

MINUTES OF MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA
Monday, March 5, 1973
Room 331 Education Building

The Faculty Senate convened in regular session at 3:00 p.m. on Monday, March 5, 1973, in Room 331 of the Education Building. Fifty-two members were present with Executive Vice President Weaver presiding.

SENATE MEMBERS PRESENT: Ares, Bannister, Bateman, Battan, Blecha, Bleibtreu, Blitzer, Boyer, Bretall, Brewer, Bull, D. Butler, H. Butler, Carr, Cole, Dixon, Dresher, Edwards, Evans, S. Fahey, Freeman, Gegenheimer, A. Grant, R. Grant, Harris, Kassander, Keating, Krueger, Manes, Mason, Mautner, McConnell, Mees, Muramoto, Myers, Olson, Rosenberg, Shields, Skinner, Sorensen, Stubblefield, Svob, Thompson, Trafton, Varney, Vignery, Ware, Weaver, Windsor, Yoshino, Younggren, and Zwolinski. Dr. Frank LaBan served as parliamentarian, assisted by Dr. Robert Sankey. David Butler served as Assistant Secretary.

SENATE MEMBERS ABSENT: Christopherson, Davis, DuVal, W. Fahey, Gaines, Green, Grossman, Hull, Johnson, Joyner, Lane, Massengale, Mathews, McCoy, McMillan, Odishaw, Paulsen, Rhodes, Roby, Rosaldo, Schaefer, and Steelink. Student representatives absent were Paula Brimmer, John McKinney, and Gene Simko.

APPROVAL OF MINUTES: The minutes of the meeting of February 5, 1973 were approved as distributed to members.

APPROVAL OF DEGREES COMPLETED DECEMBER 31, 1972: The Senate, each member having been provided in advance of the meeting a list of candidates for degrees completed on December 31, 1972, approved the awarding of those degrees. The list included 680 bachelor's degrees, 288 master's degrees, 32 Juris Doctor degrees, 1 specialist degree, and 55 Doctor's degrees (A.Mus.D., Ed.D., Ph.D.) for a total of 1,056. (A copy of this list is attached to the Secretary's official file copy of these minutes.)

RECOMMENDATIONS FOR HONORARY DEGREES TO BE CONFERRED AT 1973 COMMENCEMENT, APPROVAL OF: The Senate considered and approved recommendations for four honorary degrees to be awarded by the University of Arizona at its 1973 Commencement. These were in addition to the one approved at the February 5 meeting. These recommendations next will be considered by the General Faculty and by the Board of Regents.

Leon Levy, Karl M. Dick, Ernest A. Spangale, Herman Cousins.

REPORT OF COMMITTEE ON POLITICAL ACTIVITY, APPROVAL OF: The Senate voted to take from the table the report of the Ad Hoc Committee on Political Activity, of which Mrs. Evelyn J. Kirmse was chairman, which had been tabled at the February 5 meeting.

Dr. Kassander explained that the report had been tabled pending a review to be sure that no conflict existed with the report of another committee studying the general matter of consulting activity by members of the faculty. It was now felt that there was no conflict between the two reports.

Dr. Gegenheimer then moved that the report of the "Kirmse Committee" be approved. Dr. Kassander seconded the motion.

Dean Ares called attention to the introductory paragraph of Section B, Procedures, which read: "Whenever a faculty or staff member proposes to engage in outside work (whether in his professional field, public service, political activity, or otherwise) which may raise questions as to the full performance of his academic duties, the following procedure shall be observed:" He said he felt the words which may raise questions as to the full performance of his academic duties should not be included in the statement because then it would have to be left to the discretion of the faculty member or someone to decide whether or not a particular activity was of such a nature that it might "raise questions". He thought the statement would be much improved if these thirteen words were deleted and he moved to amend the report by striking the cited words. Dr. Gegenheimer seconded the motion. Professor Mees spoke in favor of this amendment. Dr. Keating asked if this would mean that someone who is asked to serve as vice president of a local parents-teachers group would have to check with his department head first. Dr. Gegenheimer said he thought the language of the subparagraphs under Section B made it clear that activities of such a nature as Dr. Keating's example were not the sort of activity intended to be covered here. Dr. Battan commented that if everyone was required to report everything he did in the way of any kind of outside activity, a tremendous amount of bookkeeping time would be required to keep track of trivia. He said faculty members could be trusted to act responsibly as professional people. He said he was speaking against the proposed amendment.

The question on the amendment was called for and it carried, deleting the words which may raise questions as to the full performance of his academic duties from the introductory statement of Section B, Procedures. The question on the original motion to approve the report was called for and carried.

Dr. Gegenheimer then moved that Mrs. Kirmse and members of her committee be discharged, with the thanks of the Senate. Dr. Thompson seconded the motion and it carried.

The full report, as amended and then adopted, which will appear as a new version of Section 2.29 of the Faculty and Staff Manual reads as follows:

2.29 OUTSIDE WORK BY MEMBERS OF THE FACULTY AND STAFF

- A. General Policy: Outside work in the professional field of the faculty or staff member or in the field of public service is permitted and, in general, encouraged--provided of course that such work does not interfere with the performance of the University duties of the faculty or staff member. It is recognized that the extent to which outside work may interfere with the performance of University duties will vary from college to college as well as with the nature of the outside work (for example, there is good reason for allowing more time for outside work in the form of public service than in the form of work solely for private gain); and it is understood that each department and/or college will formulate its general policies and procedures related to approval of outside work in accord with the policies set forth herein, and keep its members informed thereof.

1. This general policy applies to professional work secured by the faculty or staff member himself, or proffered by outside groups, and also to the pursuit of work under University contracts, to extra teaching, and to other University-generated projects such as are described in Sec. 2.31, "Supplemental Work for the University."
 - (a) It is important that such work be conducted in accordance with the "Conflict of Interest Policy" set forth in Sec. 2.30.
 - (b) When University facilities are used, a special financial arrangement will be made with the University through the office of the department head and dean.
 - (c) The writing of books or other creative work is encouraged so long as there is no interference with assigned duties.
2. The above general policy also applies to political activity, as to which the following guidelines will be followed:
 - (a) The college or university member is a citizen, and, like other citizens, should be free to engage in political activities as far as he is able to do so consistently with his obligations as a teacher and scholar.
 - (b) Many kinds of political activity (Examples: holding part-time office in a political party, seeking election to any office under circumstances that do not require extensive campaigning, or serving by appointment or election in a part-time political office) are consistent with effective service as a member of the faculty. Other kinds of political activity (Examples: intensive campaigning for elective office, or serving in a full-time position--even for a limited period of time) will often require that the professor seek a leave of absence from the University.
 - (c) In recognition of the legitimacy and social importance of political activity by professors, the University should provide institutional arrangements to permit this, similar to those applicable to other public or private extra-mural service.
 - (d) A faculty member seeking leave should recognize that he has a primary obligation to his institution and to his growth as an educator and scholar; he should be mindful of the problem which a leave can create for his administration, his colleagues, and his students; and he should not abuse the privilege of too frequent or too late or too extended a leave. If adjustments in his favor are made, such as a reduction of work load, he should expect them to be limited to a reasonable period.
3. Outside work other than that of a professional nature or that which is done in public service is discouraged only when such work is inappropriate and would result in bringing discredit to the University or in diminished effectiveness of the faculty member.

4. While employed in outside work, or in the field of public service, the faculty or staff member will not represent or speak for the University, and he should see that his name and that of the University of Arizona will not be used in an inappropriate manner for a commercial advantage by the employer of his services. It must be understood by the employer that the faculty member is acting as an individual and that his findings are not to be interpreted as those of the University.
- B. Procedures: Whenever a faculty or staff member proposes to engage in outside work (whether in his professional field, public service, political activity, or otherwise), the following procedures shall be observed:
1. The faculty or staff member who proposes to engage in such outside work should report his proposed activity to his department head, dean, or director as soon as possible and have appropriate approval, which shall be given or withheld in compliance with the above statements of general policy. In many cases (hopefully, most cases), where the outside work or activity is of such limited nature as to result in no substantial intrusion on the faculty or staff member's performance of his University duties, informal approval of the department head and/or dean, or director, will suffice. When, however, the outside work or activity is of such a character as to cause the department head, dean, or director to suggest some adjustment in the faculty or staff member's University duties, the proposal shall be submitted by the faculty or staff member in writing as promptly as he can do so to his department head, dean, or director (according to which is his immediate supervisor). The department head, dean, or director (as the case may be) shall promptly formulate his recommendation as to the conditions of the outside work or activity and forward copies to the appropriate Vice-President, the President of the University, and the faculty or staff member concerned. This recommendation shall be specific as to salary, academic (or other) load, full or part-time leave, the length of time any leave is permitted to run, and all other factors that should be considered.
 2. Should a disagreement arise between a faculty or staff member and any of the above administrative officers regarding the conditions of a faculty or staff member's engaging in public service or political activities, he shall be entitled to appeal to the Committee on Conciliation, which, after hearing shall make its recommendations to the President.
 3. Complete case files pertaining to recommendations and decisions covering the participation of faculty members in outside work (whether in professional work, political activity, or otherwise) shall be maintained in the President's Office, and be available to any faculty or staff considering such activities, as well as to department heads, deans, or others involved in the procedure for approving such activities.

4. Sabbatical leave may be requested for public service or political activities when the purpose of said leave is within the sabbatical leave policy of the University. (See 2.24 SABBATICAL LEAVE.)

ELECTION OF ADDITIONAL MEMBERS AT LARGE OF SENATE, APPROVAL OF: Dr. Gegenheimer explained that inasmuch as the Registrar had on March 1 been named Dean of Admissions and Records and a new Registrar had been appointed, the Senate now had an additional ex-officio member. Therefore two additional elected senators should be chosen. He pointed out that the election of members-at-large to take office in the fall of 1973 was now underway. He therefore moved that the two persons receiving the greatest number of votes in the member-at-large election who are not presently members of the Senate be declared members for the balance of the 1972-73 academic year and authorized to take seats at the April meeting. His motion was seconded and carried.

PROPOSED FACULTY CONSTITUTION AND BYLAWS, FURTHER CONSIDERATION OF: The chair recognized Dr. Shields, chairman of the Ad Hoc Faculty Constitution and Bylaws Committee, asking him to lead the discussion continuing the Senate's consideration of the proposed new Faculty Constitution and Bylaws. Dr. Shields referred to the discussion of the document in recent meetings and then moved that the Senate receive and adopt the report of the Committee on Constitution and Bylaws. The motion was seconded by Dr. Gegenheimer.

Dr. Gegenheimer then moved that the Senate authorize a drafting committee to take care of certain technical details which might be necessary such as making proper reference to ex-officio members by correct title. Several seconds were heard and the motion carried.

Dr. Thompson said he wondered if the Senate indeed should formally adopt the Constitution and Bylaws at this time. Politically this might not be a wise move. He said he wondered if the faculty couldn't live a while longer with the present Constitution, caring for special needs by adopting certain "interpretations of clarification". This would make the present Constitution and Bylaws acceptable for the time being, he felt. A series of "interpretations" could be developed if need be. For example, a footnote to the section in the present Constitution defining membership in the faculty could be adopted which would reflect the wishes of the faculty at this time. This presumably would be similar to the provision on faculty membership in the proposed Constitution. Thus certain reforms could be brought about without sending forward a brand new document.

Dr. Gegenheimer said he believed all concerned were aware of the experience of the Northern Arizona University faculty in that group's efforts to write a new constitution. However he thought the proposed Constitution and Bylaws should be adopted and referred to the General Faculty with the recommendation that they be adopted as an in-house agreement. Perhaps the faculty could then operate under such a document without its having been formally ratified.

Dr. Keating asked if the motion was to adopt, to accept, or to receive the report of the Constitution committee. Dr. Shields replied that

his motion was to "receive and adopt". He said a different motion might be to "receive and file". He then said he would be willing to withdraw his original motion. Dr. Gegenheimer said that perhaps the Senate should receive and adopt the report and then refer it to a select committee appointed by the President to determine what further presentation should be made of it. Dr. Bretall said he would second a motion to that effect if it were made.

It was pointed out by the parliamentarian that Dr. Shields could not withdraw his motion unless he had the permission of the house to do so. The Senate then voted to give its permission to Dr. Shields' withdrawing his motion and this was done.

Dr. Gegenheimer then said he would like to make a new motion, simply that the Senate receive and adopt the Constitution and Bylaws drafted by the ad hoc committee. Dr. Rosenberg seconded the motion. Several persons commented they did not see how this motion differed from that originally made by Dr. Shields.

At this point some members of the Senate suggested it might be best if the body simply received the report of the committee. Others said that this would bury the document. Dr. Blitzer asked if the Senate could not adopt the report and then consider it item by item. Parliamentarian LaBan pointed out, however, that once the document was adopted, it was adopted. It would then be too late to consider it item by item. It was obvious that many members of the Senate were unsure how next to proceed. Dr. Skinner pointed out that the motion to receive and adopt being on the floor, specific changes in the document could now be proposed in the form of amendments. Dr. Thompson said he thought the simplest way now to proceed would be to instruct the chair to present the proposed Constitution and Bylaws item by item in order most expeditiously to act on Dr. Gegenheimer's and Dr. Rosenberg's motion. He moved so to instruct the chair. Several seconds were heard and this motion carried.

Dr. Weaver then referred to each part of the Constitution item by item, asking for question or comment from the floor on each respective part. Under I, A, 1 Dr. Bretall referred to the reference to "full-time" appointments and asked if this was what was really wanted. His attention was called to the provision for a Committee on Faculty Membership under I, A, 2. This committee would determine which faculty members other than full-time appointees would hold membership in the faculty. Presumably certain part-time appointees would be given membership. Attention was also called to I, A, 3 where it is provided that no one holding faculty status at present would be removed from such status.

Under I, C, 4 which provides that the Secretary of the Faculty is to be an officer of the faculty, Dr. Gegenheimer moved that the first full sentence in that provision be revised to read, "The Secretary of the Faculty Senate shall serve as Secretary of the Faculty." Several seconds were heard to this motion and it carried.

The chairman continued proceeding through the Constitution item by item. When Dr. Weaver came to III,^C Dr. Gegenheimer moved that this sentence be revised to read, "The Secretary of the Faculty Senate shall be elected from its membership by the Senate." Several seconds were heard and this motion carried.

When the item-by-item consideration came to IV, Faculty Standing Committees, Dr. Skinner moved that the name of the Committee of Eleven be changed to the Executive Committee of the Faculty. Several seconds to Dr. Skinner's motion were heard. Dr. Gegenheimer said he thought this would not be an appropriate title. The Committee of Eleven in fact does not execute laws or anything else. At times the vagueness of the title Committee of Eleven has had a desirable and helpful quality, he felt. Dr. Kassander and several other members of the Senate commented that they thought the use of the word "executive" would here be inappropriate. Dr. Shields said that the philosophy of the Committee on Constitution and Bylaws had been to make no changes unless a real need for such change had been demonstrated. The vote on Dr. Skinner's proposed amendment was called for and the amendment failed.

When consideration came to Section VII, Ratification, which reads, "This Constitution shall be submitted to the General Faculty, and shall become an official recommendation to the Board of Regents when approved by a majority of those voting thereon, voting to be by ballot. It shall become operative when approved by the Board of Regents.", Dr. Boyer asked if the Senate indeed wanted to adopt this section. Might this not make it difficult, he said, to follow the suggestions made earlier that we receive the document and then later decide whether or not we want to send it forward to the General Faculty, refer it to a select committee, or what.

At this point Dr. Shields said that the Senate was simply considering whether or not it wanted to accept the report of a committee. Dean McConnell then asked if the question before the house was to receive and adopt a committee report or to receive and adopt a new Constitution and Bylaws. There was general discussion of this question but the parliamentarians said that the question before the Senate was whether or not to receive and adopt the proposed new Constitution itself. Had the Senate members not felt they wished to combine receiving and adopting in one action, they might not be in the position they now were in, Dr. LaBan said. Dr. Thompson asked if the Senate, after voting to receive and adopt the report of the Constitution Committee, would then still be able to decide whether or not to adopt the Constitution itself. Dr. LaBan explained that since the body had not made a distinction between receiving and adopting the report, action to adopt the report of the committee would be to adopt the Constitution and Bylaws themselves.

Dr. Boyer said he did not think it wise for the Senate to adopt something (Section VII) that would make it incumbent on this body to send the new Constitution and Bylaws forward to the General Faculty. At least at this juncture he did not think the Senate was ready to decide this issue. He then moved that consideration of Section VII, Ratification, be withdrawn from the parts of the document being considered for adoption by the Senate. Several seconds were heard.

Professor Mees asked if the correct way to adopt a new constitution would not have to be to go through the amendment procedure of the existing Constitution and he referred to Section VI, Amendments, of the old (present) Constitution. Dr. Shields and others responded that the document under discussion was a new Constitution and should not be treated as amendments to the present one.

Referring to Dr. Boyer's question as to whether or not the Senate should adopt Section VII, Ratification, Dr. Battan wondered if it really made any difference at this point. Even if the Senate adopted the proposed Constitution and Bylaws, would not this body then have to act formally to implement the new documents? Dr. Trafton said he still thought a more appropriate action would be for the Senate simply to receive the report of the Committee on Constitution.

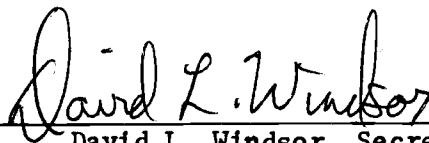
Dr. Skinner then moved to table Dr. Boyer's motion. Several seconds were heard and this motion carried.

Dr. Kassander then moved that the main motion before the house, that is, Dr. ~~Skinner's~~ ^{Boyer's} motion to receive and adopt the new Constitution and Bylaws, be amended to read to "receive and approve". A number of senators felt that "approve" was a more appropriate word than "adopt". This motion was seconded by Dr. Bannister and carried.

At this point Dean McConnell pointed out that although the Senate had by the vote just taken indicated it felt that the word "approved" meant something less than "adopt", the language of the Ratification paragraph to the Constitution (Section VII) says that the Constitution "shall become an official recommendation to the Board of Regents when approved by a majority of those (faculty members) voting thereon, It shall become operative when approved by the Board of Regents."

Dr. Kassander then moved that the wording of the main motion now before the house be amended to read that "the Senate receive the report of the Committee on Constitution and Bylaws, with an expression of gratitude to the committee." This motion was seconded and carried.

The hour now being 4:55 o'clock, the Senate agreed to adjourn. Presumably at its next meeting it will continue its consideration of the report of the Committee on Constitution and Bylaws, turning its attention next to the Bylaws themselves.



David L. Windsor, Secretary