

REPORT FROM THE CHAIRMAN OF THE FACULTY

February 26, 1976

1. Legislation

A number of bills have been introduced into the Arizona State Legislature which are of interest to the faculty.

- a. HB 2186 prohibits the Board of Regents from writing a constitution which provides tenure to the university faculty.
- b. HB 2083 removes the faculties of the three universities from across-the-board increases granted other state employees and provides for merit increases.
- c. Retirement legislation. A number of bills providing that the employer may pay part or all of the employee's contributions, providing for normal retirement to be based on a combination of years of service and age equal to 85, providing for disability insurance and group health insurance for retirees. I will keep all faculty posted on the progress of these bills as the information becomes available.

2. Report on Legislator-Faculty Seminar, February 19-21, 1976

Last weekend, I attended a Faculty-Legislator Seminar in Albuquerque, New Mexico. There were 14 legislators from the Education Committee of the Legislatures of Arizona, New Mexico, Texas, Arkansas, Kansas, Missouri, Oklahoma and Louisiana, as well as 50 faculty members from those states. The sponsors of the seminar were the Education Commission of the States, the AAUP and the Society for Values in Higher Education.

The legislators were all agreed on the following priority items in their respective states:

1. Funding formulas for higher education.
2. Accountability of colleges and universities (fiscal, faculty, student performance).
3. Distinctive functions of community colleges, universities, private colleges.
4. Long-range goals of higher education.
5. Public service role of universities.
6. Defects in teacher-training at the university.
7. Increasing faculty-legislator liaison.

I found that the legislators could be characterized as follows:

1. They were committed to the support of higher education.
2. They wanted some sort of performance standards (or accountability) from colleges and universities.
3. They were against tenure for public school teachers, but lacked any knowledge of, or interest in, tenure for university professors. (This is an area in which faculty members can make a significant contribution.)
4. They would like expert faculty help as consultants on the many problems of the state.
5. They would like to meet faculty and work with them.
6. They all wished that faculty could speak more precisely, concisely and clearly. In addition, they wished that faculty would not pose as the sole possessors of truth, integrity and wisdom.

Because of the insights which I gained from these informal face-to-face meetings with these legislators, I believe a seminar of this type should be held in Arizona next fall after elections. Under the sponsorship of the AUFC, I plan to convene such a seminar.

3. Members of the Faculty Election Committee

	<u>Term Ends</u>
Paul Skinner (Speech)	June 30, 1977
John Enemark (Chemistry)	June 30, 1978
Elizabeth Franklin (Library)	June 30, 1976

Arthur Grant (Institutional Studies) is a consultant to the committee.

4. Legislative Liaison

Any faculty member who wishes to work for legislation on behalf of the faculty should contact Dr. Steelink (2780) or Dr. Donald Myers (1682).

Cornelius Steelink
Chairman of the Faculty

REPORT OF THE COMMITTEE OF ELEVEN
ON 1974 GRADE CHANGE
FOR STUDENT ATHLETE
ENROLLED IN RUSSIAN 100a

In the first semester, 1973-74, a prominent student athlete was enrolled in Russian 100a, Russian Literature in Translation. This course is a Humanities option and typically has a large enrollment of students who have chosen it as partial fulfillment of the Humanities requirement in the College of Liberal Arts. During the term in question, the instructor was Mr. Nicholas Vontsolos. The student athlete referred to here failed the course and the failing grade was duly reported by Mr. Vontsolos and recorded on his official transcript in the Office of the Registrar, and on the supplementary records maintained by that office for the purpose of determining eligibility of students engaged in intercollegiate athletics.

In December, 1973, after the end of the first semester, Dr. Malik, Head of the Russian Department, and Mr. Vontsolos were in Chicago attending a professional association meeting. Dr. Malik advised the Committee that while he was in Chicago he received a call from Mr. Paul Meyers, then academic consultant in the Athletic Department, who told him of the student's failing grade in Russian 100a, indicated that the athlete might consequently be ineligible, and asked if Dr. Malik could talk to Mr. Vontsolos about it. Mr. Meyers does not now remember whether he made such a call, although he acknowledges making similar calls. Dr. Malik spoke to Mr. Vontsolos either on the flight back or in Tucson and inquired whether there were any extenuating circumstances. According to Dr. Malik, Mr. Vontsolos replied that the student had failed the course and there was nothing to be done. The matter was dropped. (In view of the fact that Mr. Vontsolos is in Iran, the Committee was unable to interview him. However, his attorney, Mr. Peter Economidis, testified before the Committee and related the facts as given to him by Mr. Vontsolos. Mr. Economidis' testimony is, of course, hearsay and the Committee is not inclined to put much, if any, reliance on verbal differences between statements made by Dr. Malik and those reportedly made by Mr. Vontsolos, as related to us by Mr. Economidis. We simply note at this point that according to Mr. Economidis, Mr. Vontsolos told him that Dr. Malik had said that they should do something about the student's grade. Vontsolos, apparently, does agree that following his statement that nothing could be done, the matter was dropped.)

Dr. Malik testified to the Committee that on January 11, 1974, one or two members of the Athletic Department came to his office in search of Mr. Vontsolos. At this time, Dr. Malik stated that he could not be sure who the persons were, that it might have been Paul Meyers, or Jerry Holmes, an assistant coach on the basketball staff, or it could have been both, or

or it could have been neither but someone else. He said that the persons told him that they wanted to ask Mr. Vontsolos to reconsider the failing grade given the student referred to above and that the student had stopped going to class during the semester and had sought permission to drop the course but had been refused by the instructor. Dr. Malik told the Committee that the student had taken the final examination and had failed it. The student when questioned indicated he had not taken the final exam and none-the-less received a failing grade. Dr. Malik related that he indicated that he thought these circumstances might be regarded as mitigating and that under the circumstances the grade could be changed to an unofficial withdrawal if the instructor would agree. Dr. Malik indicated that in view of the fact that this conversation took place during the semester break and the deadline for determining athletic eligibility for the second semester was fast approaching, he tried to be helpful in preventing unnecessary delay. He, therefore, determined the student's matriculation number, placed it on a blank grade change form, signed the blank grade change form as Department Head and gave the form to the persons from the Athletic Department with instructions that they seek out Mr. Vontsolos who was not then on the campus and find out whether he would reconsider the failing grade. Dr. Malik indicated that only if Mr. Vontsolos agreed to the grade change was the form to be used. He then heard nothing more concerning the matter and made no inquiries of his own.

In view of the importance of the identity of the persons to whom Dr. Malik states he gave the grade change form, it is important at this time to note the confusion in the evidence concerning this issue. Mr. David Butler, Registrar of the University, told the Committee that in May, 1975, after the matter had become public knowledge, he interviewed Dr. Malik concerning the circumstances under which the grade change form was executed. At that time, Dr. Malik told him that someone whose identity he did not then recall came to him with the grade change form and asked his approval. At about that same time, Dr. Richard Edwards, Vice President for Student Relations and Chairman of the Faculty Athletic Committee also interviewed Dr. Malik by telephone and as Dr. Edwards told the Committee, Dr. Malik could not remember who brought the grade change form to him and when asked, categorically stated that he had no idea at all who the person or persons had been, except that he was certain that it was not the student whose grade was in question. Dr. Edwards' statement is supported by his report of May 16, 1975, to President Schaefer in which he states with respect to Dr. Malik that, "he does not remember who presented him with the grade change request form for signature."

The completed grade change form included the student's name, matriculation number, social security number and other typed information and the signature, "Nick Vontsolos". The completed form changing this particular student's grade in Russian 100a from "E" to "N" was delivered to the Registrar's office and the change was made on the student's official transcript. It

also appears, however, that the change was never entered on the supplementary records maintained by Mr. Herman Carrillo for the purpose of determining athletic eligibility and that, therefore, since the original failing grade was entered on the supplementary records only that grade in Russian 100a was used in computing the student's grade point average for purposes of athletic eligibility. Ironically, he continued to be eligible despite the failing grade in Russian 100a.

It might be relevant at this point to note that on March 12, 1974, Dr. Malik sent to Mr. Vontsolos a letter advising him that his next year's contract, his sixth, would be terminal.

Nothing more transpired with respect to the student's grade until March or April, 1975, when according to Mr. Butler, Mr. Vontsolos went to the Registrar's office and asked to see his grade reports for the first semester 1973-74 in Russian 100a. Upon being shown the official transcript, he pointed to the grade change for the student in question and announced that "This is a forgery" or words to that effect. He was asked whether he wanted the Registrar's office to pursue the matter but replied that he would take care of it back in the department. Mr. Economidis told the Committee that Mr. Vontsolos had known nothing about the grade change until some time in the Spring of 1975 when, in attempting to clean up his desk, he found the instructor's copy of the grade change form among the accumulated papers. In any event, nothing more was heard about the grade change following Mr. Vontsolos' conversation with Mr. Carrillo until the story concerning the matter appeared in the Arizona Daily Wildcat on May 6, 1975. As a result of that story, Mr. Butler conducted an investigation and found that the instructor's signature on the grade change form did not appear to have been executed by Mr. Vontsolos and, after his interview with Dr. Malik, concluded that the grade change form was not genuine. He, therefore, took steps to change the official transcript to remove the changed grade and so notified the instructor on May 8, 1975. He also found that the student's file contained an envelope addressed to the student containing the student's copy of the grade change form. This envelope had been mailed by the Registrar's office to the student but had been returned, stamped by the Post Office Department, "Moved, left no address."

At that time, Vice President Edwards undertook an inquiry into the matter, apparently at the request of President Schaefer. He found the facts as substantially stated above except that Dr. Malik told him that he had no idea at all who had come to him concerning the proposed grade change. He asked Athletic Director Strack to talk to the Athletic Department's staff personnel and received assurances from Mr. Strack, both orally and in writing, that no one in that department signed the grade change form. Having satisfied himself that the student was not responsible for the grade change and that his eligibility had not been affected in any event, Vice President Edwards reported the results of

his inquiry and Mr. Butler's to President Schaefer and indicated that he regarded the matter as closed. Dr. Schaefer responded in agreement on May 20, 1975.

CONCLUSIONS:

Based upon the facts developed during our inquiry the Committee of Elevent concludes as follows:

- (1) The student in question, Al Fleming, was unaware of the attempt to change the grade received by him in the Fall of 1973 in Russian 100a and was not personally responsible in any way for that attempt.
- (2) The manner in which the grade change was handled by Dr. Joe Malik, Head of the Department of Russian, was quite irregular and wholly ill-advised.
 - (a) In the first place, the Academic Guidelines of the University of Arizona, in effect at the time of this incident, provided "final grades may be changed only if there has been an error in computation." (University of Arizona Biennial Catalog, 1973-74, 1974-75, p. 30.) None of the matters that Dr. Malik says were presented to him concerning the student's attempt to withdraw from the course and characterized by him as "mitigating circumstances" would in fact have constituted any justification for a change of grade. It was therefore inappropriate for Dr. Malik to sign the grade change form, indicating this approval as department head.
 - (b) Even if a grade change had been appropriate in this case, it was most imprudent for a department head to sign a blank grade change form before the affected instructor indicated he desired to change the grade. In this respect, it is a duty of the department head to insure the integrity of grading procedures and the maintenance of appropriate academic standards by requiring grade changes to conform to applicable University regulations and be substantively justified. Moreover, the insult to the integrity of the process was compounded in this case when Dr. Malik gave possession of the grade change form containing the student's matriculation number and his own approving signature to someone other than the instructor in the course. Dr. Malik recognizes the inappropriateness of his act and asserted to the Committee that this is the only incident in which he had ever signed a blank grade change form and delivered it to another person.

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- (3) The Committee is concerned with some respects in which the Registrar's record keeping procedures malfunctioned. We appreciate that the office handles thousands of transactions and that the best systems will occasionally suffer mistakes. We point out the following in a constructive spirit. First, the catalog seems to require the Registrar to approve grade changes or, in doubtful cases, to seek the Advisory Council's approval. It seems most unusual to us that this was not done in a case in which a failing grade was being changed to unofficial withdrawal.

Secondly, although the objective of the grade change was not accomplished, the system also failed to operate properly in that the changed grade was entered on the student's official transcript but not on the athletic eligibility records. A careful review of the effectiveness of this particular aspect of the Registrar's operations may be in order. Finally, our general inquiry suggests that although the announced policy of the Registrar's office is to send the instructor's copy of grade change forms directly to the instructor, it does appear that when a number of such forms are returned to a particular department it frequently happens that they are all placed in a single envelope and sent through campus mail to the department office. We suggest that the explicit policy should be followed without fail. It may well have been followed in this case and certainly it is true that nothing the Registrar's office can do will prevent a faculty member from allowing his mail to accumulate on his desk for something over a year as allegedly occurred in this case. Nevertheless, the security of the system would seem to require that the Registrar's office make their best effort to insure that the grade change form be delivered to the faculty member individually.

- (4) The Committee finds itself unable to determine who in fact affixed the name "Nick Vontsolos" to the grade change form in question. Dr. Malik acknowledges having had possession of the grade change form before it was sent to the Registrar's office. He denies having placed Mr. Vontsolos' name on the form but concedes that he signed his own name there as department head. Dr. Malik also links the Athletic Department with the grade change, a link that is denied by members of that department. Dr. Malik acknowledges that he knew the members of the Athletic Department quite well because of his prior service on the Faculty Athletic Committee. It is unfortunate that he, nevertheless, cannot remember the identity of the person or persons with whom he dealt concerning the grade change. Members of the Committee of Eleven interviewed Fred Snowden, basketball coach, Jerry Holmes, former assistant basketball coach, Paul Meyers, former academic consultant in the Athletic Department, and other members of the department who are still at the University of Arizona and all have steadfastly denied having anything to do with the grade change in this case.

Conceivably, but not certainly, a full scale investigation employing experts in questioned documents and handwriting might provide a basis for an opinion concerning the probable authors of the questioned signature in this case. However, the Committee of Eleven has neither the capability nor the authority to conduct such an inquiry and we believe further attempts to resolve this issue would not be warranted.

It has been asserted by Dr. Peacock that a criminal investigation should be sought. We do not believe such action to have been warranted at the time the grade change was discovered or to be called for now. It is not at all clear that the attempt to change the grade constituted a crime under the laws of Arizona. Nor, we believe, should every such incident as this result in an investigation by law enforcement officials, at least in the absence of a pattern of fraudulent conduct. Moreover, there is no assurance that such an investigation, even at the outset, would have revealed the identity of the person or persons responsible. Nothing we have learned has persuaded us that there was any widespread assault on the grading system which justified a criminal investigation.

The initial investigation of this matter was considerably complicated by the fact that in March of 1974, Dr. Malik had given notice to Mr. Vontsolos that he would not be granted tenure and that his contract for the ensuing year would be a terminal one. Mr. Vontsolos resisted this decision and resorted to the appropriate grievance procedures within the University, claiming that his non-retention was in part due to his refusal to go along with pressures from his department head to accord athletes favored treatment. The Committee on Conciliation had denied Mr. Vontsolos' petition and suggested further contact with the Committee on Academic Privilege and Tenure and so informed him on March 11, 1975. On May 26, 1975, the Committee on Academic Privilege and Tenure ultimately upheld the non-retention of Mr. Vontsolos and found that it was not based on impermissible reasons. It is perhaps not surprising that University officials were very skeptical when evidence of an improper grade change was brought to light some sixteen months after it had apparently occurred and long after notice of the grade change had been sent to the instructor. Their skepticism was no doubt intensified when news of the improper grade change was revealed in the press and involved a faculty member then embroiled in a tenure controversy and who had allegedly threatened to reveal a scandal if he was not accorded tenure. It is not known who made the information available to the Arizona Daily Wildcat, but the timing and nature of the disclosure inevitably enhanced the skepticism with which the information was received.

In summary, at this point, we find that someone did improperly attempt to change the grade of a student but we do not know who it was and we do not believe that any further investigation by this Committee would

be likely to be successful. An attempt to tamper with academic records in this way, even an unsuccessful attempt, is a serious matter. Much more important, however, than an attempt to solve the mystery now is the problem of correcting those deficiencies in the process which made it possible for the attempt to be made.

- (5) The temptation to seek favored treatment for student athletes is as old as intercollegiate athletic programs. Athletic departments have an obvious and strong interest in the continuing eligibility of team members. Director Strack evidences a strong desire to pursue that interest only within the limits of propriety. The Athletic Department regularly appoints an academic consultant whose task it is to counsel athletes in course selection, to monitor their academic progress and to make such contacts as are necessary to determine whether a particular student needs academic assistance in the form of tutoring and extra study sessions. Mr. Strack believes very strongly that any contacts to be made by members of the Athletic Department with members of the teaching faculty should be made only by the academic consultant and not by members of the coaching staff for the reason that the former is likely to be somewhat more sensitive to academic protocol and to the limits which members of the faculty will insist on putting on such contacts.

Members of the Committee of Eleven are not of one mind concerning the wisdom of any attempts to provide special academic assistance to student athletes. Some members of the Committee see a real need for, and perhaps even an obligation to provide, tutorial and other assistance to students whose energy and time is heavily absorbed by intercollegiate athletics. These members of the Committee see nothing improper in legitimate efforts to insure that student athletes receive the education which is at least one of the major reasons for their attendance at the University. Other members of the Committee believe that such efforts are improper and would urge that the University provide no special assistance to athletes. We do not attempt to resolve this issue at this time since a subcommittee of the Committee of Eleven is currently engaged in a long range study of the role of intercollegiate athletics on the University campus. We do, however, point out the obvious fact that any program that involves contacts by members of the Athletic Department with the members of the faculty concerning student progress creates a risk that some people may, as a misguided response to the pressures of an intercollegiate athletic program, seek favoritism for athletes and that some members of the faculty may, equally misguidedly, improperly respond. The University administration, the Athletic Department, and the faculty all have an obligation to make it abundantly clear that under no circumstances will athletes be given treatment different from that accorded any other member of the student body and that the seeking, or the granting of, favored treatment to athletes

will simply not be tolerated. Special efforts should be made to draw the line between proper and improper contacts between the Athletic Department and the teaching faculty and the line should be drawn as brightly as possible.

- (6) During the course of our inquiry we have heard suggestions that certain departments on the campus are widely known for providing "soft" courses in which relatively high grades or at least passing grades can be obtained with a minimum of effort. We do not know the degree to which these suggestions are true but we do affirm that it is the obligation of every member of the faculty and particularly of every department head to insure that it is not true of his or her department. The problem of maintaining rigorous academic standards is not a problem alone of dealing with student athletes. It is a pervasive one involving a number of students who may be seeking ways to fulfill college and departmental requirements with the smallest amount of effort possible. This is a form of academic corruption which must be resisted by the entire University community.
- (7) The initial inquiry by Vice President Edwards focused principally on two questions:
1. Did the student athlete participate in the fraudulent submission?
 2. Did the grade change affect his eligibility?

The Faculty Athletic Committee was not asked to investigate and Vice President Edwards has said that he felt that he was conducting an inquiry as Vice President of Student Relations and not in his role as Chairman of the Faculty Athletic Committee.

It was quickly determined that eligibility was unaffected and there appeared to be no evidence that the student was involved, in fact, as was pointed out earlier, he had never received notification of the change. The Committee of Eleven has already reported its concurrence on the non-involvement of the student.

The inquiry into the possible involvement of persons connected with the Athletic Department was rather cursory and was conducted by that department itself, namely, by the athletic director and the basketball coach. The result was a statement that no one in that department had signed the instructor's signature on the form.

The inadequacy of the original inquiry left several unanswered questions and doubts regarding the student athlete's involvement. Instead of protecting his reputation, it further cast doubt on his innocence and exposed him to public criticism.

- (8) An unfortunate chain of circumstances led to the Committee of Eleven's involvement in the grade change controversy. These circumstances were: (a) public notice of the grade change by anonymous sources in the Arizona Daily Wildcat; (b) Dr. Peacock's attempt to bring his allegations to the attention of the Faculty Senate; (c) the Faculty Senate's refusal to hear these allegations; (d) Dr. Peacock's response to the Senate action, which was to release the allegations to the news media; (e) the Faculty Senate's reaction to the press coverage by referring the matter to the Committee of Eleven to avoid the appearance of a cover-up. In short, the Committee of Eleven had been given a major responsibility by the Senate, which was based on a reaction to unevaluated charges. Furthermore, when Dr. Peacock was asked to appear before the Committee of Eleven to provide background information on his charges, he declined to appear indicating that he had nothing further to contribute.

The Committee of Eleven is deeply concerned about another aspect of this issue. The public disclosure by Dr. Peacock or any other faculty member of students' names in connection with academic work without their approval is uncalled for and cannot be condoned by the University community. The Buckley Amendment is directed to institutional violations of students' privacy. Whether or not an individual faculty member can be in violation of the Amendment, the intent of the law is clear. Students' grades should not be made public without the consent of those directly affected. The Committee requests the Registrar to make the faculty aware of procedures regarding the publication of students' records.

This Committee does not find that an adequate mechanism existed at the time of the grade-change incident nor does it exist at this time to handle such incidents. The amount of publicity generated by this grade change is incommensurate with its seriousness. If the matter had been handled more judiciously by both the administration and the faculty who were involved, the resultant expenditure of considerable time and effort by this Committee would have been avoided.

The following members of the Committee of Eleven concur with this report.

Charles E. Ares, Professor of Law
 Shirley Nickols Fahey, Assistant Professor of Psychiatry
 Conrad F. Joyner, Professor of Political Science
 W. Gerald Matlock, Professor of Soils, Water and Engineering
 Nick Muramoto, Associate Professor of Plant Science
 Don E. Myers, Professor of Mathematics
 Cornelius Steelink, Professor of Chemistry
 Harry E. Stewart, Professor of Electrical Engineering
 Ray H. Thompson, Professor of Anthropology
 Charles F. Zukoski, Professor of Surgery
 Larry S. Lipsman, Administrative Vice President, ASUA
 Mark Webb, ASUA Representative
 Edward L. Nigh, Jr., Chairman, Committee of Eleven
 Professor of Plant Pathology