

MINUTES OF THE MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA
Monday, November 4, 1991 Room 146, College of Law

REVISED

The Faculty Senate convened in regular session at 3:05 p.m. on Monday, November 4, 1991, in Room 146 of the College of Law. Forty-four members were present. Presiding Officer of the Faculty Senate Vivian L. Cox presided.

SENATE MEMBERS PRESENT: Aleamoni, Aquilano, Barrett, Bickel, Braden, Burkhart, Cox, Cusanovich, Dvorak, Elliott, Enos, Ewbank, Ganguly, Garcia, Goetinck, Grabel, Hetrick, Hildebrand, Hyder, Impey, Kermes, Knight, LaSalle, Law, Mautner, McElroy, Mitchell, J. O'Brien, Pao Tao, Reiter, Rich, Roemer, Saint-Germain, Silverman, Songer, Spera, Sugnet, Terrazas, Thomson, Tomizuka, Vezino, Witte, Zukoski, and Zwolinski. Dr. Robert Sankey served as Parliamentarian.

SENATE MEMBERS ABSENT: Atwater, Badger, Bootman, Cole, Cork, Ganapol, Joens, Jones, Larson, Lei, S. O'Brien, Pacheco, Pitt, Salomon and Valenzuela.

OPEN SESSION: Becky Gaspar, Steward Observatory, distributed sign-up sheets for a Faculty Senate tour of Mt. Graham on November 11 and for tours of the Mirror Lab. She asked that they be completed and turned in at the end of the meeting. The tour will leave at 8:30 a.m. and return around 5:30 p.m.

Dr. Martha Gilliland, Vice-Dean of the Graduate College and Vice-Chair of the United Way campaign, requested Faculty Senate members' support for this year's campaign. She said the United Way supports fifty-nine agencies and is a service widely used by perhaps 3-4,000 University employees. She noted departmental campaigns are moving a little slowly, and requested whatever assistance could be given for this worthwhile activity.

Senator Silverman said he would like to commend Lo Que Pasa for fine reporting of Faculty Senate and other faculty matters, noting that it has become a very good vehicle for faculty. He reported the Committee of Eleven has begun a series of on-campus dialogues between faculty and State Legislators, to provide an opportunity for presenting questions and concerns to the Legislators. The first such meeting will occur on Wednesday, November 13, with Senator Jaime Gutierrez, and he encouraged Senators to attend.

Senator Aleamoni announced that the UA Soccer Club, undefeated in its league, would be playing its last two home games this weekend, and he encouraged Senators and others to cheer them on at Wildcat Field.

Senator Goetinck extended a plea for all classrooms to have lecterns, especially those in the Modern Language Building.

Senator J. O'Brien said he believes everyone accepts the concept of teaching evaluations to include self-evaluation and evaluation by students, peers and administrators. He said that he has taught 120 classes in his 17 years at this university, with 20,000 evaluations completed, and had released the results of perhaps 115. But it now appears faculty are losing the right to control the results of those evaluations; he contended that a faculty right is being lost: "I believe we have proprietary rights to our own course evaluations administered in the ways that we choose to use them."

Senator Aleamoni added that one of the primary concerns he has heard over the years is the fact that student ratings are the only source of information used to judge teaching effectiveness. He said that until the Board-mandated comprehensive system is actually implemented, the institution will constantly face questions with this one source of information. A comprehensive system could permit colleges to vary the weight of student ratings, he said, and the focus on the one evaluation would dissipate. He said his experience at other institutions has been that unless a comprehensive system is in place, taking of the results above faculty protest will result in suits won by the faculty members.

Senator Garcia said he was not of the same opinion concerning the release to the Department Head of the evaluations because he believes he must be accountable for what he does, not just to himself but to the University, to the students, and to the State.

Senator Witte said she believes Senator O'Brien is sensing a trend, a trend to use the student evaluation not as helpful feedback for the faculty member, but rather as a tool to evaluate faculty members who may be in trouble as faculty members. She said she has experienced a nine- or twelve-month wait to receive the results, compared to the previous receipt immediately upon completion of the course. She questioned the purpose of an evaluation process that is not promptly made available to the faculty, and she said she suspected this is occurring on the rest of the campus. She added that faculty should be able to know who has accessed the results.

Senator Knight commented on the issue of importance from the student perspective. She said it is distracting to students to see the evaluations completed but remain inaccessible to students, who could utilize them in a productive manner. She said she believed students could be more effective if they did not have to rely on word of mouth.

Senator J. O'Brien said he believes the evaluation tool has always been used for diagnostic purposes, rather than for evaluation, and is apprehensive of information derived from secondary sources, such as peer and administrative review, and a little put out by consumer-driven education.

Senator Silverman said that in regard to tenure and peer evaluations, student evaluations are essential, but he was concerned that, campus-wide, both for tenure and peer evaluations, there is very little peer evaluation of teaching. He said this appears to give the message to the faculty that research is reviewed very closely, but teaching is reviewed through only one method. He said he agreed with Senator Garcia that the evaluations should be made available to evaluation committees, to tenure committees, to department heads, and to those individuals making these decisions.

Senator Impey said it is worth pointing out that a certain degree of wariness or even hostility exists among some faculty, not towards the teaching evaluation process itself, but the way the evaluations have been used in the past. Three to five years ago, some departments were ranking faculty on the basis of the teaching evaluations, producing some meaningless statistics with no sense of relevance to numbers or weight.

Senator Knight said she believes it is critical that students learn the results of teacher evaluations, and if students take time to complete the evaluations, there should be something to be gained on both sides: the faculty member ought to be able to see where they're doing well and where they need improvement in

the eyes of their students, and the student body should be able to have that information and be able to utilize it. While the information is important for tenure committees, she believes it is no less important for students to have access to the information.

Senator Aleamoni said it is important to keep in mind the purpose of the process: feedback for improvement and for administrative decision-making, after a process is in place with a time frame to give the person a chance to improve and to demonstrate that. He said that what appears to be lacking is a commitment to set up a comprehensive system, of which student input is one piece.

Senator Tomizuka said he suspects that if the evaluation information were released to students, not as consumers but as part of the process, they would use it responsibly. He noted that University budget priorities seem somehow inverted, when an attorney is paid \$30,000 to change the logo, and a retiring President and secretary are paid hundreds of thousands of dollars.

Dr. Cox thanked those who commented during the Open Session. She said topics have come to the floor because individuals from the faculty, Senate members included, have indicated that they would like some discussion on those topics. She encouraged individuals to contact her if they have an issue they would like to see explored, so that she could bring it to the Senate Executive Committee, and collectively they will determine if there is enough interest to warrant bringing it to the Senate floor.

REPORT FROM THE PRESIDENT: Dr. Cox reported Dr. Pacheco was away from the campus today.

REPORT FROM THE PROVOST: Dr. Cole was absent.

REPORT FROM THE PRESIDENT OF ASUA: Senator Knight reported the annual Barley-corn Scholarship activities raised more than \$2,000 for a scholarship to be given to new traditional re-entry students. She added that 2,500 signatures were submitted to Vice President Woodard supporting Student Union privatization; dialogue is continuing. Senator Knight reminded Senators of ASUA's Town Hall on November 16 and 17, and again solicited nominees. She reported that ASUA will have vans available at Old Main and the Planetarium to transport people to the polls.

APPROVAL OF OCTOBER SENATE MINUTES; CURRICULUM BULLETIN; AUGUST 1991 DEGREE LIST; AND PRELIMINARY DECEMBER 1991 DEGREE LIST: There being no discussion, it was moved (motion 1991/92-33), seconded, and voted unanimously to approve the October 1991 Faculty Senate Minutes; Curriculum Bulletin Vol. 14, No. 3; the August 1991 Degree List; and the December 1991 Preliminary Degree List.

DISCUSSION AND ACTION ON A PROPOSAL FROM THE BUDGET AND STRATEGIC PLANNING POLICY COMMITTEE CONCERNING ITS COMPOSITION, ROLE AND RESPONSIBILITIES (PART I) AND A PROPOSAL CONCERNING IMPLEMENTATION OF A PERMANENT UNIVERSITY BUDGET COMMITTEE (PART II): Dr. Donald Myers, Chairman of the Budget and Strategic Planning Policy Committee, presented a seconded motion (1991/92-34) from the committee to revise its composition, role and responsibilities, and a seconded motion (1991/92-35) to implement a permanent University Budget Committee.

Providing some background on the two recommendations, Dr. Myers said the committee was asked last spring to respond to a proposal that came out of the Deans' Council, and it completed its review last summer. The committee believed something similar to the Advisory Budget Priorities Planning Task Force, appointed

last year, would continue, and the committee examined its relationship to that task force, and how it might be more effective in the future. The two proposals developed, presented to the Senate today for action, were (Part I) to reconstitute the committee and (Part II) to support certain principles with respect to the selection of an all-University Budget Committee.

Since drafting the material presented to the Senate today, additional comments had come to the committee's attention which required attention. Currently, membership changes in September, but the committee now recommends that newly elected members become a part of the committee following spring elections, as is done with other Senate standing committees. In this way, newly elected members could help select the committee's Chair. The Senate could select its members at its May meeting. Concerning the question of a sufficient number of candidates, he said there is no way to know whether there is a horde of people out there waiting to campaign for election to this committee or whether a problem may be experienced. He said the committee hopes to see contested elections, and perhaps the Committee on Committees, as it does with other committee assignments, would urge people as a part of its annual survey to consider running for this particular office. As the committee seeks to establish itself as a functioning committee, he said, it is hoped that will awaken interest in it.

Dr. Myers indicated one other change, concerning Part II. He said the committee tried to place the University Budget Committee in a position whereby all budget proposals would flow through the committee, at least for an evaluation, not necessarily a veto: "All budgets and budget recommendations to be submitted to the President will first be submitted to the UBC." He said it had been suggested that might be interpreted as indicating the first version of a budget or budget proposal would go to the committee, but a subsequent one would not. Senator Garcia asked if the Deans' Council had reacted to these proposals. Dr. Myers replied that they had not provided an explicit reaction to the committee.

Senator Silverman reported that the Committee of Eleven had discussed both Parts I and II this semester, and invited Dr. Lynn Nadel, Chair of the Task Force, to one of its meetings to discuss the proposals. The committee supports both recommendations, and believes it is important for faculty to be involved in budgetary matters, not just on the University level but at department and college levels as well.

Senator Mautner asked for "senior member" to be defined. Dr. Myers responded that it reflects length of service. With two members elected each year for three-year terms, senior members would ordinarily be those serving in their third year. But due to possible resignations, the two elected members who had served the longest would be the senior members. Senator Roemer suggested senior members be defined as those serving in their second or third year.

Senator Law said he questioned the need for this committee in the Committee of Eleven discussions, and was not satisfied that it did not represent another layer of bureaucracy interposed in an important process. "The problem we have in this University is getting things done in a timely fashion. We've heard many complaints about the appointment of new Vice Presidents, new proposed layers of bureaucracy. I think in suggesting this new University committee we are guilty of doing the same thing, interposing another level of bureaucracy in the decision-making process." Senator Ewbank responded that, being a member of the faculty and not the administration, he perceived a philosophical difference between the imposition of another administrative layer and the addition of a faculty component into the University budget process. Concerning the issue of senior mem-

bers being chosen for UBC membership, he thought one matter should be resolved: What would occur when there is one third-year and two second-year members?

Senator Knight said she believes the proposed University Budget Committee is not a bureaucratic layer, but rather an effort at collaboration, and something that our campus sorely needs, because it is important to get input from everybody. She added that she was not present at the last Budget Committee meeting, and was concerned that initially there had been "two additional students," one of whom would be a graduate student, and it had been reduced to one. Dr. Myers agreed that change had been made at the last meeting, in order to bring the proposal into conformity with the proposal from the Deans' Council. He noted that two faculty members had also been dropped, and there was some concern with the size of the committee.

Senator Silverman then moved (motion 1991/92-36) to amend the Part II sentence starting with "Two senior elected members of the Faculty Budget and Strategic Planning Committee (FBSPC), to be chosen by the FBSPC" to read "Two elected members of the Faculty Budget and Strategic Planning Committee (FBSPC) who have served at least one year on that committee and to be chosen by the FBSPC." That motion was seconded, and a voice vote indicated unanimous approval.

Senator Hildebrand said he would like to support Senator Law's point of view. He said the proposed committee is a redundant and unnecessary impediment to those in charge of budget resource allocation. He added that faculty already has an avenue through the Senate Budget Committee, and the proposed University committee would add another layer of activity that would not only slow things down but make them turgid.

Dr. Myers noted that while the committee did not originate the idea of the Task Force, it perceived that the Task Force was likely to continue in one form or another, and this proposal merely attempted to set out in somewhat more detail the composition of the Task Force and its relationship to the Faculty Senate's Budget Committee. He concluded that the committee was not, in fact, proposing a new committee. Senator Garcia asked Senator Roemer, formerly Chair of one of these two committees, to comment on the usefulness of the proposed University-wide committee. Senator Roemer responded that currently there is no mechanism for broad-based campus input on budgetary priorities. Appointment of the Advisory Budget Priorities Planning Task Force by the President at the time of the recession a year ago was to some degree in recognition of that gap. One of the findings of the Fischer Report was that no one, including the President's Council (more properly, the Resources Committee), had been taking responsibility for the financial health of the institution as a whole. With vigorous competition for limited resources, the need for participation of a broadly representative group in setting budgetary priorities seems clear. With respect to the elected faculty budget committee, she added that the idea of newly elected members taking their seats in May was excellent, joining with the older members of the committee who would serve through the September reorganization; a type of apprenticeship would occur, and provide a more reasonably staffed committee during the important summer months.

Senator Witte called the question on the Part I motion, 1991/92-34, as follows. A voice vote indicated unanimous approval:

Part I.

Establishment, composition and name of the committee

Amend the Constitution and ByLaws to change the composition, method of selection of members and the name of the Faculty Senate Budget Committee as follows:

- Replace the existing FSBSPPC by a committee called the Faculty Budget and Strategic Planning Committee (hereafter referred to as the Committee).
- The Committee will have nine members, six elected from and by the voting faculty. Each elected member will serve three years and would be elected at large from the faculty in classes of two with staggered terms (two elected each year, none being eligible for consecutive terms). Newly elected members begin their terms in May, and outgoing members complete their terms in September. Candidates would be nominated by petition in the same manner as for other elected faculty offices and twenty signatures will be required.
- Each year the Senate will choose two of its members to serve on the Committee and the ninth member would be the ASUA President or his/her designee. Consideration will be given by the Senate to ensuring adequate cross-campus representation such as allocating positions to each of different voting groups.
- At the end of each year the Committee will elect a chair for the following year from among the four elected faculty members serving in their second or third year.

Roles and Responsibilities of the Committee

1. It is a principal obligation of the Committee to represent faculty interests and responsibilities at all stages of budget preparation, policy making and strategic planning.
2. In order to facilitate its relationship to the Senate and to provide for a mode of communication with the faculty at large, the Committee will report to the Senate at each meeting. The Committee will also serve as a resource for the Faculty Senate, responding to requests for advice, recommendations and information, and it will submit a written annual report to the Senate.
3. The Committee will serve as a resource to the newly proposed University Budget Committee and represent faculty interests to that committee.
4. It shall meet and interact with, on a regular basis, the Provost and the Vice President for Business Affairs. It will serve as a resource to the proposed Academic Affairs Budget and Planning Committee and represent faculty interests to that committee.
5. The Committee will periodically conduct open forums or hearings on budgetary and planning issues as a means of collecting information and soliciting faculty perspectives and comments.

Initial Implementation

Because the University is facing serious budget problems it is important to make the appropriate changes in the Faculty Constitution and Bylaws as soon as possible. In order to allow a newly constituted Committee to function, it is proposed that:

- The three senior members of the existing committee be treated as elected

members in their second and third years. Two of the three are now serving in their second year and one in her third year.

- Two of the four newly selected members be considered as elected members serving in their first year as an elected member.

- The other two newly selected members be considered as the Faculty Senate members. It is also recommended that the Senate consider reappointing these two for a second one-year term.

- The first election to select two members would occur in the spring of 1992.

Dr. Cox then called for any additional discussion on Part II.

Senator Elliott questioned the use of the word "first" in Roles and Responsibilities in Part II. Dr. Myers suggested the following change in wording: "All budgets and budget recommendations will be submitted to the UBC prior to being submitted to the President."

Senator Kermes said he was still concerned about the "one additional" student representative. He asked Dr. Myers to elaborate on the committee's reasons for cutting it back from the two additional members. Dr. Myers said the committee had learned that the Deans' Council's proposal included 13 members as opposed to the 16 proposed by the committee, and in order to perhaps improve the chances of having the proposal supported not only by the Senate, but by the Deans' Council and the President's Office, the committee decided to bring its proposal into conformity. In response to a further question from Senator Kermes, Dr. Myers said the committee did not have any direct communication from the Deans' Council concerning this matter. Senator Kermes then moved (motion 1991/92-37) to change the wording to "two additional student members, one of which would be a graduate student and one would be from the ASUA Budget Review Committee." After some discussion, the motion was then seconded. A voice vote indicated unanimous approval. Senator Garcia noted the size of the committee should now be indicated as 14, rather than 13.

There being no further discussion, a voice vote indicated approval for motion 1991/92-35, as amended, to read as follows:

Part II.

Establishment and composition of a new committee

There should be a permanent University Budget Committee. The committee will have 14 members as follows

- The Provost
- The Vice President for Business Affairs
- Two Deans selected by the Deans Council
- Two senior elected members of the Faculty Budget and Strategic Planning Committee (FBSPC), to be chosen by the FBSPC.
- The Chair of the Faculty
- Two additional faculty chosen by the Senate
- Two staff members chosen by the Staff Council
- The ASUA President
- Two additional student member from the ASUA Budget Review Committee, one of whom will be a graduate student

The committee will select its own chair each year from among the five faculty representatives.

Roles and Responsibilities

All budgets and budget recommendations will be submitted to the UBC prior to being submitted to the President. The final evaluations and recommendations of the UBC will be submitted to the President jointly by the Provost, V.P. Business Affairs, and the Chair of the UBC.

Budgetary and Planning Information

A central repository of financial and budgetary information should be established. This database, to be maintained and used by central administration, should be accessible to all members of the university community.

The preceding recommendations are based on the Appendix contained in the Annual Report of the Budget and Strategic Planning Policy Committee to the Faculty Senate, 16 September 1991. The rationale for the recommendations is contained therein.

DISCUSSION ON CODE OF ACADEMIC INTEGRITY: Professor Franklin Flint, Chair of the Committee on Academic Integrity, and Dr. Johnetta Brazzell, Associate Dean of Students, joined the Senate to provide background on the revised Code of Academic Integrity, dated August 1991. Professor Flint recounted that in 1988 the Faculty Community Standards Committee had several meetings in which students reported a widespread cheating problem on campus, with some faculty not responding appropriately. A task force comprised of faculty and students was appointed in late 1989 to develop a new Code, and completed its rewrite in late March, 1991. The task force worked with the Provost in April, and completed final revisions in June. During this time period, the Regents had adopted a new Code of Conduct for all three universities, requiring procedures which were not in the old Code of Academic Integrity, and resulting in a conflict in procedural matters. During 1990-91, ad hoc procedures were utilized, and because of legal concerns for the faculty and the University, there was great urgency to get the new Code in place as quickly as possible. Another factor the task force took into consideration was that previous experience had shown that when a new Code was adopted, difficulties arose in the first two or three years, requiring revisions. The task force's remedy for this was to utilize the new Code of Academic Integrity for a one-year trial period, make any necessary changes, and then bring it to the Senate for approval.

Professor Flint reported that the first step in the Code's three-step procedure is a faculty/student conference which the committee believes will resolve most situations; faculty have a responsibility to deal with issues of cheating, plagiarism, and other academic dishonesty activities. If the student does not believe he/she has received fair treatment, the second step can be undertaken: an appeal to the Department Head. If the student still feels he/she has not received justice, an appeal may be made to the University Hearing Board, a lengthy process in which the case is heard by faculty and students, resulting in a recommendation to the Provost, who makes the final decision. He said the revised Code provides detailed information on the faculty/student conference, the appeal to the Department Head, and time limitations that have to be met, as well as sample report forms. He noted that the new Committee on Academic Integrity has been established. It no longer has a judicial function, but rather

focuses on prevention and education.

Senator Ewbank said he had serious reservations about giving the Department Head sole authority to suspend or expel a student. He believed the University Hearing Board procedure is a good deal more protective of individual rights, and the appropriate body to determine suspension or expulsion. Senator Grabel said he would like to add to Senator Ewbank's comments a serious concern of students: Impartiality might be lacking in regard to an appeal taken to the Department Head, and the neutrality factor might be absent. Senator Kermes said he would like to echo the sentiments of Senators Grabel and Ewbank, and asked for the rationale of giving this responsibility to Department Heads.

Professor Flint responded that in the past these matters were handled by Deans and the Dean of Students, but because academic integrity is an academic matter, the committee believed this process belongs on the academic side. He added that the committee went through half a dozen drafts and tried a number of different approaches, ranging from Associate Deans to the Dean of Students Office, and concluded this would be the best procedure. He said the committee was not insensitive to the concerns expressed by Senator Grabel, but believed that if the procedure was followed correctly, and the Department Head conferred with the Dean of Students prior to undertaking review, the process would prove itself.

Dr. Brazzell said, in response to Senator Grabel's comments, that it is appropriate to be concerned about what happens to the student in the conference with the Department Head. Based on her experience in 1990-91, she would recommend the student be permitted to bring in someone to serve as their advisor, even an attorney, with the proviso that the student must speak for him/herself in that process.

Senator Hildebrand said he would like to join the growing chorus of expressions of opposition to this plan. He indicated he has growing evidence that the plan is not implementable from the point of view of the burden placed on Department Heads, not only because the accused might feel uncomfortable with responsibility vested in the Department Head, but also because Department Heads themselves are very concerned about this. Senator Hildebrand said he participated recently in a meeting of almost twenty Department Heads who discussed the document and unanimously felt that it was not implementable. They concluded they were being asked to be not only lawyers, but judges as well, in a forum which has serious legal implications. Senator Hildebrand predicted Department Heads will simply refuse to implement this if it's put in place.

Senator Garcia said he wanted to echo Senator Hildebrand's concerns, as he had received several comments from Department Heads, indicating they believe the proposed procedure is not appropriate. "It is not whether they can do the job or not, it's that they don't feel that is the appropriate place the University can deal with this." He said some indicated it would be more appropriate to assign it to the Dean of Students office, because the student at least would feel that there was an air of neutrality. He added that there appears to be serious opposition to the proposal, and he suggested a hearing board approach to provide collective wisdom. In terms of the health of our academic community, he said he was sorry this plan was adopted and put in place without the feedback which the Senate could have provided.

Senator Witte said she had concern whether the hearing board could provide a truly fair hearing once the faculty member and Department Head have rendered their decisions, and Senator Silverman concurred.

Senator Saint-Germain said she had recently attended a meeting of faculty whose Department Head had just discussed this document, and they commented that a student would be faced with a tremendous lack of consistency: one department might look on a plagiarized paper as a reason to get a lower grade, while another department might decide suspension was appropriate, and Department Heads are not provided with training to deal with these matters. She wondered about a central record to detect those who cheat in several departments.

Senator Mautner shared with the Senate the fact that he has found the University Hearing Board, on which he has served three times, to be very impartial.

Professor Flint said he has had some meetings with Department Heads, too, and agreed they are not particularly happy with the responsibility. In 1990-91, it was handled on an ad hoc basis; in previous years, a committee had a hearing for the student. But in its review, the task force did not find the latter to be particularly effective or to particularly safeguard students' rights. He said the task force was requesting this be tried for a year.

Dr. Brazzell said the Dean of Students Office will be the central unit to receive the forms, and she will make herself available to Department Heads and to faculty to talk about cases and to share information. She said she was also concerned about the question of degrees of difference among Department Heads.

Professor Flint said there appears to be agreement on the first step being the responsibility of the faculty member, and on the final step resting with the University Hearing Board. The problem with the middle step is not unexpected, he said, and the important question is how to best deal with it. The task force believes the middle procedure is needed. "We don't want to go directly from a faculty/student conference to the Hearing Board. The Hearing Board is a very time-consuming effort. There ought to be some middle ground for students to appeal, someone who could hear their case. Should it be a committee, should it be the Dean of Students, should it be the Associate Dean, should it be the Department Head?" He said a case could probably be made for each of them, but the task force believed the Department Head was the place to put this responsibility, and they feel it will work well. He agreed the possibility of disparate decisions did exist, but not if the procedures as outlined were followed.

Senator Goetinck said he would like to join those in opposition to the middle step in the process, and to comment on his experiences with plagiarism cases. "I went to Glen Smith, Associate Dean of Students, and he and I resolved the case without any difficulty, and the Department Head did not need to be involved." Concerning the possibility of a student being accompanied by an attorney, he asked if the University and its attorneys would stand behind that faculty member. Dr. Brazzell said that if a faculty member has acted within University parameters the faculty member will have that backing, and in a case where the student brings an attorney, it is permissible for the faculty member to have someone from the University Attorney's office present. She also confirmed that if the matter goes to court, the University Attorney's Office will back up that faculty member at no cost, because the faculty member acted in his/her capacity as an agent of the University, and is therefore covered by all procedures of the University.

Professor Flint commented that if a student showed up in his office with an attorney, there would be no conference unless he had an attorney present, and he would recommend the same action for a Department Head in this situation. Senator Goetinck suggested that the ending statement could be improved by the

addition of the information that the University would provide faculty with legal counsel.

Senator Silverman requested that a report be made to the Senate concerning this document. Professor Flint said he believed the task force would be ready to report next fall. Senator Zukoski requested the report be submitted this spring, to avoid the situation where an important document is in use prior to Senate dialogue. Professor Flint agreed to that request.

A motion to reject the document was made, seconded, and withdrawn after further discussion, because only one section had received adverse comments, and Parliamentarian Sankey's opinion was requested. Dr. Sankey said he thought the Senate could take a position on this document to provide a clear statement of the Senate's opinion, although it was not apparent what would occur at that point. Discussion continued on the urgency of the situation, and the need to have procedures in place. Senator Garcia suggested that, since the committee did consider several alternatives, and have thought through a set of other wordings, perhaps a different set could be substituted rather quickly, perhaps utilizing a three-person committee or a committee similar to a Grade Appeals Committee.

A motion to move the responsibility for the middle step to the Dean of Students Office was seconded and later withdrawn after further discussion. Senator Knight said she believed this is basically an academic process, and perhaps there should be some process or committee under the Provost's Office. Senator Grabel added that occasionally the Dean of Students Office must argue on behalf of a faculty member that they might not agree with, and such a situation would appear to eliminate neutrality. Senator Saint-Germain said she sensed that while the Senate does not support the Code of Academic Integrity as it now stands, it would welcome an opportunity to work with the Provost's Office to develop a Code that it could support. Senator Silverman suggested that, rather than putting the Dean of Students Office in the position of having to support or not support a student, a motion could be drafted to indicate the sense of the Faculty Senate's opposition to Department Heads serving in this role, and ask either the task force or the Provost to come back to the Senate with an alternative recommendation.

Senator Garcia then moved (motion 1991/92-38) that the Senate be on record as opposed to the section of the Code of Academic Integrity authorizing Department Heads to act on sanctions, and that the Senate ask the Provost's Office and appropriate committees to come back with a recommendation concerning this issue. That motion was seconded, and a voice vote indicated unanimous approval.

Senator Knight started to make an additional motion, but Dr. Cox said that in the interest of the agenda, she would have to move forward at this time. She said she recognized and appreciated the tremendous amount of input that Senators had provided this particular topic, and I particularly thanked Professor Flint and Dr. Brazzell for their contribution.

DISCUSSION ON FINAL REPORT OF THE AD HOC COMMITTEE ON DISCRIMINATORY SPEECH:
Senator Witte moved to postpone discussion on this topic, in view of the five remaining minutes. That motion (1991/92-39) was then seconded, and a voice vote indicated unanimous approval.

Senator Bickel noted this document is scheduled for a trial run of two years. He encouraged each Senator to read it carefully. Senator Silverman asked if this policy is now in effect.

Professor Ares said he would report what he could, which might not answer all questions. In May 1991 he provided a progress report to the Senate, summarizing the committee's projected conclusions. The report submitted to the Senate for discussion today, "Final Report of the Ad Hoc Committee on Discriminatory Speech," he believed required some kind of action by the Senate. He noted that attention must be paid to the Code of Conduct, because in the view of everyone who has read it, one provision of that Code is far too ambiguous and vague. Regents have required the three universities to comment on the draft Rules for the Maintenance of Public Order, and Professor Ares indicated that document has one provision which tracks exactly the language in the Code of Conduct and is, in everybody's estimation, far too broad and ambiguous, and needs to be changed. The said the committee included in its report a recommendation as to how both those documents ought to be changed. He asked Dean of Students LuAnn Krager to comment on the timeframe for this document.

Dr. Krager said that in June 1990 the Student Code of Conduct was passed, and for the first time there was an inclusion of the prohibitive clause concerning harrassment and discrimination of protected groups. She reported that one charge was filed, it was unchallenged, and the sanction was upheld last year, but she has been advised by the legal counsel to the President that until we have discriminatory policy of some type in place, she is not to act on charges under the Code on that prohibitive clause. Any action would have to fall under a threat to harm clause, which is assault and battery. Dr. Krager said the 1983 Rules document is still in effect; the new one has been sent to the Council of Presidents, and she believes they will appoint a system-wide committee to compile the three campus documents into one. At that point, it might be returned to the three campuses for review.

The meeting adjourned at 5:00 p.m.

Ford Burkhart
Secretary of the Faculty Senate

MOTIONS APPROVED AT NOVEMBER 4, 1991 MEETING:

- 1991/92-33 Approval of October Senate Minutes; Curriculum Bulletin Vol. 14, No. 3; August 1991 Degree List; and December 1991 Preliminary Degree List.
- 1991/92-34 Approval of recommendation to change composition, role and responsibilities of the Budget and Strategic Planning Policy Committee.
- 1991/92-35 Approval of recommendation to implement new campus-wide University Budget Committee.
- 1991/92-36 Approval to amend Rules and Responsibilities in motion -35.
- 1991/92-37 Approval to amend Composition in motion -35.
- 1991/92-38 Approval of motion expressing opposition to one section of the Code of Academic Integrity, and requesting substitute recommendation.
- 1991/92-39 Approval to postpone discussion on the Final Report of the Ad Hoc Committee on Discriminatory Speech until December meeting.