

MINUTES OF MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA
Monday, November 2, 1970 Room 350 Modern Languages

The Faculty Senate convened in regular session at 3:40 p.m. on Monday, November 2, 1970 in the Modern Languages Building auditorium (Room 350). Fifty-four members were present with Vice President McMillan presiding.

SENATE MEMBERS PRESENT: J. R. Anthony, J. W. Anthony, Ares, Bannister, Bartlett, Blitzler, Bok, Boyer, Bretall, Brewer, Carlson, Christopherson, Cole, Delaplane, Dewhirst, Edwards, Fahey, Gegenheimer, Giebner, Goodwin, Gould, Herber, Houston, Hull, Kassander, Lane, Little, Lytle, Mautner, McMillan, Mees, H. E. Myers, Nigh, Paylore, Perkins, Peters, Putt, Resnick, Rhodes, Richard, Robson, Schaefer, Selke, Siegel, Sorensen, Steelink, Svob, Tomizuka, M. H. Voris, W. Voris, Windsor, Wise, Younggren, and Zwolinski. Student representatives attending were Cathy Cleven, Charles Eaton, and Bruce Eggers.

SENATE MEMBERS ABSENT: Barnes, Bingham, Dixon, DuVal, Freeman, Gaines, Grant, Harvill, Johnson, Kemmerer, Krebs, Lowe, Murphy, L. A. Myers, Paulsen, Reiblich, Varney, and Yoshino.

APPROVAL OF MINUTES: The minutes of the meeting of October 5, 1970 were approved as distributed to members.

NEW SENATOR FROM COLLEGE OF ARCHITECTURE, ANNOUNCEMENT RE: Dean Little introduced to the Senate Professor Robert C. Giebner who had been elected by the Faculty of the College of Architecture to replace Professor Ellery Green who is on sabbatical leave during the academic year 1970-71. Mr. McMillan welcomed Professor Giebner to the Senate. (Professor Green will reassume his seat in the fall of 1971.)

ANNOUNCEMENTS: Mr. McMillan recognized Miss Cathy Cleven, one of the student representatives to the Faculty Senate, who explained that the ASUA Legislative Relations Committee had invited the members of the Arizona State Legislature to visit the University campus on Saturday, November 21, and to participate in a discussion with students and faculty members on the afternoon of that day between the hours of 2:00 and 4:00. Students planning this occasion are hopeful that members of the faculty will take advantage of the opportunity to meet with the visiting legislators. Faculty members interested in participating in this activity were urged to get in touch with Miss Cleven or ASUA President Bruce Eggers, or to leave their names at the Associated Students Office in the Student Union Building. Miss Cleven pointed out that the visit to the campus by the legislators is an activity in which many members of the Legislature have indicated considerable interest.

Mr. McMillan informed the Senate that while Dr. Nigh will continue to serve as the Faculty Senate's representative to the Student Senate, it is necessary to select an alternate representative inasmuch as Dr. Paul Skinner, who served as alternate to Dr. Nigh last year, is no longer a member of the Senate. Mr. McMillan said that individuals willing to serve in this capacity should so inform Mr. Windsor. The Faculty Senate will then select an alternate representative to the Student Senate at its December meeting.

FURTHER DISCUSSION RE CHANGE IN CALENDAR ESTABLISHING THE CHRISTMAS RECESS AS THE INTERIM PERIOD BETWEEN THE FIRST AND SECOND SEMESTERS OF THE ACADEMIC YEAR:

Mr. McMillan referred to the action of the Senate at the October meeting when it had approved a recommendation from the ad hoc committee on establishing the Christmas recess as the interim period between the first and second semesters of the academic year. He pointed out that the vote on this question had come just prior to adjournment, leaving unresolved such questions as the following: How long a break should there be between the first and second semesters? What should be the calendar for the spring semester? How soon should the new calendar be implemented? What should be done about final examinations (the committee studying the calendar question had made certain recommendations about the scheduling of final examinations)? Mr. McMillan then called on Dr. Darrel Metcalfe, chairman of the Committee to Study the Feasibility of Establishing Christmas Recess as the Interim Period Between the First and Second Semesters whose basic recommendation the Senate had approved at its last meeting.

Dr. Metcalfe said he would like to clarify one point which had caused concern on the part of some people. The committee had in no way recommended, and in no way was it contemplated, that the present calendar of the summer session be altered. In other words, regardless of when the fall semester should begin or the spring semester should close, the summer session would continue to begin in mid-June and continue for ten weeks.

Dr. Bok asked Dr. Metcalfe if the faculty had been polled to determine faculty feeling about the proposed change. He said he knew some members of the faculty had strong feelings against making such a change. Dr. Metcalfe said that while a formal poll of the entire faculty had not been taken, the committee had obtained faculty reaction on a quite wide basis, talking to many administrators as well as many faculty members.

Dr. Tomizuka asked if it would not be appropriate to request that the faculty be polled on this issue. He felt that if faculty sentiment should widely be against the proposal there might be a lack of cooperation in making the new calendar succeed. He then moved that the faculty be polled to learn the faculty's attitude toward starting the fall semester early enough to be completed before Christmas. Dr. Blitzer seconded the motion.

Mr. Mautner said that he had voted "aye" in favor of the proposal at the last meeting but had come since to feel differently. He said that in thinking about reasons for the change, the only one that he felt was worthwhile was the rather nebulous one that to have the fall semester end before Christmas would bolster student morale. He wondered if the Senate might vote differently now after having had a month to think about its earlier action. Dr. Metcalfe stated that the committee had felt that the morale of the students was indeed a very important factor, but that there had been other reasons for the proposal as well, as indicated in the report of the ad hoc committee.

Dean Hull asked if the original action in the Student Senate asking the Faculty Senate to consider changing the calendar had been based on a poll of the students. Mr. Eggers said that the student action had been based on what was felt to be a widespread sentiment among the student body, but it had not been based on a thorough poll. Dean Hull asked, "Does not the Faculty Senate have the authority to act for the general faculty just as the Student Senate acted for the student body earlier in this matter?"

Dr. Gegenheimer pointed out that if any action of the Senate is opposed by members of the faculty, there is provided in the Faculty Constitution a petition procedure whereby a small number of the faculty can request that a meeting of the general faculty be called to discuss the matter in question. After such discussion the matter then goes to a vote of the full faculty. No one had seen fit to take advantage of this procedure, he noted. A poll would now be meaningless, he said, in view of the action that had already been taken by the Senate, unless the Senate should vote to reconsider its earlier action.

Dr. Robson said he had little confidence in polls. Supporters of an issue normally think that the matter sounds like a good idea and they simply let a questionnaire about it lie on their desks. The persons who feel negatively about the matter vote against it and the results often do not accurately reflect the feelings of the majority of the group being polled.

Dean Myers said that since the action of the Senate at its last meeting was taken he had not heard a single criticism of the action. The faculty of the College of Agriculture in his judgment were enthusiastic about the proposed change. He said it seemed to him that to begin the fall semester in time for it to be completed before Christmas corrected the most serious disadvantage of the semester system when compared with the quarter system. This plan would avoid the high costs of the quarter system, however, which requires one additional registration and one additional grade processing activity each academic year. Several members of the Senate at this point urged that persons wishing the calendar to be changed as approved at the October meeting should now vote against the motion to reconsider.

Dean Rhodes said he did not understand the reluctance of some members of the Senate to see what the faculty actually think about this matter. Even if one is in favor of the change, should he not be interested in knowing what his colleagues in the Senate think?

Dr. Blitzer then moved to amend the motion to provide that the poll questionnaire carry statements listing both the advantages and the disadvantages of changing to the proposed calendar. Dr. Herber seconded this motion. Dean Hull said he felt the Senate was abdicating its authority to act for the general faculty. The faculty of the College of Fine Arts want the proposed change, he said.

Dr. Bartlett said he thought it would be desirable to find out what the faculty at large feels about this proposal before any further steps are taken to implement the change. Dr. Gegenheimer said that the order was backward. Once action had been taken it seemed ridiculous to find out what the faculty thought about a change that had already been decided upon.

Dr. Blitzer then withdrew his motion to amend, with the approval of his second, Dr. Herber, and the original motion by Dr. Tomizuka was then withdrawn with the approval of the seconder of that motion, Dr. Blitzer.

Dr. Boyer then made a motion to reconsider the action of the Senate at its October meeting approving restructuring the calendar so that the fall semester would end before Christmas. Several seconds to this motion were heard. Dean Rhodes commented that if a poll would show that there was wide support of the Senate's earlier action, there would be no need to reconsider. He felt

that the Senate could delay any reconsideration action until the results of a poll were known.

Dean Schaefer said that he felt the Senate needed the judgment of the faculty in this matter. He felt a number of persons who had first thought they approved of the change, upon thinking the matter over had found that their enthusiasm had waned. He said he thought the Senate acted too hastily on this matter at its last meeting. Dr. Boyer commented that he had made his motion to reconsider so that the Senate then could gain more information before voting on the issue again.

Dr. Bok said he did not know what the vote on the proposed change had actually been at the last meeting, and asked if anyone did know just how close the vote was. Mr. McMillan pointed out that a vote on the question at the October meeting was first called for by voice vote. He had been in the chair and had been uncertain of what the vote was by voice vote. He then had called for a show of hands and he said he counted the hands himself rather than asking tellers to do so. He said he did not remember the exact count but he would estimate that the motion carried by a proportion of about 60 to 40.

Dr. Robson asked if there would be a serious effect on the catalog if final action on this question were delayed while a poll was being conducted. It was explained that it would not be feasible in any event to implement the new calendar in the fall of 1971 because of a number of reasons, among them commitment of campus residence hall facilities through late August and early September. Thus there would be no serious effect on the catalog if action on this question were delayed.

The question was then called for and the motion to reconsider the Senate's earlier action on the calendar question carried by a vote of 27 to 22.

Dean Schaefer then moved that the members of the faculty be polled on whether or not they would approve of changing the calendar so that the fall semester would begin late August and end before Christmas. He further included in his motion the provision that the poll questionnaire include statements both for and against the change. Dr. Siegel asked if the faculty would simply be voting on the general principle of ending the fall semester before Christmas or be voting on a specific calendar. Would the examination question be part of the poll?

Mr. Windsor said that the question of whether or not to have a separate final examination period was a separate question from the scheduling of the calendar itself. Dr. Perkins said that the two were indeed related, in that a faculty member might approve of the fall semester's ending before Christmas if a distinct final examination period were provided for, where he would not approve if a separate final examination period were not provided for. Several Senators commented that whether or not a separate final examination period should be scheduled is a question which might be raised right now under the calendar as it is presently scheduled.

Dean Myers and Dr. Zwolinski said that the question of a calendar which would have the fall semester end before Christmas had originally come up as the result of student action. We must not overlook the fact that we have more than 25,000 students on this campus. A matter that is of serious concern

to them should not be settled merely by the judgment of faculty members.

Dean Ares commented that what was needed was an informed poll. He said probably many faculty members and students who were surveyed earlier didn't in fact understand all the ramifications of their recommendation that the calendar be changed.

Dean Huff, representing Dean Gaines, explained that at a recent conference of summer session deans he visited with representatives of several universities who have changed to a calendar similar to the one that is being considered at the University of Arizona. He said these persons had found that many problems resulted from the change and a long period of time was required to solve these problems. The committee working on this matter might very well consult representatives of these institutions that have already been through the experience of converting to the proposed new calendar, he said.

Mr. Eggers said that the Associated Students government would be willing to arrange an appropriate poll of student judgment about this matter. Mr. McMillan said that the ad hoc committee that had studied the matter and then recommended that the calendar be changed should have the responsibility of preparing a poll questionnaire, but he assumed that the assistance of other persons on the campus would be available to the committee so that the questionnaire would be constructed satisfactorily.

Dr. Gegenheimer said he hoped the questionnaire would not confine itself to the one question of when the fall semester should begin and end but would include other questions as well, including whether or not a separate period of final examinations should be scheduled. Also, when should the second semester start? Should an interim term after the Christmas holidays and before the spring semester began be developed?

Dr. Metcalfe pointed out that the committee had considered the question of an interim term and found that this would not be feasible for a student body of 25,000 students.

Dr. Robson said he did not think the Senate should concern itself with picayune details. General principles should be settled and members of the administrative staff should then work these out.

The question on Dean Schaefer's motion was then called for and the motion carried.

REPORT OF AD HOC FACULTY SENATE COMMITTEE ON ADJUDICATION OF DISPUTES RELATED TO NONACADEMIC ACTIVITIES OF STUDENTS: SEARCH AND SEIZURE POLICIES RELATING TO UNIVERSITY CONTROLLED HOUSING: It was explained that Vice President Johnson, Chairman of the Ad Hoc Committee on Adjudication of Disputes Related to Nonacademic Activities of Students, could not be present, but that Dr. Dewhirst, a member of that committee, would present the report of that committee on search and seizure policies relating to University controlled housing.

Dr. Dewhirst explained that this was the third in a series of reports the "Johnson Committee" had been directed by the Senate to prepare, the earlier two having concerned themselves with hearing procedures and a code of student conduct.

He explained that the primary work on this "search and seizure" report had been done by a student member, Miss Bobbi Stephens. The committee had then revised Miss Stephens' recommendation so that the report now to be considered by the Senate was in fact a consensus report. Members of the Senate had been provided with copies of the report earlier. Dr. Dewhirst moved approval of the report and Dean Myers seconded the motion. Dr. Bok asked if there was any conflict between this report and the new Regents' "Code of Conduct" under consideration by the Board of Regents. Dr. Dewhirst said that in his judgment there was no conflict.

Dean Ares said that generally he felt the report when adopted would be a very good step forward. He was troubled by the fact that under a provision of the statement the Vice President for University Relations was in fact made a magistrate. To expect a University official to carry the responsibility of issuing search warrants, for example, places on him an extremely complex responsibility that is of major proportion. He pointed out that under the proposed Regents' Code of Conduct, the Vice President for University Relations becomes a vital part of the machinery of the University Court System. Can casting the Vice President for University Relations in the roles of both prosecutor and judge be tolerated? He wondered if the committee had considered this question. Dr. Dewhirst pointed out that the report under consideration had been prepared in February 1970, before the proposed Regents' Code of Conduct had been written. The committee had considered what University officials might appropriately be given authority to issue search warrants, for instance. The decision had been that the most logical person to carry this responsibility would be the Vice President for University Relations. If the Senate wished to substitute some other official to carry this responsibility, he did not believe the committee would object.

Dean Ares said he noted that under "nonemergency situations" the report provided that advance notice that rooms would be entered for repair or maintenance work should be posted on a central bulletin board. He wondered if these notices might not better be delivered to the individual rooms. Dr. Dewhirst explained that such notice would be issued 24 hours before the work was done. The committee was simply trying to propose reasonable logistics and a central bulletin board seemed to be satisfactory. If it was felt that more appropriately individual notices should be delivered to individual student rooms, this of course could be indicated.

Dr. Steelink said we all know that the faculty members often miss important notices that are posted on central bulletin boards. Students cannot be expected to be any more attentive to bulletin board notices than faculty members. He felt the language should be revised to show that notices should be posted on the door of each residence hall room concerned as well as on central bulletin boards.

At this point Dr. Kassander asked if the Senate could indeed amend a committee's report, under correct parliamentary procedure. The body can amend what it adopts, but it cannot change a committee's report, he said. Several persons said that appropriately the Senate could amend a report. Mr. McMillan so ruled.

Professor Mees commented that what was under discussion here referred only to a general announcement about procedure and he did not see the necessity

of contacting each individual. Dean Ares explained that this question might be of very real importance to individual students, however. Several members pointed out that to leave notices posted on residence hall doors would not be good procedure. Pranksters pull notices off of doors, wind blows them down, etc. Dr. Bartlett said he would much prefer that the notices be placed in each student's individual message box. Dr. Bartlett then suggested that notices be placed in the residence hall individual message boxes of the students concerned.

Dr. Perkins pointed out that sometimes the Vice President for University Relations is away from the campus. What happens in an emergency situation when he is away if he is the only person who can act, in situations called for under Paragraph 2 of the "emergency situations" section of the report. Dean Myers said that when any administrator is away from the campus he is supposed to leave someone designated to act for him during his absence.

Dr. Steelink then moved that Paragraph 2 under "nonemergency situations" involving entry into a student's room be amended to provide that employees "may enter a student's room only after a written notice of such proposed entry has been placed in each student's individual residence hall mailbox as well as posted on a central bulletin board...". Several seconds to Dr. Steelink's motion to amend were heard and the motion carried.

Dr. Robson then moved to amend the total statement by taking the final sentence of the first paragraph under "emergency situations", combining it with the last three sentences of the second paragraph under "emergency situations" and making these combined several sentences a new separate paragraph next to the last paragraph of the statement. He so moved and Dr. Steelink seconded the motion. Mr. Mees asked what was the intent of Dr. Robson's proposal. Dr. Robson said he was not satisfied with the statement in its original form. The motion was called for and lost.

Dean Ares then moved that in the second paragraph under "emergency situations" the words "or his designee" be added following the "Vice President for University Relations". Dr. Lytle seconded this motion and it carried.

Mr. Eggers commented that under section 2 of "non-emergency situations" there was no provision for instances where a student indeed wanted to be present when his room was entered but was unable to do so for some good reason. The statement provided no guarantee that a student must be permitted to be present if he wished. There was no indication as to where or how he could object. Should entrance be suspended until a ruling could be made whether or not the request to attempt to enter the student's room was found to be valid? Dean Ares explained that to take care of routine repairs or maintenance the work could always be done at the student's convenience. Twenty-four hours was deemed a sufficient length of time to let a student know about the contemplated entry so that he could arrange to be present if he wished to be so.

The question was then called for on the motion to accept the report, as amended, and the report was then approved as amended.

The complete "search and seizure" statement as amended and then adopted by the Senate reads as follows:

Memorandum To: Faculty Senate

Regarding : Report of ad hoc Faculty Senate
Committee on Adjudication of Disputes
Related to Nonacademic Activities of
Students

This is the third in the series of recommendations intended to implement the policies and procedures to protect the rights and freedoms of students. Item VI B of the basic document on student rights (approved by the Faculty Senate on February 3, 1969) is entitled Investigation of Student Conduct. It states in part:

"Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained.an appropriate and responsible authority should be designated to whom application should be made before a search is conducted."

The ad hoc committee considered their charge, in this instance, to prepare recommendations relating to the entire problem regarding personal privacy in living quarters owned or controlled by the University. Consequently, these recommendations might more appropriately be entitled:

Privacy Rights of Students in University Owned or Controlled Housing Facilities.

The University of Arizona recognizes the need for personal privacy within the limits imposed by multiple occupancy of living quarters and the need for proper maintenance of the physical facilities. The University desires to protect this privacy during those periods when University owned or controlled housing facilities are assigned to and paid for by any person. At the same time it must be recognized that there may be circumstances that necessitate entry into a student's room for purposes of maintenance, repair, or health reasons. Generally, these can be categorized into emergency and nonemergency situations.

Emergency situations involving entry into a student's room can fall into two categories. They are as follows:

1. In emergency circumstances where imminent danger to life, safety, health, or property is reasonably expected, entry shall be allowed upon discretion of the Head Resident or other appropriate authorities such as the personnel deans or the Director of Housing. The emergency nature of such entry must be recognized by the University and no supplies, equipment or other personal property may be seized nor used in any disciplinary proceedings as a result of such action.

2. When it becomes necessary to search a student's room for reasons of a potentially disciplinary nature, a University search

warrant must be obtained from the Vice President for University Relations or his designee prior to entry into the room in question. Application for a search warrant must specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. If any objects are seized as a result of such search, written notification of such fact, delineating the items seized, must be provided to the student as soon as possible after their removal from the room. All objects seized must be marked and maintained by the University until such time as it is abundantly evident that such objects are no longer needed in any disciplinary procedures or subsequent judicial proceedings. Disposition of seized objects should not be arbitrary and records of such disposition should be periodically reviewed by the personnel deans concerned.

Nonemergency situations involving entry into a student's room may also fall into two categories. They are as follows:

1. Routine, frequently reoccurring entry into student quarters containing interior bathrooms not available through separate entrances, may be effected during normal working hours by maids or custodians for cleaning purposes. No objects will be seized as a result of such entrances.

2. University employees assigned for the safety and general welfare of residents, routine repair or maintenance may enter a student's room only after a written notice of such proposed entry has been placed in each student's individual residence hall message box as well as posted on a central bulletin board of the living unit concerned for a period of not less than 24 hours beforehand, excluding official school holidays prior to the said entry. No objects will be seized as a result of such entrances.

Violation of this policy should be reported to the Head Resident who shall investigate the complaint and report his findings to the student and the Director of Student Housing for any appropriate action which might be taken.

Robert Black
Leonard Dewhirst
Quentin Mees
Mary Pavlich Roby
Bobbi Stephens
Royal Tinsley
Marvin D. Johnson,
Chairman

PROPOSAL FROM STUDENT SENATE REQUESTING INVESTIGATION AND ASSESSMENT OF THE BASIC FOREIGN LANGUAGE REQUIREMENT FOR THE BACHELOR'S DEGREE, WITH EMPHASIS GIVEN TO DISCUSSION OF A POSSIBLE RECOMMENDATION FOR RESTRUCTURING, LESSENING, OR ELIMINATING SUCH REQUIREMENTS FROM THE CURRICULUM: Mr. McMillan announced the next item on the agenda, a proposal from the Student Senate requesting an investigation and assessment of the basic foreign language requirement for the bachelor's degree, with emphasis given to discussion of a possible recommendation for restructuring, lessening, or eliminating such requirement from the curriculum. Dean Schaefer rose to state that he felt this item was

highly inappropriate for the Senate agenda and he moved that the subject not be discussed by the Senate but be stricken from the agenda. Dr. Delaplane seconded the motion.

Dean Schaefer said that of course the Senate had an appropriate responsibility to approve a proposed curriculum for any college when it was submitted through the usual review channels. Once a curriculum was established, however, he felt the Senate did not have authority to review it. This recommendation should have been forwarded to the faculty of the College of Liberal Arts, he said. Mr. Eaton said that the students were aware that the Senate did not have the power to change the requirement but felt it did have the power to investigate any question or study any matter which it chose. Dean Myers said he concurred with Dean Schaefer's statement that this was a matter appropriately only for review in the college. Mr. Eggers explained that the Student Senate wanted faculty dialogue on this matter. Several colleges have a foreign language requirement. He thought the Senate would serve as an appropriate forum to coordinate discussion on this subject.

Professor Mees said he agreed with the point of view that this subject was not appropriately a Senate matter. He thought that the matter should not simply be stricken from the agenda, however, but rather should be referred back to the Student Senate with a suggestion that it be redirected to the appropriate college faculties for study. Dean Schaefer said he did not object to the question's being raised by the students, but he did object to its being discussed in the Faculty Senate. Dr. Steelink pointed out that there is at present a Liberal Arts study committee made up of faculty and student members giving attention to this matter.

Dr. Mees then moved that Dean Schaefer's motion be amended to provide that the proposal be returned to the Student Senate suggesting that it be redirected to the faculties of the colleges which have a foreign language requirement. Professor Mee's motion was seconded by Dr. Blitzler and it carried. The original question was then called for and it carried.

DISCUSSION OF CATALOG PROPOSALS AS REPORTED IN "CURRICULUM" BULLETIN: Mr. Windsor explained that Senate members no longer will be provided by his office with individually typed summaries of proposed catalog material including new majors, new degree programs, new courses, etc., inasmuch as these proposals are now published in the Curriculum Bulletin, published and distributed by the Coordinator of Curricular Matters, Dr. Bruce Crowell. Each Senate member is sent a copy of each issue of the Curriculum Bulletin.

Dr. Kassander said it would be helpful if Senate members, in addition to receiving a copy of each issue of the Curriculum Bulletin at the time it is issued, could prior to each Senate meeting be provided with duplicate copies of all issues of the Curriculum Bulletin that have been issued since the last meeting of the Senate. This would assist Senate members in giving special attention to a review of curricular matters prior to a given Senate meeting. Mr. Windsor stated that he would arrange with Dr. Crowell to obtain extra copies of each issue of the Curriculum Bulletin so that in the future prior to each Senate meeting, each Senator would be provided with the agenda of the meeting copies of all Curriculum Bulletins that had been issued since the last meeting of the Senate.

PROPOSAL FROM STUDENT SENATE REQUESTING CREATION OF A JOINT STUDENT-FACULTY-ADMINISTRATION COMMITTEE TO INVESTIGATE, EVALUATE, AND RECOMMEND TO THE STUDENT AND FACULTY SENATES UPON THE FEASIBILITY OF CREATION OF AN ALL-UNIVERSITY GOVERNMENT, INITIALLY ALONG THE LINES OF A REPRESENTATIVE LEGISLATIVE BODY COMPOSED OF STUDENTS, FACULTY, AND ADMINISTRATORS: Mr. McMillan explained that the next item on the agenda was a proposal from the Student Senate requesting creation of a joint student-faculty-administration committee to investigate, evaluate, and recommend to the Student and Faculty Senates upon the feasibility of creation of an all-University government initially along the lines of a representative legislative body composed of students, faculty, and administrators.

Mr. Windsor asked whether this matter should be considered by the Senate before this body receives a report from the ad hoc Senate committee now at work reviewing the Faculty Constitution and Bylaws and the entire area of University governance. He said that a report from that committee of which Dr. Currin Shields is chairman, was expected within the next few months. Mr. Eggers asked if students were members of that ad hoc committee. Mr. Windsor answered in the negative but explained that student representatives have from time to time been asked to meet with the committee to discuss specific matters.

Dean Ares pointed out that the report of the Ad Hoc Committee on Student-Faculty-Administration Relations (which had been appointed by Faculty Chairman Gegenheimer in the spring of 1970 following several General Faculty meetings which were called following the Bear Down incident and which had been chaired by Dr. Lytle) would be coming to the Senate shortly and that it included a recommendation that attention be given to the possibility and advisability of establishing an all-University Senate representing every segment of the University community.

On motion by Dean Myers, with several seconds heard, the Senate then voted to delay action on the proposal from the Student Senate until the two other reports mentioned by Mr. Windsor and Dean Ares had been received by the Senate. (*See further action at 1/3/72 Senate meeting*)

REPORT FROM THE APPEALS COMMITTEE (UNIVERSITY HEARING COMMITTEE) TO THE SENATE ON ITS ACTIVITY DURING THE 1969-70 YEAR PERIOD: Mr. McMillan called on Dr. Andrew W. Wilson, Chairman of the University Hearing Committee for 1969-70, to present an annual report on the activity of that committee to the Senate. Copies of Dr. Wilson's report were distributed to the membership and Dr. Wilson then summarized the three-page report. Dr. Robson then moved that the report be accepted and several seconds were heard.

Mr. Eaton asked why the committee felt it was not appropriate to place witnesses appearing before it under oath. Dr. Wilson explained that there was no one present at hearings to swear in witnesses. Further, a court reporter normally would not be present to take down everything a witness said anyway. The committee must proceed on the assumption that persons appearing before it would tell the truth, he said. Dr. Bannister asked why, as pointed out on the second page of the report, there had been a change in the last sentence of the hearing procedural statement dropping out the word "student's" so that it read, "such decisions should be final subject only to the right of appeal to the President of the University of Arizona or ultimately to the Board of Regents." In an earlier version the statement had read, "subject only to the student's right of

appeal." Dr. Dewhirst explained that the word "student's" had been deliberately taken out by the committee which had drafted the recommendation which the Senate then had adopted as the hearing procedure. The feeling had been that due process should not be limited to only one party in a case.

The question was called for on the motion to accept Dr. Wilson's report and it carried.

Dr. Dewhirst said he was concerned about certain deficiencies in procedure pointed out by Dr. Wilson's report and he felt some of the suggestions should be incorporated into the statement governing hearing procedures itself. He moved, therefore, that the report be referred to the Johnson Committee with the request that proposed amendments to the hearing procedure be brought to the Senate. Dr. Blitzer seconded the motion. Dean Schaefer asked if some of the provisions of the hearing procedure might be subject to a different status in view of the proposed new Conduct Code expected to be adopted soon by the Board of Regents. Dean Ares said that while some conflict might result he still thought the Senate should support the motion by Dr. Dewhirst. Implementation of the code would take time. Dr. Dewhirst pointed out that there was need of expediency in making the present hearing procedure as satisfactory as possible. "We do not know when the new Code might be implemented, but a case may come before the Hearing Committee next week," he said.

The question was called for and Dr. Dewhirst's motion carried unanimously.

Dr. Wilson's report on the Hearing Committee as accepted by the Senate was as follows:

ANNUAL REPORT

To the Faculty Senate, from

THE UNIVERSITY HEARING COMMITTEE

October, 1970

Since there was some difference of opinion on the University Hearing Committee as to the stand we should take on various questions, I have decided to write this report as chairman of the Committee during its first year and point out where the lack of agreement exists.

We heard cases involving four students between December 1, 1969, the approximate date of implementation of the committee, and the end of the school year in June. There was little if any publicity about these cases that involved three hearings (one for two male students), only one of which was a girl appealing a ruling of the Dean of Women's Office. We also had a much publicized hearing in September, 1970. My replacement was elected by the Faculty Senate on October 5, 1970.

In the course of our operations we ran up against several problems which might call for action by the Faculty Senate. I will present these and allow Senate members to decide individually whether to initiate action.

1) There seems to be a need for some way to subpoena witnesses, although this may, in fact, be unfeasible. We found the Dean's office had difficulty getting students to testify against students. I am not sure that any decision would have been changed by additional testimony, but it is possible.

2) When the original Johnson Ad Hoc Committee report authorizing the formation of a University Hearing Committee was adopted by the Faculty Senate on February 3, 1969, the last sentence read: "The decision of the hearing committee should be final, subject only to the student's right of appeal to the President of the University of Arizona or ultimately to the Board of Regents." The Johnson Committee was then asked "to formulate and bring to the Senate specific recommendations to implement the report which the Senate had just accepted." (Senate minutes, Feb. 3, 1969, p. 2).

The ad hoc committee presented these recommendations for implementation to the Faculty Senate on October 6, 1969, and they were adopted. But there was a change in the last sentence which dropped out the word "student's." It now read, "Such decisions should be final, subject only to the right of appeal to the President of the University of Arizona, or ultimately to the Board of Regents."

As a result of this significant change, the Dean of Men appealed our decision in the third hearing of last year to the President of the University. It was this hearing decision that represented the most solid agreement reached by the Committee during its first year. The President, without consulting with the Chairman or any member of the Committee, or asking for the taped transcript of the hearing so he could listen to it, overturned the committee's decision.

As a result of this a majority of the Committee agreed that the word 'student's' should be reinserted in the last sentence of the committee's statement of procedures, but there was not agreement by all five members of the Committee on this point.

3) At present the Committee's procedures limit its activities to days on which classes are in session. This may create a problem in the gaps between summer session and regular session. For instance, the administration bypassed the Committee by forbidding Mr. John Heard to register for the first semester, 1970-71, by a letter to him from the President of the University--the person to whom appeals from the Committee are to be made. One excuse was that the Committee was not available since school was not in session. The Chairman of the Committee was not approached in this case, and in fact the Committee could have met (since all members were in Tucson) except that classes were not in session. I might point out that the letter to Mr. Heard should have come from the Dean of Men rather than the President to make an appeal to the Committee possible. Federal Judge Walsh suggested that the University back up and follow "due process" procedures, which it did, and the Committee heard the case.

I believe these were the major problems we faced during the semester. We have not and did not, even after Judge Walsh's suggestion that we do so in the Heard hearing, try to put witnesses under oath. I think we were correct in this.

I wish to thank the other two faculty members, Dr. Clifford M. Lytle and Dr. L. W. Dewhirst, for service beyond the call of duty. And I especially wish to thank the two outstanding student members of the Committee, Miss Margaret McConnell and Mr. Randy Tufts, for their intelligent and thoughtful service. They not only did what was needed but volunteered to do, and did, more than might have been expected of them. I also want to thank Mr. Robert Swan and Mr. Michael Moody for filling in so ably for the regular student members in the John Heard hearing. It was, perhaps, the most difficult of the year.

Since, as Chairman, I voted only as a tie-breaker, I can with all due modesty say that the committee conscientiously and diligently did its best to arrive at fair and just decisions. I believe it got off to a good start.

Andrew W. Wilson
Chairman, 1969-70
University Hearing Committee

Dr. Lytle said he hoped that implementation of Dr. Dewhirst's motion could be handled as expeditiously as possible. He said the Johnson Committee was performing great service to the University but it had not always reported back to the Senate as expeditiously as one might wish. Mr. Windsor commented that the Johnson Committee should not be criticized. The report on "search and seizure" which the Senate had acted on today had been submitted to the Senate by the Johnson Committee last February and the Senate did not get around to acting on it until this date.

CAMPUS CODE OF CONDUCT: Dr. Gegenheimer informed the Senate that the presidents of the three universities under the Arizona Board of Regents had appointed committees on their respective campuses to work together as a three-university committee on the question of an appropriate Conduct Code. University of Arizona committee members would include Dr. Gegenheimer, Dr. Ray Thompson, Dr. Kassander and student members Ted Thayer and Paul Erickson. Representatives of the three committees had met together and a joint statement representing the viewpoints of the three committees would be furnished the Board of Regents preparatory to their special meeting to act on the proposed Code on November 5, Dr. Gegenheimer said.

ADVANCED PLACEMENT REPORT: Mr. Windsor announced that the Fall 1970 report on the Advanced Placement Examination program had been prepared by his office and would be included in the minutes of this meeting. (Attached)

The meeting adjourned at 5:25 o'clock.



David L. Windsor, Secretary