

MINUTES OF MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA
Monday, November 3, 1975 Kiva, Room 211 College of Education

The Faculty Senate convened in regular session at 3 p.m. on Monday, November 3, 1975, in the Kiva, Room 211 of the College of Education. Sixty-six members were present with President Schaefer presiding.

SENATE MEMBERS PRESENT: Aamodt, Ares, Atwater, Bartlett, Boghosian, Briggs, Butler, Caldwell, Capponi, Carr, Chin, Christensen, Davis, Demar, Dresher, Edwards, Elliott, Freundlich, Garcia, Gegenheimer, Hetrick, Hull, Inman, Jensen, Johnson, Kass, Kassander, LaBan, Livermore, Lytle, Manes, Manning, Marchello, McConnell, McCoy, McMillan, Munroe, Munsinger, D. Myers, L. Myers, Nelson, Nigh, Peacock, Peterson, Picchioni, Ray, Rhodes, Roby, Roemer, Rosaldo, Rosenberg, Rosenblatt, Rush, Schaefer, Simpson, Sorensen, Stairs, Steelink, Stubblefield, Svob, Tomizuka, Weaver, Wiersma, Witte, Woloshin, and Woods. Student representatives present were Mike Ceballos, Marian Feffer, and David Hameroff. Dr. Robert Sankey was present as parliamentarian.

SENATE MEMBERS ABSENT: Corrigan, Dinowitz, DuVal, Fahey, Gaines, Graham, Halderman, Ingram, Kearns, Malik, McCullough, McWhorter, Noyes, Odishaw, Paulsen, Townsend, Trier, Vanselow, and Windsor.

APPROVAL OF MINUTES: The minutes of the meeting of October 6, 1975 were approved as distributed to members.

ANNOUNCEMENT RE ELECTION OF TWO NEW COLLEGE REPRESENTATIVES: President Schaefer welcomed to the Senate Dr. Jean Rush of the College of Fine Arts and Dr. Irwin Fruendlich of the College of Medicine, newly elected college representatives. (See Minutes of October 6, 1975 for circumstances leading to the election of these two new college representatives.)

ANNOUNCEMENT RE APPOINTMENT OF NEW BYLAWS COMMITTEE: President Schaefer announced that the new faculty standing Committee on Bylaws, as requested to be appointed by the Faculty Senate at the October 6, 1975 meeting, had been selected by the Committee on Committees. The members are Dr. Charles Ares, Dr. Henry Butler, Dr. A. F. Gegenheimer, Dr. Currin Shields, and Dr. Charles W. Weber. Dr. Weber, the only previous member of this committee, was asked to serve as chairman.

CATALOG MATERIAL: Dr. Gegenheimer moved that the catalog material as furnished Senate members in Curriculum bulletin Vol. 6, No. 2 (issue date of October 22, 1975) be approved with the exception of Linguistics 207, Linguistics 212, and Linguistics 213 listed on page 6. The motion was seconded. Dr. Gegenheimer stated that the Senate needs assurance from Dr. Noyes, Coordinator of Curricular Matters, that the conflict between the Undergraduate Committee on Linguistics and the Graduate Committee on Linguistics regarding these courses is now resolved. The motion was carried.

APPROVAL OF DEGREES COMPLETED SEPTEMBER 1, 1975: The Faculty Senate, having been

provided in advance of the meeting a list of candidates for degrees completed on September 1, 1975, approved the awarding of those degrees. The September 1, 1975 list included 532 bachelor's degrees, 494 master's degrees, 1 Juris Doctor degree, 45 Doctor of Medicine degrees, 3 Specialist degrees, and 83 Doctor's (A.Mus.D., Ed.D., Ph.D.) degrees, for a total of 1,158. (A copy of this list is attached to the Secretary's official file copy of these minutes.)

REPORT OF FACULTY COMMITTEE ACTIVITIES: Faculty Chairman Steelink distributed to Senate members a Report of Faculty Committee Activities. (A copy of this report is attached to these minutes.) He indicated that the Arizona Universities Faculty Council was currently lobbying for the legislation contained in section 1, b. of the report. The Council had met with legislative leaders and all state employee associations. The "magic 85" retirement bills would be introduced this legislative session. This is a proposal whereby individuals whose age in years and number of years of service equal 85 may be allowed to retire and receive maximum retirement benefits.

FURTHER CONSIDERATION OF CHAPTER VIII REVISIONS: Faculty Chairman Steelink stated that Dean Vanselow and Dr. Christopher Mathews of the College of Medicine had asked that a copy of their letter of April 10, 1975 to Dr. Albert F. Gegenheimer, Chairman of the ad hoc committee to review sections of Chapter VIII of the Faculty Manual dealing with academic personnel policies, be distributed to Senate members. He had arranged for the distribution at today's Senate meeting. Since neither Dean Vanselow nor Dr. Mathews could attend today's meeting, they had asked to have this item placed on the December agenda. Dr. Steelink said that it was his opinion that Chapter VIII discussion should be completed and finished. He hoped this would be the first item on the agenda of the December meeting. (A copy of the April 10, 1975 letter to Dr. Gegenheimer is attached to these minutes.)

Dr. Kassander asked if we were to assume from the last paragraph of the Vanselow/Mathews' letter of April 10, 1975 that the ad hoc committee on Chapter VIII was unwilling to make the requested change? Dr. Schaefer said there is a real question as to which version of Chapter VIII we ought to be operating under at the present time. There are a number of cases involving legal counsel that are concerned with what the present Chapter VIII states. Objections have been raised that our discussion of the new Chapter VIII was only halfway completed when we adopted it. President Schaefer stated that we must clearly understand what our ground rules are. He proposed that in the interim we go by the rules now in existence as published in the Faculty Manual until the new Chapter VIII matter is finally resolved.

Dr. Witte asked if this would not be a reversal of a previous action taken by the Faculty Senate. Dr. Schaefer replied that the previous action of the Faculty Senate seemed to be highly confused. Dr. Witte said that it was her opinion that it was very clear that the entire proposed revision of Chapter VIII was accepted pending further discussion. Dr. Steelink said he had moved that the Senate "agree to go" with that part of Chapter VIII's revisions which had been completed up to May 5. Dr. Schaefer said that we had only gotten through one-half of the revised Chapter VIII. Dr. Witte replied that was true but the motion was that the entire Chapter VIII be accepted and that motion was passed by the Faculty Senate.

Dr. Gegenheimer stated that he, Senator Fahey, and Mr. Windsor had listened to the tapes of the May 5 meeting and agreed that the motion clearly was that the report of the ad hoc committee should be accepted and that further discussion should wait for a trial period. In answer to Dr. Kassander's earlier question Dr. Gegenheimer replied that the committee had discussed at great length the item contained in the last paragraph of the Vanselow/Mathews' letter and was indeed unwilling to make the requested change.

Dr. Weaver said that there have been some problems with the operation of Chapter VIII as it now stands. He moved that pending the Senate's completing its discussion of Chapter VIII we operate under the existing Chapter VIII. The motion was seconded. Dr. Witte raised a point of order. She stated that this item is not on the agenda for action and this action reverses a previous Senate action. She asked if the parliamentarian could give a ruling on this point of order. Dr. Sankey replied that this would have the effect of rescinding an earlier action. Therefore it would demand a two-thirds vote of the Senate. However it could be handled today since this was not a change of the Constitution. Dr. Witte asked if it could be handled today even though it was not on the agenda. Dr. Schaefer replied that Dr. Steelink's remarks were on the agenda and therefore the motion was proper.

Dr. Steelink said that to "change back" to the old Chapter VIII could cause some problems. There is a difference in probationary periods, for example. He further stated that the minutes of last May are not clear as to what occurred.

Dr. Tomizuka asked where discussion of Chapter VIII stopped. Dr. Sankey said that it appeared to have been through Section 8.05.

Dr. Myers asked if a motion to rescind a previous action had to be made by someone voting in favor of the action. Dr. Steelink said the only reason he brought this up was to prepare the Senate for next month's discussion. Therefore he moved to table the motion before the Senate until the December meeting. The motion was seconded and carried.

FURTHER REMARKS BY FACULTY CHAIRMAN: Dr. Steelink then continued his remarks. He reported that the Committee of Eleven had developed cost figures regarding costs incurred by Faculty Senate committees. His purpose had been to attempt to formulate a budget and obtain budgetary support.

(NOTE: For the sake of clarity all of the discussion and action relating to the remaining matters considered by the Senate at this meeting are reported under their respective headings, although in fact there was some "jumping back and forth" from topic to topic in the course of the meeting.)

SEATING OF SIX ADDITIONAL STUDENT REPRESENTATIVES: Dr. Steelink said he had learned only this morning that we are not operating under the new Constitution. Further, he had informed Mr. David Hameroff, President of the Associated Students, that we were under the new Constitution and Mr. Hameroff had appointed six additional students to serve in the Senate. Dr. Steelink believed the Senate should consider the fact that we are operating under two Constitutions and correct

the situation. Under the new Constitution we would be consistent with our bylaws. He said that we should do something about the additional six students who are here today.

Dr. Inman moved that the six additional students referred to by Dr. Steelink be allowed to sit in the Senate as nonvoting members. This motion was seconded. Dr. Schaefer said that at the present time three student senators are allowed to sit and participate but do not vote. Dr. Capponi suggested that the faculty finish its consideration of the new Constitution, holding longer, more frequent meetings until it is finished. Dr. Schaefer stated that the problem is not with the faculty but with approval of the proposed new Constitution by the Board of Regents. The faculty has approved the new Constitution. The new Constitution does provide for the seating of additional student members. The question is, however, under which set of ground rules are we operating? Dr. Gegenheimer said that the Senate could adopt new bylaws seating these students, proposing a bylaw change in line with Dr. Inman's motion.

In response to an inquiry from Dr. Witte, Dr. Sankey said that motions could be passed that were not on the agenda. However, motions of grave consequence must be agenda items. Ms. Feffer requested that the motion not be specific as to the names of the students involved but allow the seating of six additional student members.

Dr. Hetrick asked if the faculty and the Senate had not already made the decision about seating these students. Dr. Sankey replied that we are operating under the old Constitution. Therefore the students could not be seated. Dr. Peterson asked if it would not be appropriate for the parliamentarian and/or the Secretary of the Faculty to investigate to see if a bylaw change was indeed required to seat the students. Dr. Myers asked if this must be treated as a bylaw change since it is only a temporary action until the Constitution is approved. It seemed to him that bylaw changes had a way of becoming cast in concrete. He wondered if it would not be an advantage to have a sense of the Senate indicating whether or not we should invite these students to participate with a nonvoting privilege.

Dr. Inman then moved that we invite six additional students when they have been duly elected to sit as guests until the constitutional issue is settled. This motion was seconded. Dr. Witte asked if these students would have the privilege of the floor if they did not have a vote. Dr. Schaefer replied they would. The motion was then carried.

REQUEST TO PLACE GRADE CHANGE DISCUSSION ON AGENDA: Dr. Peacock was recognized and made the following statement:

"Mr. President, Members of the Senate:

"Approximately one year ago news media reported that the University of Arizona may have been guilty of changing irregularly the grade of a star athlete. In addition, there also has been an allegation that report of the grade change carried a forged signature of one of our colleagues. Because a full disclosure of facts which would make it possible to deny these accusations and defend our university has not occurred, the pride which we have a right to

feel in our athletic program has been diminished. These allegations strike at the very heart of faculty control over academic standards and thus relate directly to the grave responsibility every faculty in an institution providing 'big time' athletics must accept. It is, therefore, in my judgment imperative that the faculty of the University of Arizona insist upon a complete investigation and a full disclosure of facts surrounding the grade change for Mr. Al Fleming in a Russian language course.

"In my capacity as professor and, more recently, in my capacity as an elected member of the University Senate, I have tried to find out what the facts are in the Al Fleming case. My inquiries include discussions with members of the Committee of Eleven, the Chairman of the Faculty, the Athletic Director, and the Dean of Administration. Receiving no substantive information through these and other inquiries I then wrote a personal letter to Vice President Edwards requesting a copy of the results of his investigation. My only answer is a memorandum implying that Dr. Edwards' investigation was an administrative procedure and not a matter for discussion in the University Senate. I respectfully but adamantly disagree with Vice President Edwards' point of view. For the good of everyone and because, as responsible academicians, we have no other choice, I herewith hand Secretary Butler a formal request to place the Al Fleming grade change matter on the agenda for our December meeting. I am also requesting that the administration provide University of Arizona senators with a report of the Edwards' investigation as well as any other documents or facts needed to refute allegations presently clouding the reputation of the University of Arizona.

"There can be nothing to fear from my request! If facts have been obtained already by a thorough investigation and such facts reveal that our academic standards as well as conference and NCAA regulations have been met, we will be able to deny forcefully unfair accusations and defend our athletic program with the strength which truth provides. If, by some tragic mistake, we have allowed our standards to fall, we, the Faculty of the University of Arizona, must be the ones to take the corrective action. Unpleasant as discovery and correction may be, we must not shun our duty and thus invite exposure by an outside group which will shame and humiliate us as well as cause penalties to be levied upon innocent athletes in other sports.

"I thoughtfully recognize that my request and our subsequent investigation will arouse the ire of some who do not understand why such an investigation, in the long run, provides the best support for the basketball program. Already I have been accused of wanting to hurt basketball. I have also been told by a member of the administration that I am sticking my neck into something that is none of my business and using the Senate to pursue spitefully accusations of administrative tyranny in the College of Medicine.

"I should like to close my statement by saying emphatically that neither of the above accusations is true. I am an inveterate sports fan. I have participated in college athletics as a student; for six

years I served as team physician for University of North Carolina varsity athletes and, on occasion, I have served as team physician for the Washington Redskins professional football team. There is no more enthusiastic athletic fan on our faculty.

"As for the allegation that I am using the Fleming case as a means of continuing my battle against the University of Arizona administration for academic freedom and other rights and dignities for University of Arizona Faculty, there is no connection between the Fleming case and this battle which is now going into its third year and will never end as long as tyranny exists on this campus. Of course, I know that my opponents in this battle will proclaim that my request today is evidence that I am 'abrasive, divisive, uncooperative, etc., etc.' But in closing, I would like to assure you that I am not offended by personal epithets which my opponents resort to in defense of their activities. I trust that the Senate also will not be offended and that we will not become weary in performance of our duty to clear the name of the University of Arizona. Thank you."

Dr. Schaefer said that the matter has, as a matter of fact, been gone into in great detail. He said he would ask Mr. Lou Myers, Faculty Representative to the Western Athletic Conference, to appear at the next Faculty Senate meeting should the Senate wish to have a report of the results of Mr. Myers' investigation.

Dr. Ares said he wished to make a statement regarding the issue Dr. Peacock had raised. He said he was concerned at this point about the way in which apparently an investigation may be undertaken. The Committee of Eleven has had some general concern about the whole philosophy of intercollegiate athletics and the role of intercollegiate athletics on a university campus such as ours, and interest has been expressed in pursuing such an inquiry in a regular and broad-based fashion. Dr. Ares said, "Now admittedly the case that Dr. Peacock referred to was not mentioned specifically. We did not take up individual cases and I am very concerned that an inquiry into something as important as the athletic program of the University of Arizona not be gone into in terms of one specific individual case which may or may not have any great relevance to the question of academic standards and the question of athletic respectability and all the meanings of that term. I have no doubt, of course, that Dr. Peacock did speak to members of the Committee of Eleven. I was not one of those to whom he spoke. I don't think I have missed a meeting of the Committee of Eleven recently but it is possible that I did. But it is certainly my clear understanding that the last time we discussed intercollegiate athletics that we were going to go further with that inquiry, and I'm very much concerned that we not do this on the basis of a single individual case, whatever the merits of that case may be, and I have of course no intention of shoving that case under the rug, if in fact it ought to be aired. But I do have some real concerns that we not go into this very important subject in terms of one specific case. I think the question is much broader than that and requires a good deal more resources and much more deliberation than simply pursuing one individual case. The other thing I am very much concerned about--I don't know anything about the details of that case or the merits of that case at all--but I am very much concerned about creating a case that will go down in the history of this university and will be bruited about this university and this city and this state in terms of a name of an individual student, and I think that borders very closely upon being unfair to that student--to tag any inquiry into

athletics at the University of Arizona in the name of an individual student's case. He may be utterly innocent, and I am sure Dr. Peacock doesn't suggest otherwise, but the possibility of unfairness is there and I really hope that we do not pursue any such inquiry in terms of that individual case but in a very much broader and much more deliberate fashion."

Dr. Schaefer stated that despite Dr. Peacock's protestations, he felt that Dr. Peacock's motives are very tainted. President Schaefer further said that he was concerned about Al Fleming. He has suffered far more than he should suffer. He was an innocent victim of whatever took place. The issue is tied up in departmental politics in terms of nonretention of a faculty member. It has been looked into by the Faculty Athletic Committee and a report has been made to the Western Athletic Conference. There is no real problem in Mr. Fleming's eligibility or performance or behavior or with any member of the basketball coaching staff.

Dr. Peacock stated that he also shared concern for Mr. Fleming and his well-being--that is why he wanted to get the facts out. Dr. Schaefer replied that Dr. Peacock was the first one in some time who has raised this issue at all. Mr. Fleming is no longer concerned and he detects no particular concern among the faculty, the student body, or the news media.

Dean Livermore stated that he was troubled by the assumption that we ought to hear this matter. The allegation seems to be that some type of chicanery might have taken place. He is not interested in hearing about this. Dean Livermore said, "I don't want this body to make the assumption that any time anybody wants information about anything this body has to sit and listen to any type of problem that arises on this campus." He hoped that if the Senate wished to do it, it would at least decide by a majority vote that it wishes to hear the matter before everyone has to hear it.

Dr. Peacock said that forgery is a high crime and must be investigated. The allegation in the newspaper was that the instructor's grade was changed and that the signature was not his own. Someone else signed that man's name. Dr. Peacock stated that he did not want to prejudge the case and has no idea whether the allegation is true or not, but when such a thing appears in the newspaper it casts a cloud over the University.

Dr. Gegenheimer then moved that at the next meeting of the Senate the Senate receive Mr. Myers' report and that this report be presented to the Senate in executive session. This motion was seconded.

Dr. Witte stated that Dr. Peacock had asked that the matter merely be put on the agenda for the next meeting. It did not require any further discussion at this time. Dr. Steelink said that he understood that Dr. Peacock's request only was to put the item on the agenda and a special report was not even asked for. Dr. Peacock stated that was correct. Dr. Steelink said that at that time the Senate could decide if it wished to discuss the matter or to call for a report.

Dr. Ares asked what we would do the next time. He said we will still have the same type of discussion that is not rooted in fact and in his opinion

it should be left to a more generalized inquiry by some already constituted body of the faculty. Dr. Witte replied that in her opinion any item can be put on the agenda by any senator. The majority of the Senate can then say they don't want to discuss it, by formal vote, and it is done with.

The question on Dr. Gegenheimer's motion was then called for and the motion was defeated.

The meeting adjourned at 4 p.m.

David Butler

David Butler, Secretary