSITY OF ARIZONA®  
November 2, 1998**

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**1. CALL TO ORDER**

A quorum being present, the regular monthly meeting of the Faculty Senate was called to order by Presiding Officer Jeffrey L. Warburton on November 2, 1998, at 3:05 PM in Room 146 of the College of Law.

Present: Senators Aleamoni, Armstrong, Atwater, Caldwell, Christiano, Clarke, Cohen, Coker, Dahlgran, D. Davis, T. Davis, Dryden, Erlings, Ervin, Gruener, Heckler, Heinrich, Hogle, Howell, Hurt, Impey, Jenkins, Johnson, Laetsch, Levin, Levy, Likins, Love, Maré, Medine, Merkle, Miller, Mitchell, Nolan, O'Brien, Pepper, Pitt, Schooley, Silverman, Spece, Szilagyi, Taylor, Troy, Voyatzis, Warburton, Weinand, Witte, and Zwolinski. Robert Saukey served as Parliamentarian.

Absent: Senators Dvorak, Dyl, Garcia, Joens, Larson, Marchalonis, Meaker, Mishra, Swindle, and Sypherd.

**2. OPEN SESSION**

*(Please note that speakers at the Open Session are expressing their personal opinion, which may not reflect the position of the Faculty Senate.)*

**Dr. William Bickel**, Professor of Physics - Commented on President Likins' remarks at the September 14, 1998, Faculty Senate meeting regarding the Kay case. (Attachment)

**3. REPORTS**

**1. ASUA President Tara Taylor**

Senator Taylor mentioned several upcoming events: UA Homecoming on November 7; Student Showcase, November 5 and 6 on the mall; and tuition hearings, November 5, 5:00-7:00 PM, in Harvill 213 and 214.

**3B. Presiding Officer of the Faculty Senate Jeffrey Warburton**

Presiding Officer Warburton's announcements: (1) An election for Faculty Senate representative to the Intercollegiate Athletic Committee will be held at the December 7 Faculty Senate meeting. Those interested in running should submit their name and a brief biographical statement to the Faculty Center no later than November 18. The names of the top three vote recipients will be forwarded to President Likins. (2) The Faculty Senate Executive Committee and the Committee of Eleven have participated in the interviewing of candidates for Vice President for Advancement, and the committees will also have input into the search process for the Vice President for Research. (3) Due to a room scheduling conflict, the Faculty Senate meeting on December 7 will be held in the Kiva Auditorium (Education 211) from 3:15 to 5:15 PM.

**3C. Secretary of the Faculty Susan Heckler**

Secretary Heckler noted that a survey to determine preferences regarding a faculty-wide list-serv will be mailed to all General Faculty members in November. Results of the survey will be reported at the Faculty Senate meeting on December 7.

**3D. Chair of the Faculty Jerrold Hogle (Attachments)**

Chair Hogle's comments: (1) The Voting Faculty list, newly updated by means of the annual General Faculty census, is available at the podium today and also at the Faculty Center at any time. This list is being used to mail ballots for the special election regarding the Constitution and Bylaws amendments recently approved by the Faculty Senate. (2) Interviews of candidates for the Vice President for Research position are currently being held. Since Dr. Richard Powell's open forum is scheduled at the same time as today's Senate meeting, Faculty Senators are invited to participate in Dr. Powell's interview with the Committee of Eleven and the Faculty Senate Executive Committee on November 13 at 2:00 PM in the Faculty Center. (3) Beginning January 1, 1999, reimbursements for expenses will be included in UA employees' paychecks, rather than paid in separate checks. (4) The memo from the Faculty Chair's Task Force on Faculty Salaries to the Provost (included in Senators' packets) contains the task force's first stage of recommendations regarding faculty salary distributions, with the preamble indicating problems that need to be addressed. The recommendations will be reviewed by the appropriate committees, and Chair Hogle will report to the Senate on the outcome. Input regarding possible future recommendations is welcome. The UA's 1999-2000 budget request to the Regents does not yet contain a specific amount for salaries. That issue is being

addressed by a new group known as the Joint Legislative Committee on State Employee Compensation, which is scheduled to make a proposal to the Joint Legislative Budget Committee and the Legislature before December 31, 1998. Also, state relations associates to the university presidents have written a joint "critical issues letter" to the Governor regarding the importance of salary issues for all university employees. (5) The UA's legislative advocacy network, led by Greg Fahey and Charlene Ledet, and the state-wide legislative advocacy network for higher education being established by Regent Jack Jewett, a former state legislator, are organizing for a vigorous approach on behalf of the universities at the next legislative session. If an anticipated decline in state income materializes (as indicated on the information distributed on Senators' desks), state agencies will be competing with each other for limited resources. It may be necessary to mobilize the campus community in the next several months to contact legislators in support of the University. A faculty-wide list-serv, if in place by that time, could be helpful in communicating with faculty regarding this effort.

**3E. Provost Paul Sypherd**

No report, since Provost Sypherd was absent.

**3F. President Peter Likins (Attachment)**

President Likins discussed two matters: (1) The appointment of Dr. Janet Bingham as Vice President for Advancement was announced this morning. Having this position in place should facilitate the coordination of external relations. (2) Beginning January 1, 1999, President Likins intends to participate in the advisory groups as indicated on the information included in Senators' packets. The membership of the Cabinet has been decreased in order to facilitate decision-making, while the President's Council has been enlarged to provide broader participation and consultation. These groups will meet on alternate weeks. Other groups in which the President will participate: Advancement Team, Provost's Council, Campus Advisory Council, Budget Team, and Space Committee. Dr. Likins briefly described the composition and purpose of each committee, noting that this new committee structure will be reviewed and evaluated in 18 months.

**4. QUESTION AND ANSWER PERIOD**

Senator Silverman asked Chair Hogle whether the first recommendation in the memo regarding faculty salary distributions refers to the current year, while the remaining recommendations pertain to the future. Chair Hogle confirmed that, adding that external compression will be addressed first starting next year.

Stating that students have been reporting continual violations of the Nike code of conduct, Senator Silverman asked President Likins what it would take to initiate an audit. President Likins described his participation in a national effort to address such issues. In a recent gathering assembled by the U.S. Secretary of Labor, representatives of several universities met with personnel from the apparel industry, labor unions, and students to attempt to develop a common approach and a consistent set of rules to deal with these issues; this process is ongoing. If a common code can be developed and agreed upon, a mechanism to enforce labor standards will be in place; however, developing a common code is complicated by the disparate interests of the participants.

Senator Mitchell asked Chair Hogle whether the recommendations regarding Classification Salary Adjustment (CSA) funds apply to non-college faculty also. Chair Hogle responded that they do.

**5. APPROVAL OF THE MINUTES OF OCTOBER 5, 1998**

The minutes of October 5, 1998, were approved as distributed. Senator Szilagyi requested copies of materials distributed at the September 14 Senate meeting. Secretary Heckler agreed; she added that such materials will be mailed to absent Senators in the future. It was noted that the two changes that Senator Marchalonis had requested in the September 14, 1998, minutes had been made.

**6. APPROVAL OF CONSENT AGENDA ITEMS FORWARDED AS SECONDED MOTIONS FROM INSTRUCTION AND CURRICULUM POLICY COMMITTEE (Attachment)**

All three consent agenda items, as detailed in the motions at the end of these minutes, were approved. [Motion 1998/99-12 through Motion 1998/99-14]

**7. CONTINUED DISCUSSION AND POSSIBLE ACTION ON REVISED SEXUAL HARASSMENT POLICY (Attachments)**

Presiding Officer Warburton reminded Senators that the approval of the revised Sexual Harassment Policy came as a seconded motion [Motion 1998/99-10] from the Academic Personnel Policy Committee at the last Senate meeting, but further discussion was postponed until today. Ms. Susan Free, Associate Director of the Equal Opportunity and Affirmative Action Office (EOAA), led the continued discussion of the policy; University Attorney Elizabeth Buchanan also responded to several questions.

Concerns centered on (1) the meaning of due process (the need for the University to either explain it or to provide independent legal counsel for an accused employee), (2) conflict of interest issues involved when representatives of the University Attorneys' Office provide advice either to University committees or to individuals, (3) the acceptability and credibility of anonymous complaints, and (4) due process provisions for appointed personnel. During the ensuing discussion, several Senators commented that anonymous allegations had been investigated by various campus committees. EOAA Office processes were also discussed.

Senator Spece made a motion regarding the inherent incredibility of anonymous allegations, but he withdrew it after several Senators expressed reservations regarding the scope of the motion.

A motion by Senator Miller [**Motion 1998/99-15**] to close debate failed, with 16 voting in favor and 22 opposed.

After additional debate, Presiding Officer Warburton suggested that further discussion and action on the Sexual Harassment Policy be postponed until the disputed portion of the policy can be reviewed and refined. No objection was heard.

8. **CONTINUED DISCUSSION AND POSSIBLE ACTION ON CONFLICT OF INTEREST AND COMMITMENT POLICY (Attachments)**

Presiding Officer Warburton noted that the approval of the Conflict of Interest and Commitment Policy (CICP) came as a seconded motion [**Motion 1998/99-7**] from the Research Policy Committee (RPC) last month; however, further discussion and action were postponed until today's meeting. Senator Gruener, RPC Chair, individually reviewed changes that had been made to the document as a result of last month's Senate discussion and other input received. He presented seven recommendations for revisions as seconded motions [**Motion 1998/99-15 through Motion 1998/99-21**] from the RPC. All the seconded motions, as detailed at the end of these minutes, were carried. Senator Gruener noted that **Motion 1998/99-20** was in response to a request from the Colleges of Nursing and Pharmacy that the original language (revised at the October 5 Senate meeting) be reinstated.

There was some discussion regarding what "documentation" means in the context of this document.

Senator Witte moved [**Motion 1998/99-22**] that the following sentence be added onto VII, D-1 (page 10): "Should the sanction of dismissal be proposed, it sets into motion the protections of a dismissal proceeding." Motion was seconded and carried.

Senator Coker requested a clarification of the definition of remote interest. Senator Gruener explained that the \$10,000 figure has to do with federal regulations for National Institute of Health and National Science Foundation grants, while the 5% figure is included in state statutes. He noted that these guidelines also apply to graduate students.

Senator Witte asked that a flow diagram be developed that shows the parallel track that an employee involved in an assertion of non-compliance can use.

**Motion 1998/99-7**, to approve the Conflict of Interest and Commitment Policy as amended, was carried, with no votes opposed and one abstention.

**ADJOURNMENT**

Due to the lateness of the hour, Presiding Officer Warburton suggested postponing discussion of the draft policy on corporate relations until the Senate meeting on December 7, 1998. No objection was heard. The Senate meeting was adjourned at 5:10 PM.

Susan E. Heckler, Secretary

**Appendix\***

1. Statement of Dr. William Bickel regarding President Likins' September 14 comments on the Kay case.
2. Memo from Faculty Chair's Task Force on Faculty Salaries to Provost Sypherd containing recommendations on faculty salary distributions, dated October 14, 1998.
3. Arizona University/Legislative Budget Process.
4. Memo from Jerry Hogle regarding membership on advisory councils, effective January 1, 1999, with membership rosters attached.
5. Instruction and Curriculum Policy Committee Proposals for possible Faculty Senate action on November 2, 1998 (consent agenda).
6. Interim Sexual Harassment Policy dated September 1, 1998, with attachments.
7. Clean Copy Draft of Conflict of Interest and Commitment Policy dated April 27, 1998, with addition revisions October 4 and 5, 1998.
8. Conflict of Interest and Commitment Policy as adopted by the Faculty Senate on November 2, 1998.

\*Copies of material listed in the Appendix are attached to the original minutes and are on file in the Faculty Center.

**Motions of the Meeting of November 2, 1998**

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| 1998/99-12 | Seconded motion from the Instruction and Curriculum Policy Committee to delete the B.A. degree in Astronomy; motion carried.   |
| 1998/99-13 | Seconded motion from the Instruction and Curriculum Policy Committee to allow the College of Nursing to increase minimum credits required for graduation from 120 to 122 until Fall of 2000; motion carried. |

- 1998/99-14 Seconded motion from the Instruction and Curriculum Policy Committee to consolidate Agricultural Education and Agricultural Technology Management into a single major, Agricultural Technology Management and Education, with options in Agricultural Teacher Education and Agricultural Technology Management; motion carried.
- 1998/99-10 Seconded motion from the Academic Personnel Policy Committee to approve the Sexual Harassment Policy (postponed from October 5, 1998, Senate meeting); motion again postponed.
- 1998/99-7 Seconded motion from the Research Policy Committee to approve the Conflict of Interest and Commitment Policy (postponed from October 5, 1998, Senate meeting); motion carried as amended (see below).
- 1998/99-15 Seconded motion from the Research Policy Committee to add to the final sentence of the second paragraph of IIA (page 2), so that the sentence now reads, "However, these alternatives cannot be used to avoid compliance with the Policy, *by being either too lax or too restrictive.*" Motion carried.
- 1998/99-16 Seconded motion from the Research Policy Committee to change the definition of the Committee on Academic Freedom and Tenure (page 4, definition #7) to read: "The faculty committee that hears grievances under Section 6 of UHAP. An employee against whom a complaint is made, concerning non-compliance under this policy, may elect to go directly to CAFT to resolve the complaint." Motion carried.
- 1998/99-17 Seconded motion from the Research Policy Committee to add "individual instances of" in VI, D-1 (page 8), so that the passage now reads, "All *individual instances of* consulting or outside employment..." Motion carried.
- 1998/99-18 Seconded motion from the Research Policy Committee to change "reported to" to "discussed with" in VI, D-1 (page 8), so that the passage now reads, "All consulting or outside employment whose income is likely to exceed the limits defined as Remove Interest (Section IV, #18) must be *discussed with* the employee's supervisor...; to change "reported" to "such" in VI, D-3 (page 8), so that the passage now reads, "If the unit head fails to approve any *such* activity...; to change "report to" to "discuss with" in VI, E-1 (page 9), so that the passage now reads, "Part-time employees are required to *discuss with* their supervisors...;" and to change "reported" to "such" in VI, E-3 (page 9), so that the passage now reads, "If the unit head fails to approve any *such* activity..." Motion carried.
- 1998/99-19 Seconded motion from the Research Policy Committee to change VII, A (page 9) to read: "Non-compliance includes failure to: (1) comply with this Policy, (2) report accurately on the Disclosure Form, (3) comply with decisions under the Policy. Non-compliance may result in disciplinary action, up to and including termination from employment." Motion carried.
- 1998/99-20 Seconded motion from the Research Policy Committee to reinstate the original language in the second sentence of VII, B (page 9), so that it again reads, "Allegations *must* include documentation of non-compliance." Motion carried.
- 1998/99-21 Seconded motion from the Research Policy Committee to remove "anonymous" from the first sentence of VII, C-1 (page 9), so that the passage now reads, "The IRC shall provide the employee subject to the allegation with a copy of the charge." Motion carried.
- 1998/99-22 Motion to add the following sentence onto VII, D-1 (page 10): "Should the sanction of dismissal be proposed, it sets into motion the protections of a dismissal proceeding." Motion seconded and carried.

## CAMPUS MAIL

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