

MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA
April 6, 1998

These minutes may be accessed electronically at:
<http://w3.arizona.edu/~senate/minutes.htm>

1. **CALL TO ORDER**

The meeting was called to order by Presiding Officer Jeffrey L. Warburton at 3:00 p.m. in Room 146 of the College of Law.

Present: Senators Aleamoni, Atwater, Carlson, Chen, Clarke, Dahlgran, Davidson, Dvorak, Emrick, Erlings, Ervin, Garcia, Gerber, Glittenberg, Gruener, Heckler, Hogle, Larson, Levy, Likins, Love, Maré, Medine, Miller, Mishra, Mitchell, Montanaro, Myers, O'Brien, Reeves, Romer, Silverman, Sypherd, Troy, Warburton, Weinand, Witte, and Zwolinski. Robert Sankey served as Parliamentarian.

Absent: Senators Caldwell, Casper, Coons, D. Davis, T. Davis, Dyl, Emrich, Erickson, Feltham, Fernicola, Gore, Howell, Hurt, Joens, McCaslin, Pepper, Pitt, Poss, Schiffer, Schooley, Spece, and Szilagyi.

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.)

Senator Romer expressed concerns regarding what he termed "the CatCard fiasco," wherein UA personnel released the Social Security numbers of virtually all students, faculty, and staff to two corporations. He noted that the discussions with the Nike Corporation regarding an all-sports contract and the "major gaffe" of making arrangements with private vendors before issuing the CatCard both represent attempts to market this institution to commercial enterprises. He asked where the administrative safeguards for the campus community are.

Ms. Summer Katzenbach, an ASUA Senator, described Bear Down Camp, a three-day retreat for 100 incoming freshmen to be held in August at the Triangle Y Ranch Camp in Oracle, Arizona. Staffed by 25 counselors from upper classes at the UA, this camp will offer various workshops (e.g., time and stress management) and help to provide new students with the skills necessary to succeed in college. Describing the program as a good student retention tool, Ms. Katzenbach noted that it has the support of administrators and faculty. As she distributed an informational sheet on the camp, she invited Senators' input and involvement.

Senator Gruener commented on the shared governance in action he had witnessed at the last meeting of the Arizona Board of Regents. Pronouncing himself "incredibly impressed" by the sight of faculty leaders and administrators working together with the Regents on important issues such as faculty workload and salaries, he noted that the Regents seem to have been converted from adversaries to supporters of faculty. He concluded by congratulating the faculty leadership and expressing the opinion that "shared governance really works."

3. **REPORTS**

3A. **ASUA President Gilbert Davidson**

Senator Davidson thanked the student representatives to the Faculty Senate for their hard work and participation this year. He also expressed his appreciation to faculty leaders and administrators for their help and support with student issues. President Davidson noted that he would introduce the incoming ASUA President, Ms. Tara Taylor, at the Senate meeting on May 4. Other comments: (1) Spring Fling, held last weekend, was probably more successful than several in recent years, since there was no rain during the event. (2) The Regents discussed a tuition raise at the last ABOR meeting, but they have not yet made a decision. (3) Two speakers have tentatively been scheduled for May graduation—Dan Goldin, the head of the National Aeronautics and Space Administration (NASA) for the morning ceremony, and UA alumnus and actor Greg Kinnear for the afternoon event. (4) The Student Union renovation is now on a fast track, since the Regents agreed to waive several policies in order to expedite the bidding process and other aspects of the project. (5) Gubernatorial candidate Paul Johnson will visit the UA campus on Apr. 8 (4:00 to 5:30 p.m. in the Rincon Room of the Student Union) in order to gather input on educational issues. (6) Congressman Jim Kolbe will participate in a town hall for the University community on Apr. 14 at 1:30 p.m.

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

Presiding Officer Warburton led the Senate in thanking ASUA President Davidson for his leadership and contributions this year. Senator Warburton's announcements: (1) Informational items placed on Senators' desks today are: the draft conflict of interest and commitment policy, which will probably be discussed at the special Senate meeting on Apr. 27; the results of this spring's first faculty election; an interpretation of faculty voting rules as outlined in the General Faculty Constitution and Bylaws; and the Executive Summary of the status of the Legislative Study Committee on Faculty Roles and Rewards (from the ABOR book for its

Apr. 2-3 meeting), which Chair Hogle will discuss during his report. (2) Candidates are needed for Presiding Officer of the Faculty Senate, Faculty Senate representative to the Faculty Senate Executive Committee, and member of the Shared Governance Review Committee. (This last position will be a replacement for Senator T. Davis, who is resigning from the Shared Governance Review Committee in order to chair the University Committee on Corporate Relationships.) Elections for these positions will be held at the Senate meeting on May 4. Anyone interested in running should submit a brief biographical statement to the Faculty Center by Apr. 14, 1998. (3) There will be a special Faculty Senate meeting on Apr. 27 to complete today's lengthy agenda. No additional materials will be mailed out; only an e-mail reminder of the meeting will be sent. Senators are asked to save their meeting packets from today and bring them back on Apr. 27. (4) Annual reports from standing committees are due on Apr. 14; these reports, which should be submitted to the Faculty Center, will be included in the packet for the May 4 Senate meeting. (5) Every year the National Collegiate Athletic Association (NCAA) conducts a study to determine how the NCAA is working on campus and with student athletes. This year the study will be held on Apr. 21 in the Student Union. Anyone interested in attending should check the *Arizona Daily Wildcat* for an announcement about exact time and location.

3C. Secretary of the Faculty Rose Gerber

Secretary Gerber reported a correction in the Jan. 26, 1998, minutes: On page 4, item 8, approval of consent agenda items from the Instruction and Curriculum Policy Committee, the wording of the administrative drop policy should be changed to indicate that administrative drops are effective at the beginning of the fifth week (*not* the fourth week) of the semester. This change has already been made in the electronic version of the minutes online; Secretary Gerber asked Senators to correct their individual printed copies of the minutes, as well.

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

Chair Hogle echoed the Presiding Officer's thanks to ASUA President Davidson and the other student representatives to the Faculty Senate. He then discussed five topics: (1) Faculty workload study - At the ABOR meeting on Apr. 3, the Arizona Faculties Council (AFC) and administrators gave a joint presentation regarding workload measures. As Senator Gruener noted, there was very good teamwork on this presentation, and the Regents now seem to accept that faculty work hard. Using six overhead transparencies, Chair Hogle reviewed specific data gathered during Fall 1997. Highlights: Tenured and tenure-eligible faculty carry 60% of the teaching load. Faculty instructional activities are divided into the categories of assigned classes and related activities, individualized instruction, and instructional innovation. The system-wide average for total time spent on these activities is 35.2 hours per week. Chair Hogle stressed that the figures used in computing this average are aggregate numbers, not intended to be measures by which individual faculty members, departments, or colleges are judged. He said that the Regents now understand a great deal more about faculty workload, and he noted that the AFC would be preparing an informational packet for legislators on this issue. Dr. Hogle thanked Provost Sypherd for the eloquent statement he made at the ABOR meeting during the workload presentation. (2) Progress on salary issues - The Teaching Incentive Program (TIP) as we know it is absolutely dead. This represents a significant improvement over the situation a year ago. Classification salary adjustment (CSA) funding for next year, which will be distributed to all employee groups, should be about three times larger than the amount available for similar funding in 1997-98. The big victory for faculty is that they will be able to participate in the merit pool next year, which should be approximately 2-1/2% of the salary base. Chair Hogle then reviewed Senator Huppenthal's proposal for a University Performance Bonus Program (UPBP)—a \$1 million pool of money system-wide, to be distributed in one-time bonuses to employees who exhibit high productivity as measured by student surveys and other means. The UPBP, as described on the informational sheet placed on Senators' desks today, will probably become a footnote to the appropriations package for the universities. Chair Hogle noted that, although he is troubled by certain aspects of UPBP, it is not a serious threat, and it seems a small price to pay to secure the necessary votes in favor of CSA and merit funding. (3) Interpretation of voting rules - Chair Hogle briefly reviewed a handout. In response to specific questions asked at the Mar. 2 Senate meeting, he explained that the NT tenure code is for lecturers and senior lecturers on multi-year contracts, and the YY code is used for administrators who do not have a tenure code by virtue of a professorial appointment. According to the Constitution and Bylaws, lecturers and senior lecturers on multi-year contracts, as well as certain administrators who do not have faculty appointments, do have voting rights. Dr. Hogle also explained the minor differences in numbers between the voting code totals on the two lists distributed at the Mar. 2 meeting: Although the 14 voting codes are generally associated with the colleges, there are other voting faculty outside the colleges with the same voting code. For instance, there are five faculty at the Sierra Vista Branch Campus with the E (Education) voting code. (4) Committee on Academic Freedom and Tenure (CAFT) procedures - Using an overhead transparency, Chair Hogle briefly explained the process required to be used in research adjudication proceedings. He outlined the chronology of a current CAFT case, noting that the University Committee on Ethics and Commitment had determined that a CAFT investigation was warranted. He said he has been following the current case closely, and he is satisfied that procedures are being followed properly. (5) CatCard issues - Dr. Hogle commented that he, like Senator Romer, was incensed that UA students' and employees' Social Security numbers had been provided to outside vendors. Nevertheless, he said, he was heartened by the fact that responsible UA personnel had quickly admitted guilt and attempted to rectify the situation; there was no "run-and-hide attitude" as there occasionally has been in the past. President Likins has told Chair Hogle that the CatCard arrangements should have been discussed more widely in advance, by the Faculty Senate and other campus groups, and he assured Dr. Hogle that this would be the standard operating procedure for similar situations in the future. Dr. Hogle thanked President Likins for these assurances. He also noted that the membership of the new University Committee on Corporate Relationships is nearly complete, and the committee's first meeting will be set in the very near future. This committee will study issues and develop policies to govern potential corporate relationships. Committee members are Senator T. Davis, Chair; Senator Silverman; Senator Garcia; Dr. Christopher Puto, Marketing; Prof. Suzanne Weisband, Management Information Systems; Mr. Michael Low, Director of Trademarks and Licensing; Mr. John Perrin, Senior Associate Director of

Athletics; Mr. Michael Proctor, University Attorney; Mr. Richard Roberts, Chief Budget Officer; Ms. Monica Wilson, President of Students Against Sweatshops, and Mr. Bruce Wright, Associate Vice President for Economic Development. An ASUA representative remains to be named to the committee.

3E. Provost Paul Sypherd

Provost Sypherd began by acknowledging the generally shorter terms of office for college administrators, which he ascribed chiefly to the fact that being a university administrator is no longer fun. Because of reduced funding levels, there is very little money available to build new programs, departments, and buildings, or to hire new people. Dr. Sypherd then described several reviews currently underway or scheduled to start soon: (1) academic program review - Noting that he had participated in at least 100 academic program reviews of units, Dr. Sypherd commented that these occasions provide him the opportunity of getting "up close and personal" with faculty colleagues. (2) program authorization reviews - Dr. Sypherd said these were "cooked up" by the Governor's office several years ago as a method of monitoring the state's various agencies. Last year the state's colleges of law successfully underwent this review, and this year all the colleges of education in Arizona will be subject to the same process. (3) NCAA self-study - Conducted by five faculty and staff committees, each of which handles a certain aspect of the study, this process will lead to an audit in November. (4) North Central Association accreditation - This two-year effort—led by a steering committee co-chaired by Senator Atwater and Dr. Randy Richardson, Associate Dean in the College of Science—will require a great deal of participation by faculty on various committees. The process should be viewed a serious self-study of how we conduct the business of education, research, and service in Arizona, including how well we serve students and our other constituencies, Provost Sypherd said.

3F. President Peter Likins

President Likins shared some views regarding governance. Noting that we spend a great deal of time talking about shared governance on campus, he said the larger question is what roles the Governor, the Legislature, the Regents, the President, students, and staff play in the governance of this institution. Dr. Likins commented that he had the benefit of having arrived at the UA when the tide was turning, as the various constituencies were beginning to listen more respectfully to each other, realizing that more progress can be made if we work together rather than continue in adversarial relationships. He said he is feeling good about the way interactions are occurring now, and he credited faculty leaders with the "enormous strides" that have been made in this area in the past several years. He noted, however, that shared governance is working better within the house than with our external relationships. Although the Regents are trying to become our powerful advocates, we have a long way to go before we can find a comfortable shared responsibility with the Legislature, he said. Regarding what he characterized "the CatCard fiasco," President Likins acknowledged that the issue should have been brought to the Senate for discussion at some point during the 18-month planning period that preceded the issuance of the cards. He accepted responsibility for failing to recognize "the dumb mistake" of providing the Social Security numbers of UA students, faculty, and staff to two private corporations. He added that UA personnel involved in the CatCard implementation were seeking convenience, without adequately considering legal issues and personal sensitivities. He also noted that there will be an open forum to discuss the CatCard situation on Friday, Apr. 10, at noon in the Tucson Room of the Student Union; several University personnel familiar with the CatCard program will be assembled to answer questions and address concerns, he said. Referring to the CAFT hearing currently underway, President Likins commented that he has been making a concerted effort to remain totally ignorant of the case until the CAFT report reaches his desk. He added that if the Senate finds it necessary to discuss specifics of the case today, he will have to excuse himself from the meeting.

4. QUESTION AND ANSWER PERIOD

Senator Medine asked Chair Hogle if the \$1 million for the UPBP is for the entire University. Chair Hogle responded that the \$1 million represents the funding for the entire state university system. Senator Medine commented that this would be "peanuts per person... a one-time hit of 73 cents."

Senator Myers asked who is ultimately responsible for the CatCard problem, and he suggested that the responsible party should receive a letter of reprimand. President Likins said he accepts full responsibility for the situation. He added that, even though several other universities provide their employees' Social Security numbers to outside corporations without obvious problems or concerns, the UA should not have done so. He also noted that if someone abused an employee's Social Security number during the brief window of opportunity while the vendors had the lists of numbers, then the UA would be liable for any damage. However, if such a situation did not occur, then the UA has suffered embarrassment, but no other consequences.

5. APPROVAL OF THE MINUTES OF FEB. 9, 1998, AND MAR. 2, 1998

The minutes of the Senate meetings on Feb. 9, 1998, and Mar. 2, 1998, were approved as distributed.

6. INFORMATIONAL ITEM REGARDING NEW RECORD-KEEPING STANDARDS FOR HIRING (Attachments)

Associate Vice President for Affirmative Action Janie Nuñez gave some background information for today's presentation: In August 1994 she received a call from the Phoenix Office of the Federal Contract Compliance Programs (OFCCP) notifying her that the UA had been selected for an audit. This audit, concluded in August 1997, revealed four violations, which were addressed in a conciliation agreement signed by the UA. Two of the violations were relatively simple to rectify: failure to send recruitment notices

to the Department of Economic Security (this is now being done), and inadequate outreach to disabled candidates and veterans (Human Resources now has a staff member who handles this outreach). The remaining two violations were more significant. One had to do with "good faith" issues. The OFCCP said (1) the UA sometimes was not conducting searches as extensively as it should, in order to assure that women and minorities were being adequately targeted for recruitment; and (2) in some cases, the UA was not conducting searches at all, but instead filling positions by means of non-competitive selections without sufficient justification for doing so. In response, the Human Resources Department and the Affirmative Action Office worked collaboratively to draft policies regarding recruitment, advertising, and non-competitive selections; these policies were finalized and approved in January 1998. The final violation, which the Affirmative Action Office is currently addressing, deals with poor record-keeping. In March 1999 the Affirmative Action Office must submit a report to OFCCP detailing how it has complied with the conciliation agreement and improved record-keeping. The first step in complying is to perform adverse impact analyses for job searches to determine whether protected groups, such as women and minorities, experienced any statistically significant disparity in selection rates from other groups. If the first analysis indicates that there was an adverse impact, then a bottom-line or component analysis must be performed to review all the factors in a selection. If there is a significant disparity between the selection rates, three additional tests are performed. Ms. Nuñez introduced Paul D'Sylva, who briefly explained those three tests—the impact ratio analysis, the standard deviation test, and Fisher's exact probability test—and provided examples of hiring situations, using three handouts distributed to Senators.

Senator Medine asked if departments would receive instructions on how to conduct these analyses. It was explained that Human Resources consultants will work with departments; also, there are instructions on the Affirmative Action Webpage.

In response to a question from Senator Dvorak, Mr. D'Sylva noted that record-keeping will be monitored quarterly to identify problem areas; the OFCCP requires that reports be submitted annually.

Senator Levy stressed that there needs to be rapid feedback to units when record-keeping problems are discovered.

Senator Myers noted that there may be an error in the standard deviation test distributed to Senators. He said he would discuss this with Mr. D'Sylva later.

7. **RECESS**

The Senate meeting recessed at 4:50 p.m. to go into Executive Session.

Rose M. Gerber, Secretary

Appendix*

1. Funding Proposal for Student Initiated Programs (regarding Bear Down Camp).
2. General Faculty Election Results (First Election), Spring 1998.
3. Interpretation of Voting Rules, dated Jan. 10, 1996.
4. Copies of six transparencies regarding faculty workload measures, dated Apr. 2, 1998.
5. Executive Summary - Status of Legislative Study Committee on Faculty Roles and Rewards, from the ABOR book for the Apr. 2-3, 1998, meeting.
6. Conciliation Agreement, Handouts 1, 2, 3.1, and 3.2.

*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 Apr. 6, 1998

None.