

**MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA**

May 3, 1999

**These minutes may be accessed electronically at:
<http://w3fp.arizona.edu/senate/minutes.htm>
Visit the faculty governance webpage at:
<http://w3fp.arizona.edu/senate/>**

1. CALL TO ORDER

A quorum being present, the regular monthly meeting of the Faculty Senate was called to order by Vice Chair Larry C. Schooley on May 3, 1999, at 3:05 PM in the Auditorium of the Center for Creative Photography.

Present: Senators Aguilar, Aleamoni, Armstrong, Auxier, Chow, Christiano, Dahlgran, Dalman, D. Davis, T. Davis, DeYoung, Dvorak, Dyl, Erlings, Ervin, Gruener, Hau, Heckler, Hogle, Howell, Ivey, Jenkins, Laetsch, Larson, Levin, Likins, Maré, Mishra, Mitchell, Nolan, O'Brien, Parsons, Pepper, Perches, Pitt, Pope, Schooley, Sheridan, Silverman, Spece, Warburton, Weinand, Witte, and Zwolinski. Robert Sankey served as Parliamentarian.

Absent: Senators Caldwell, Garcia, Gottfredson, Heinrich, Houtkooper, Hurt, Impey, Joens, Kosta, Levy, Marchalonis, Medine, Merkle, Swindle, Szilagyi, and Voyatzis.

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.)

Ms. Beverly Sandock (former Associate Director of the SALT Center) - an appeal to incorporate grievance processes into appointed personnel procedures.

Ms. Janolyn LoVecchio (disabled classified staff member) - a report on the status of the legislative bill regarding retirement benefits of disabled state employees.

Mr. Avery Kolers (Students Against Sweatshops representative) - remarks regarding the agreement signed between the Students Against Sweatshops and President Likins.

3. REPORTS

3A. ASUA President Francisco Aguilar

Senator Aguilar, the new ASUA President, noted that he is a senior majoring in accounting and finance. He introduced the other ASUA representatives to the Faculty Senate for 1999-2000: Jon Chow, Jackie Dalman, and Bosun Sinh Hau.

3B. Vice Chair of the Faculty Larry Schooley

Vice Chair Schooley thanked Chair Hogle, Secretary Heckler, and former Presiding Officer of the Faculty Senate Warburton for their guidance as he assumed the role of Vice Chair of the Faculty. He noted that ballots for today's elections were distributed to Senators as they entered the meeting, to be collected and tabulated later in the meeting. The ballot contains one fewer name than the biographical statements mailed in Senators' packets; Katharina Heyning, a candidate for the University Hearing Board, withdrew from the election because she decided to accept an employment offer at another university.

3C. Secretary of the Faculty Susan Heckler

No report.

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

Chair Hogle welcomed Vice Chair Schooley and the new Senators; he also thanked the outgoing standing committee chairs. A summary of other remarks: (1) New Faculty Senate Handbook - The newly revised handbook (with Constitution and Bylaws revisions included) has already been distributed to new Senators; other Senators will receive new handbooks this fall. (2) Arizona Faculties Council (AFC) - Since Chair Hogle will become AFC chair for 1999-2000 on July 1, 1999, he has delegated some of his other duties to Vice Chair Schooley and Secretary Heckler (e.g., Vice Chair Schooley will chair the Shared Governance Review Committee [SGRC]). During 1999-2000 the AFC, which is composed of faculty leaders from the state's universities, plans to work on revising the budgeting process for the state university system and on proposing ways to help create more learner-center universities. (3) Shared Governance Review Committee - The SGRC, which has been expanded to include representatives from ASUA, the Graduate and Professional Student Council (GPSC), the Staff Advisory Council (SAC), and the Appointed Personnel Organization Council (APOC), has been gathering information on processes currently in place and will issue a report during the Fall 1999 semester, under the leadership of Vice Chair Schooley. (4) Salary issues - The Chair's Task Force on Faculty Salaries, which made several recommendations some time ago, now has formulated recommendations regarding the 2% pool and Classification

Salary Adjustment (CSA) funds. The group is recommending that the 2% should be allocated at the college level, since it is an insufficient amount to address inequities. The Task Force has also recommended that CSA funds be considered within the University budget for 1999-2000. It is hoped that these recommendations will be endorsed by the newly formed University Compensation Advisory Team (UCAT). This group, co-chaired by the Interim Provost and the Director of Human Resources, will examine UA salary policy at all levels; Vice Chair Schooley and Senator O'Brien will be the Faculty Senate representatives to UCAT. (5) Naming matters - As detailed in the April 27, 1999, memo distributed at the beginning of today's meeting, the Advisory Committee on the Naming of Facilities (ACNF) is proposing to President Likins that the committee be transformed by expanding and reconstituting its membership, revising its procedures, and renaming it the Naming Advisory Committee, which will be chaired by the Vice Chair of the Faculty and include further Senate representation. A recent increase in the number and significance of naming proposals mandates that such proposals be thoroughly deliberated and subjected to appropriate oversight. All proposed renamings involving academics or concepts will still come to the Senate as they do now. Proposed renamings of entities (as well as buildings) for individuals or groups will come to the Naming Advisory Committee from now on. (6) Capital Campaign - Procedures are in place to include faculty in fundraising activities. Proposals regarding Capital Campaign priorities are due to SPBAC by May 15, 1999. These proposals will be reviewed and forwarded to the Capital Campaign executive committee by June 15, 1999. (7) Students Against Sweatshops (SAS) Settlement - The agreement that President Likins signed with SAS, as outlined in the documents distributed at the beginning of today's meeting, represents the culmination of a very good negotiation process and a tribute to the efforts of the students, President Likins, and Senator Silverman.

3E. Interim Provost Michael Gottfredson

No report, as Interim Provost Gottfredson was unable to attend.

3F. President Peter Likins

President Likins deferred his remarks until the New Business portion of the meeting.

4. QUESTION AND ANSWER PERIOD

Senator Witte commented that naming proposals should be reviewed by the Faculty Senate first, not just approved at the end of the process. Chair Hogle explained that the naming committee will be charged with developing a policy for naming proposals. President Likins noted that the Regents have tried to develop a broadly cast policy regarding naming proposals, within which each institution can structure its own procedures and additional policies. Vice Chair Schooley added that the proposed ABOR policy had its second reading at the recent ABOR meeting.

5. APPROVAL OF THE MINUTES OF MARCH 22, 1999, AND APRIL 5, 1999

The minutes of the special Faculty Senate meeting on March 22, 1999, and the regular Faculty Senate meeting on April 5, 1999, were approved as distributed.

6. ELECTIONS FOR COMMITTEE ON CONCILIATION, UNIVERSITY COMMITTEE ON ETHICS AND COMMITMENT, UNIVERSITY HEARING BOARD, AND 1999-00 FACULTY SENATE REPRESENTATIVE TO THE FACULTY SENATE EXECUTIVE COMMITTEE (Attachment)

Votes were cast using written ballots. Senator Warburton and Parliamentarian Sankey served as tellers. Within the General Faculty Bylaws, those elected were:

Committee on Conciliation

John Bieging
Cecile McKee
Joyce Verran

University Hearing Board

Albrecht Classen
Emily Cox
Kathleen May
Jan Regnier
Edward Reid (1-year term)

University Committee on Ethics and Commitment

Jennifer Croissant (3-year term)
Paul Fish (2-year term)
Mary Holcomb (1-year term)
Elaine Jones (2-year term)
Carol Larson (3-year term)
Mark Luprecht (1-year term)
Mary Peterson (3-year term)
Susan Wilson-Sanders (3-year term)

Faculty Senate Executive Committee Representative

Malcolm Zwolinski

7. UPDATE ON GRIEVANCE PROCEDURES REVISIONS

Since Senator Caldwell was unable to attend the meeting, Senator Silverman, Co-Chair of the Committee of Eleven, commented briefly on the status of the project: The Committee of Eleven, having developed guiding principles for the faculty grievance process, is now working hard on revisions to the grievance procedures themselves. Much of the upcoming Committee of Eleven retreat will be devoted to this project, and future drafts will be shared with the campus community for comment.

8. **DISCUSSION AND ACTION ON CONSENT AGENDA ITEMS FORWARDED FROM THE INSTRUCTION AND CURRICULUM POLICY COMMITTEE (Attachment)**

All four consent agenda items were approved unanimously without discussion. The agenda items are described in the written consent agenda enclosed in Senators' packets, and the related motions [Motion 1998/99-37 through Motion 1998/99-40] are detailed at the end of these minutes.

9. **INFORMATIONAL ITEM ON ANNUAL REPORTS FROM STANDING COMMITTEES (Attachments)**

Vice Chair Schooley noted that copies of the annual reports for various General Faculty and Faculty Senate standing committees were enclosed in Senators' packets for today's meeting. He invited questions on the reports, but there were none.

10. **DISCUSSION AND ACTION ON CLARIFICATION AMENDMENTS TO THE WHISTLE-BLOWER POLICY (Attachments)**

Referring to the memo enclosed in Senators' packets, Chair Hogle reported that the University Attorneys' Office (UAO) and President Likins had concerns with two areas of the Whistle-Blower Policy as passed by the Senate on March 22, 1999: (1) The phrase "public funds" in the Whistle-blower/complainant definition (p. 3 of the document) is inconsistent with wording elsewhere in the document. (2) The exact role of the "committee of chairs" in the provider-selection process is not clear (Whistle-Blower Hearing Procedures section, p. 5 of the document). After reviewing those concerns, the Faculty Senate Executive Committee agreed to forward as seconded motions to the Whistle-Blower Policy two amendments, as described below.

Motion 1998/99-34x - To strike the word "public" from the second line under the definition of "Whistle-blower/complainant" (p. 3). **This motion was carried unanimously by the Faculty Senate.**

Motion 1998/99-34y: To replace the first sentence in the "Whistle-Blower Hearing Procedures" section (p. 5) with the following two sentences: "The University President or a designee shall contract with a qualified external service provider based on a recommendation from a committee consisting of the chairs (or their designees) of the Faculty, Staff Advisory Council, and Appointed Personnel Organization Council. This provider shall then provide qualified external hearing officers and a hearing process for complainants who are dissatisfied with the University's decision." **This motion was carried unanimously by the Faculty Senate.**

Referring to the information sheets distributed at the beginning of today's meeting, Senator Hogle then introduced two additional proposed amendments to the Whistle-Blower Policy, as detailed below.

Motion 1998/99-34z - To amend the first sentence in the Whistle-Blower Complaint section (p. 5) to read: "An employee *who believes that he or she* has been subjected to an adverse personnel action based on his or her prior disclosure of alleged wrong conduct may protest the action by filing a written whistle-blower complaint with a University officer *within six months of the adverse personnel action.*" Motion seconded.

A summary of comments/questions: (1) It is not always possible for a person to know immediately when an adverse personnel action has taken place. (2) A person may think an adverse personnel action has occurred when it actually has not. (3) Since some period of time could elapse between the time a person first knows of an adverse personnel action and then forms the belief that the adverse personnel action was based on his or her prior disclosure of alleged wrongful conduct, a time limit for filing a whistle-blower complaint should be based on the date that the person formed the belief. (4) A time limit should not be connected to an amorphous concept such as forming a belief. To word the proposed amendment like that would be result in creating no time limit.

After additional discussion, Senator Silverman moved [Motion 1998/99-34aa] to table the proposed amendment; **this motion was seconded and carried, with 4 votes opposed and 1 abstention.**

Motion 1998/99-34bb - To replace the last paragraph of the Whistle-Blower Policy with the following: "The hearing officer's decision and subsequent actions of the University are subject to judicial review as provided by A.R.S. § 12-901, *et seq.* Notwithstanding that section, an employee or former employee who has been dismissed is entitled to a trial *de novo* in the superior court." The motion was seconded. Several Senators objected to this proposed revision to the Whistle-Blower Policy, with one Senator commenting that the new language would constrict faculty rights. **Motion 1998/99-34bb was defeated, with 11 votes in favor and 16 opposed.**

It was noted that the Whistle-Blower Policy still needs to be reviewed by APOC and SAC. Chair Hogle expressed the hope that President Likins would provide an opportunity for the Senate to review any additional proposed changes to the Whistle-Blower Policy. President Likins commented that the Regents would like consistency in whistle-blower policies across the state university system.

11. **NEW BUSINESS (Attachments)**

President Likins reviewed the chronology of the recent SAS sit-in. He noted that he and the group had identified the relevant principles on the first day; the debate and negotiations during the subsequent nine days were related to the means of achieving goals and setting timelines for achieving them. Characterizing the students as laudable in their behavior, President Likins said he felt persuaded by the students' arguments rather than coerced into signing the final agreement. Referring to the documents distributed at the beginning of today's meeting, President Likins noted that the addendum calls for the formation of a task force to specifically address labor and human rights issues. This task force is to be appointed by the Faculty Senate from lists of suggested nominees; President Likins and SAS would each submit a list of 12 names, and 6 names would be chosen from each list (although some names could appear on both lists). Noting

that it is important to convene the task force in September 1999, President Likins also commented that he would be pleased if Senator Silverman would chair the task force.

Senator Hogle moved [Motion 1998/99-41] that the Faculty Senate accept the proposal for a task force as outlined in the addendum to the commitments relating to sweatshops (distributed at today's meeting); the motion was seconded.

A summary of comments/questions: (1) The Faculty Senate should be a part of and take an active interest in the proposed task force, because the Senate is one of the few campus bodies that brings faculty and students together. (2) The moral and intellectual leadership of the students is an inspiration. (3) Could the Senate vote on the proposed nominees to the task force? (4) Does the statement of commitments relate only to factories where UA logo apparel is made, or to the whole corporation? (5) Why does the Independent Monitoring section of the addendum use the phrase "preferably labor organizations" when discussing which group will accredit or choose independent monitors?

Responses to the questions above: (3) The General Faculty Constitution and Bylaws state that the Vice Chair shall appoint all *ad hoc* committees of the Faculty Senate. (4) The statement of commitments relates to the whole corporation. (5) Labor organizations withdrew from the process earlier, the wording in the Independent Monitoring section is a signal to labor organizations that their re-entry would be welcome.

Motion 1998/99-41, approval of the formation of a task force to address labor and human rights issues as detailed on page 1 of the addendum of the commitments relating to sweatshops signed by President Likins, was **passed**, with no votes opposed and 1 abstention.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:42 PM.

Susan E. Heckler, Secretary

Appendix*

1. Memo dated 4/27/99 to Peter Likins from Jerry Hogle regarding proposal for the transformation of ACNF into the Naming Advisory Committee.
2. Commitments Related to Sweatshops and Addendum, Peter Likins, both dated 4/30/99.
3. Biographical statements of nominees for membership on the Committee on Conciliation, the University Committee on Ethics and Commitment, the University Hearing Board, and the Faculty Senate Representative to the Faculty Senate Executive Committee.
4. Consent agenda dated 5/3/99, from Instruction and Curriculum Policy Committee.
5. Annual reports from the Academic Personnel Policy Committee, the Instruction and Curriculum Policy Committee, the Research Policy Committee, the Student Affairs Policy Committee, the Committee of Eleven, the Intercollegiate Writing Committee, the University Committee on Corporation Relations, the Committee on Academic Freedom and Tenure, the Committee on Conciliation, and the University Committee on Ethics and Commitment
6. Memo dated 4/20/99 to the Faculty Senate from the Faculty Senate Executive Committee regarding clarifying amendments to the Whistle-Blower Policy.
7. Further Proposed Amendments to the Senate Draft Whistle-Blower Policy (Senator Hogle).
8. Whistle-Blower Policy, draft #3 (clean), dated 5/4/99.

*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 May 3, 1999

- 1998/99-37 Seconded motion from the Instruction and Curriculum Policy Committee to reorganize the section of orthopedic surgery in the Department of Surgery to the Department of Orthopedic Surgery; motion carried unanimously.
- 1998/99-38 Seconded motion from the Instruction and Curriculum Policy Committee to delete the BS in Biochemistry degree from the College of Agriculture; motion carried unanimously.
- 1998/99-39 Seconded motion from the Instruction and Curriculum Policy Committee to correct a previous degree name change from a BA with a major in Dramatic Theory to a BA with a major in Theatre Arts; motion carried unanimously.
- 1998/99-40 Seconded motion from the Instruction and Curriculum Policy Committee to create a new degree, the BA in Physics; motion carried unanimously.
- 1998/99-34x through 1998/99-34bb Motions related to the Whistle-Blower Policy passed by the Faculty Senate on March 22, 1999. 34x and 34y, seconded motions from the Faculty Senate Executive Committee, were both passed. 34z was tabled by 34aa. 34bb was defeated. All motions are detailed in the text of these minutes.
- 1998/99-41 Motion to accept the proposal regarding the formation of a task force to address labor and human rights issues exactly as outlined in the commitments relating to sweatshops addendum; motion seconded and carried.

Faculty Senate Office
1400 East Mabel Street
PO Box 210473

CAMPUS MAIL