

## C O M M I T T E E O F E L E V E N

### Report to the Faculty Senate for the Year 1974-75

#### Membership

Because of the new election procedures and the subsequent ineligibility of three candidates, all members were newly elected to the Committee. Helmut Frank, David Lucas, Janelle Krueger, Harry Stewart, Raymond Thompson, Gerald Palsson and Donald Myers were elected in the spring of 1974. Conrad Joyner, Edward Nigh and Charles Zukoski were elected in the fall to fill the other three positions. Cornelius Steelink was Ex-officio as the newly elected chairman of the Faculty. After the second stage of the elections, the Committee on Elections determined that Conrad Joyner, Edward Nigh, Janelle Krueger, Raymond Thompson and Donald Myers would serve two year terms and the others a one year term. Professor Gegenheimer was invited to also attend in view of his long service as Faculty Chairman.

#### Officers

After the three vacancies had been filled, the Committee elected Myers as chairman and Frank as Secretary.

#### Meetings

The Committee met 24 times between August 22, 1974 and June 5, 1975 including two special meetings. Attached is a summary of the attendance records for each member of the committee.

Committee Members# times absent

Helmut Frank	None
Conrad Joyner	11
Janelle Krueger	1
David Lucas	3
Donald Myers	None
Edward Nigh	10
Gerald Palsson	3
Cornelius Steelink	2
Harry Stewart	6
Raymond Thompson	9
Charles Zukoski	5

Guests

Invited guests of the committee during the year included Vice-President Richard Edwards, Professor N. Roos, Dean H. Bleibtreu, Associate Dean G. Dawson, Summer School Coordinator William Noyes, Professor B. J. Inman, Professor W. Van Slyke, Professor D. Hetrick and J. Reyes (ASUA Appropriations Board). In addition, the committee met once with the Ad-Hoc Committee to consider the Surgery Grievance and once with the same Ad-Hoc Committee and President John Schaefer and Executive Vice-President Weaver.

Business

The principal items which the committee dealt with and their disposition are as follows:

1. Religious Holidays - The matter of student observance of religious holidays other than those currently listed in the academic calendar was referred to the committee by the Senate. The problem has to do with excused absences for such holidays and scheduling of exams.

A subcommittee contacted various campus religious groups, submitted a report and recommendations which have been sent to the Senate.

2. Revision of By-Law 12b - By-Law 12b establishes the Committee on Academic Freedom and Tenure. A recommendation was submitted to the Senate for improving the By-Law, subsequently modified by the committee and then approved by the Senate.

3. Grievance submitted by Dr. Trier to the Senate - In response to the request submitted by Dr. Trier, a recommendation was made by the committee to consider the matter and report back to the Senate. This was adopted, the Ad-Hoc Committee is working and will report to the Senate in October.

\* 4. New title for Chairman of the Faculty - President Schaefer asked the committee to bring to the Senate recommendations for alternatives (de-sexed) to the existing title "Chairman of the Faculty". A recommendation "Speaker of the Faculty" was made but not accepted by the Senate.

\* 5. Definition of "Faculty" - In response to a request from the Senate, a recommendation was made to the Senate for modifying the definition of faculty as contained in the Faculty Constitution. This was accepted and subsequently approved by the faculty.

\* 6. Student members in the Faculty Senate - The ASUA Appropriations Board submitted a resolution to the committee proposing an increase in the number of student members in the Senate. The committee concurred in the resolution, submitted it to the Senate and it was approved.

7. Arizona University Faculty Council - Continuing the relationship with faculty groups at ASU, NAU initiated the previous year, representatives from the committee met with representatives from ASU, NAU to form the Arizona University Council. The purposes and actions of AUFCC have been reported to the Senate and the faculty at various times by Prof. Steelink.

\* Items 4, 5, and 6 refer to the proposed new Faculty Constitution.

8. Items still being considered and/or being acted on include:

(a) Budget for the Faculty Chairman to cover the activities of the CAPT, Conciliation Committee, Retirement and Insurance Committee, this is being pursued with President Schaefer.

(b) Athletics, V. P. Edwards met with the committee to present background information and the committee expects to make further inquiries.

(c) Department Head Review, a subcommittee is conducting a survey of the multiple Department colleges to determine the extent and manner of the review process.

9. Items which the committee discussed this past year and may pursue further next year include: Revisions of Chapter VIII, retirement legislation, faculty participation in budgetary processes of the University.

Donald E. Myers

Chairman, Committee of Eleven

July 15, 1975

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AD HOC COMMITTEE REPORT TO THE UNIVERSITY OF ARIZONA

FACULTY SENATE

Having considered and studied all the procedural issues related to the problem identified in the Committee of Eleven request before the Faculty Senate on March 3, 1975 (see Proceedings of meeting of that date) and adopted by the Faculty Senate on May 5, 1975 (see Proceedings of meeting of that date), this committee has met and deliberated and is now ready to submit the following report and recommendations.

The events and actions considered by this committee include the following:

1. On July 30, 1974, thirteen department heads or acting department heads (including the acting head of the Department of Surgery) of the College of Medicine signed and submitted to the Dean of the College of Medicine a statement which "deplored the conduct of members of the Department of Surgery" since June 1, 1974. These signatories also affirmed support of the Dean in the handling of the matter.
2. On July 31, 1974, the Dean of the College of Medicine issued a memorandum calling for a special faculty meeting for August 2. Attached to this memo was a copy of the July 30 statement signed by the thirteen department heads.
3. On August 1, 1974, eleven faculty members of the Department of Surgery signed and sent to each member of the faculty and staff of the College of Medicine a memorandum asking the faculty to reflect on the actions they were being asked to take in regards to the "censure" by the thirteen department heads.
4. On August 2, 1974 at 4:30 p.m. a Special Meeting of the general faculty of the College of Medicine was held. A motion was passed, 99 to 33, in which

the faculty of the College of Medicine deplored the conduct of those members of the Department of Surgery responsible for certain acts. They also urged the faculty of the Department of Surgery to negotiate in good faith by submitting their grievances through established University channels for resolution and reaffirmed support for the Dean.

During this committee's deliberations, it became evident that the above cited events and actions were a continuation of a long-existing problem in the College of Medicine involving the Department of Surgery. Since this committee had no responsibility to adjudicate the dispute or to recommend actions concerning the circumstances surrounding the July 30 document and the August 2 vote, we limited our deliberations to procedural rather than substantive matters. Therefore our consideration of part (a) of the responsibilities as charged by the Faculty Senate is as follows:

1. Whether or not the document of July 30, was directed to the appropriate party or parties?

According to the Faculty and Staff Manual of Procedure and Policy, Section 9.03, "...any affected member of the university community may make a complaint. Such a complaint should, in the first instance, be made to the head of the accused faculty member's department. The head of the department and the dean of the college shall first of all attempt to resolve the matter in a manner satisfactory to all parties utilizing the offices of the faculty Committee on Conciliation when appropriate..." According to the Preamble of the Constitution, Section II, "Each college should be in immediate charge of its particular faculty." According to the General Faculty Bylaws, Section 7.a. (ii), "The Committee on Conciliation at the discretion of the President of the University, or at the request of the

faculty of any college, or of any individual faculty member affected, shall act within 30 days on any important problem involving any faculty member in his or her relationship to the University..." According to the Bylaws of the Faculty of the College of Medicine, Section II, B. 3, "Upon request of the Administration of the College responsibilities of the faculty shall be to/ investigate and conduct hearings on grievances and make findings and recommendations." According to the same Bylaws, Section II, C. 2, "Special meetings shall be called by the Dean either at his own discretion or when requested in writing by the members of the Voting Faculty. Notice of special meetings must precede the meeting by 48 hours except in extraordinary circumstances. Such notice must be sent to all members of the Voting Faculty, and must indicate the reason for calling a special meeting. At any special meeting, no business shall be transacted except as stated in the notice calling the meeting...."

- a. If the document of July 30 was interpreted as a general admonition of the professional conduct of some members of the Department of Surgery, then, because it was signed not only by other department heads of the College of Medicine but by the Acting Head of the Department of Surgery as well, referring the matter to the Dean of the College of Medicine was in accord with the procedures described in the Faculty Manual, Section 9.03.

The Dean, having recognized the nature of the complaint as an admonition rather than a grievance, in accordance with the Bylaws of the Faculty of the College of Medicine II, Section C. 2, called a Special Meeting. He, therefore, issued and circulated a notice of such a meeting and indicated the reason for calling a Special Meeting. On August 2, when the Special Meeting was held, no other business, except that stated in the notice, was transacted.

- b. If the document of July 30, would have been interpreted as a grievance, as it was by the eleven members of the Department of Surgery, then, after hearing the complaint in the first instance, the thirteen department heads and the Dean would have had two options: first, to follow the Bylaws of the Faculty of the College of Medicine, II, B, Section 3, "The Faculty shall upon the request of the Administration of the college investigate and conduct hearings on grievances and make findings and recommendations," in other words, to conduct hearings on grievances and make findings and recommendations derived from the charges contained in the document of July 30; second, to follow the Faculty and Staff Manual of Procedure and Policy, 9.03, "...the head of the department and the dean of the college shall first of all attempt to resolve the matter in a manner satisfactory to all parties utilizing the offices of the Faculty Committee on Conciliation when appropriate," i.e., to involve the Committee on Conciliation in the dispute. Therefore it is the consensus of the Ad Hoc Committee that the statement of the thirteen department heads, containing neither specific charges nor names, does not constitute a formal grievance but only a statement of a general admonition expressing dissatisfaction with the state of affairs at that time in the Department of Surgery. Hence, by bringing this matter to the attention of the Dean of the College of Medicine, the thirteen department heads acted in compliance with the prescribed rules of procedure contained in the Faculty Manual, Section 9.03.
2. Who, according to the prescribed rules of procedure, constitutes the appropriate parties?
- a. If the document of July 30 is construed as a general admonition of the members

of the Department of Surgery, then it follows that the thirteen department heads would appeal their case to the next instance in the administrative hierarchy, i.e., the Dean of the College of Medicine. If the latter interpreted the appeal not as a grievance but a general admonition, then it was the Dean's prerogative, in accordance with the Bylaws of the Faculty of the College of Medicine, II, Section C. 2, to call a Special Meeting. To substantiate the intent of the action taken by the thirteen department heads on July 30, the general faculty of the College of Medicine on August 2 did nothing more than pass a motion in which the faculty deplored the conduct of some members of the Department of Surgery. There was no motion submitted or passed to conduct hearings on grievances.

- b. On the other hand, if the document was construed as a grievance against certain faculty members of the Department of Surgery, then it follows that the parties to the dispute were the unidentified members of the Department of Surgery. In this case, the complainants should have designated the individuals against whom the grievance was directed and, at the same time, brought specific charges against those individuals.

Had the actions of July 30 or August 2 been intended to serve as a formal grievance, then they should have and probably would have been supported by specific charges against specific individuals. Since no specific charges were lodged, the Dean of the College of Medicine had no option but to consider the matter as a general complaint rather than a specific grievance. Accordingly, he called a Special Meeting in compliance with the Bylaws of the College of Medicine, Section II, C. 2.

Considering the nature and scope of the incidents involved in the July 30 and August 2 actions, the consensus of the Ad Hoc Committee is that the "appropriate parties" were the members of the faculty and the Dean of the College of Medicine. These were the parties involved in the two actions of July 30 (the document sent to the Dean) and the meeting held on August 2.

Our second consideration dealt with part (b) of the responsibilities as charged by the Faculty Senate.

3. Whether or not the members of the Department of Surgery were provided adequate procedural safeguards resulting from the actions taken on July 31, August 1 and August 2?
  - a. Provided that the document of July 30 is viewed as a general admonition of the professional conduct of some members of the Department of Surgery, then the latter had the same opportunity as other faculty members of the College of Medicine to participate in the discussions of the Special Meeting on August 2.
  - b. However, if the document of July 30 is interpreted as a statement of grievance against specific members of the Department of Surgery, then those members should have been identified and specific charges made against them. The proper forum for airing such grievances would have been a special meeting of the faculty of the College of Medicine with a faculty committee conducting hearings on the grievance as sanctioned by the Bylaws of the College of Medicine, Section II, B. 3 or the Committee on Conciliation as prescribed by the Faculty Manual, Section 9.03.

Therefore it is the consensus of the Ad Hoc Committee that since there were no specific charges against specific individuals, the members of the Department of Surgery had the same right and opportunity to voice their opinion and to vote

according to their conscience as other faculty members of the College of Medicine. The fact that the written statement and recommendations pursuant to the August 2 meeting were made public is most unfortunate. It is this committee's feeling that public condemnation of an individual or group by another individual or group must be avoided.

Our third consideration was part (c) of the March 3, 1974 request by the Committee of Eleven.

4. What consequences, if any, resulted from the actions between July 30 and August 2?  
As far as this committee can determine, there were no consequences evolving directly from the actions taken between July 30 and August 2. However it is the feeling of the committee members that the publicity and the innuendos that followed these events were a liability rather than an asset to the College of Medicine or the university community. Procedural matters became confused with substantive matters. Old issues dividing the faculty members of the College of Medicine became blurred with more emotionalism which sapped the energy and effectiveness of many dedicated and loyal members of the university community. Apparently the rule of democratic principles was unable to persuade a minority to follow the decision reached by a majority. The Ad Hoc Committee feels that the members of the Department of Surgery should have acted in accord with the vote urging the faculty members of the Department of Surgery to negotiate in good faith with the new Administration of the College of Medicine and to submit their grievance through University channels. It appears the discontented members of the Department of Surgery had every opportunity to seek redress of their grievances by following the procedures they themselves advocated. In the opinion of the members of this committee, a problem such as the one considered here cannot be resolved effectively

by relying on emotions and appealing to sources outside the university community.

Our final consideration was part (d) of the request made by the Committee of Eleven.

5. To make appropriate recommendations concerning the propriety and proper subsequent use of actions involving disagreements, grievances, or complaints between and among groups belonging to the same college at the same university.

- a. The Ad Hoc Committee is of the opinion that the present Faculty Manual, the Constitution, and Bylaws do not contain adequate rules and procedures for handling admonitions, disputes, and grievances between and within groups in one or several colleges.
- b. The Ad Hoc Committee recommends that the Standards of Professional Conduct for Faculty Members, paragraph 7, lines one and two (as printed on the "Notice of Appointment") be amended as follows: "As a member of the university community, the faculty member accepts his share of the committee assignments and will abide by the rules and procedures governing university activities as outlined in the Faculty and Staff Manual, the Constitution and Bylaws."
- c. Since grievances may lead to hasty, emotional, and irrational behavior on the part of the aggrieved resulting in unnecessary and costly litigations, defamation of character and distortion of facts, we propose that a resource person be selected or appointed by the Faculty Senate who will be available to any and all aggrieved faculty and staff members for the purpose of rendering complete and accurate information relating to procedural steps to be undertaken in a dispute between and within groups in one or several colleges or administrative units. (He shall not render legal advice, adjudicate or mediate disputes but solely brief the aggrieved party or parties about the proper procedures available for seeking redress.)

d. The following steps are recommended for handling disputes, admonitions, and grievances.

- (1) Before a complaint can be lodged against another individual or groups of individuals, the disagreeing parties must meet face-to-face to attempt to resolve their differences. If the problem is not resolved in such a meeting, the individuals should bring their case to the dean of the college or administrative head where their arguments will be presented orally. If the parties involved do not belong to the same college or administrative unit, each will select a representative and those representatives select another person as their chairman.
- (2) In the case of intra-college or intra-administrative unit disputes, the oral presentation will be made to the dean or the head of the administrative unit at a time when all concerned parties are present or represented, if they so choose. After hearing the arguments of the concerned parties, the dean or the administrative head will respond within five work days unless one of the parties is off campus and would not be back in time to make five work days a reasonable deadline. Under such circumstances, the five day limit should not begin until all parties involved are on campus. If the controversy is not or cannot be resolved, the dean or the administrative head will advise the disagreeing parties of the right to take their request to an ad hoc committee as described in point three below. If the dean is involved in the original request, the concerned party (ies) should follow step three after step one has been tried and found wanting.

- (3) Each party must submit a written statement of the grievance to the chairman of the ad hoc committee which shall review the matter. The ad hoc committee shall be composed of three members: (a) one full-time faculty member from within the college chosen by each party. If two or more colleges are involved, then one full-time faculty member is chosen from each college ; (b) the members already chosen select within 3 days another full-time faculty member as chairman. If these two members are unable to agree on a chairman, then both representatives must be replaced within 3 days.

The written statements shall detail each party's conception of the point or points to be resolved and such explanation and/or defense as the individual party deems necessary. After the ad hoc committee has become familiar with the written statements, it shall then interview each party separately and gather from other sources whatever information it deems necessary in order to make a written recommendation to the concerned parties. If the decision is not unanimous, a minority report shall also be submitted. The chairman of the ad hoc committee and the dean or the head of the administrative unit shall retain copies of the reports. The work of the ad hoc committee should in the interest of all concerned be handled as expeditiously as possible. If one of the parties in the dispute is not satisfied, it will respond within five days to the ad hoc committee who will then forward a copy of the report to the dean of the college or the administrative head involved.

- (4) If one of the parties is not satisfied, it shall file a written report with the Executive Vice President for his consideration and recommendation.

- (5) If, after a response from the Executive Vice President, one of the parties is still not satisfied, the aggrieved party may file a written report to the Committee on Conciliation.
- (6) If the Committee on Conciliation cannot bring about an acceptable compromise for the parties involved, a written report should be filed with the Committee on Academic Privilege and Tenure.
- (7) If the Committee on Academic Privilege and Tenure cannot resolve the matter to the satisfaction of the parties involved, both parties should submit a written report to the President stating clearly their positions. (The intent here is that the President will offer the final decision and that the concerned parties shall abide by it.)

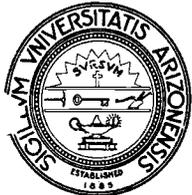
"Public censure" or "public condemnation" ought not be a recourse that is pursued by any entities of the University against any other entity of the University. Such public pronouncements will direct undue attention to, and cause concern about, the University and its ability to handle its own affairs. The interests of the University are better served by its members approaching internal problems in a discreet fashion with a commitment toward resolution.

A key point in any controversy is the willingness of the participants to follow the rules and procedures established to handle such situations. Also germane to the successful resolution of any grievance is the willingness of both (all) parties to accept the conclusions and recommendations made from the final source once all channels called for by all parties have been utilized. If the participants are not committed to following the final recommendations, then making use of the various procedures

would be a waste of everyone's time. Individual members of an organization must follow the rules governing the operation of that organization, even when decisions rendered by that structure disappoint an individual or a group. This belief is based on the premise that each individual, upon becoming a member of the university community, does not lose individual freedom by submitting his or her special interests to the general interests and well-being of the university community.

Leslie S. Forster  
Frank K. LaBan  
Robert W. Mautner  
Thomas R. Rehm  
Peter A. Toma, Chairman

September 18, 1975



# THE UNIVERSITY OF ARIZONA

TUCSON, ARIZONA 85721

PERSONNEL DEPARTMENT

September 24, 1975

Mr. David L. Windsor  
Secretary, Faculty Senate  
Administration 305  
Campus

SUBJECT: Pre-Retirement Education Program

Dear Mr. Windsor:

I would like to give you the latest information pertaining to the University's Pre-Retirement Education efforts. As you know, the Department of Personnel, in conjunction with other faculty and staff personnel, conducted a pre-retirement education program for some of our people during the early part of this year. I'm sure that you will agree that a viable retirement education program needs to be conducted on a regular basis in order to help the future retirement candidates to accomplish a smooth transition from an active to a retired work atmosphere. This type of program provides great benefits because it is intended to give our people the latest information and knowledge connected with Internal Revenue, Social Security, Legal Affairs and Good Health information as it pertains to them and future retirement.

I plan to continue this type of important education and conduct another Pre-Retirement Education Program. I hope to involve all faculty and staff personnel in the 60, 61, 62, 63 and 64 age groups. There are approximately 400 University people involved in the cited year groups. The Pre-Retirement Education Program will consist of seven sessions and be held at the Student Union building on selected Monday or Wednesday evenings. The program will commence on November 5, 1975. My staff is in the process of sending individual invitation information to all eligible personnel.

In order for this effort to gain maximum benefit, I believe we need to encourage all eligible people to participate in the program. I would greatly appreciate your help to encourage all faculty and staff personnel to respond favorably to the University's Pre-Retirement Education Program.

Sincerely,

George A. Evenoff  
Director of Personnel

GAE:rp1