

MINUTES OF MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA
Friday, April 15, 1977 Kiva, Room 211 College of Education

The Faculty Senate convened in special session at 4 p.m. on Friday, April 15, 1977, in the Kiva, Room 211 of the College of Education. President Schaefer presided.

SENATE MEMBERS PRESENT: Briggs, Butler, Carr, Chin, Clark, Cole, Edwards, Gegenheimer, Hawkins, Hetrick, Hull, Inman, Kneebone, Lebowitz, Livermore, McMillan, Mitchell, Munsinger, Myers, Odishaw, Paplanus, Prosser, Rosenberg, Roubicek, Schaefer, Selke, Sorensen, Stairs, Steelink, Svob, Townsend, Weaver, Wiersma, Windsor, Witte, Woloshin and Wrenn.

SENATE MEMBERS ABSENT: Atwater, Bartlett, Blackwell, Boghosian, Caldwell, Ceballos, Coxon, Davis, DeWalt, Drescher, DuVal, Fahey, Federhar, Flores, Gaines, Garcia, Gerhard, Graham, Heusinkveld, Hyland, Ingram, Johnson, Kassander, LaBan, Laird, Lytle, Manes, Manning, Marchello, Matlock, McConnell, McCullough, Meredith, Munroe, Murphy, Nelson, Nigh, Paulsen, Peacock, Peterson, Rehm, Rhodes, Ridge, Rosenblatt, Rush, Rusk, Seibert, Sigworth, Sivo, Smith, Sumner, Thompson, Tomizuka, Vanselow, Webb, and Wenders. Parliamentarian Sankey was also absent.

This was a special Senate meeting to which all members of the General Faculty had been invited. It had been called to provide opportunity for faculty members to direct questions to the members of the Arizona Board of Regents who were meeting on the University of Arizona campus this date. The following Regents were present: Dwight W. Patterson, Sidney S. Woods, John F. Molloy, Ralph M. Bilby, Thomas Chandler, William Payne, James Elliott Dunseath, and Rudy E. Campbell. Also present were Lawrence Woodall, Executive Coordinator of the Board of Regents, and Blair Benjamin, legal adviser to the Regents.

First item of business was the introduction of the newly elected Chairman of the Faculty, Dr. Donald Myers, who was presented by the retiring Chairman, Dr. Cornelius Steelink. Dr. Steelink presented to Dr. Myers a symbol of his office, a metal lunch pail.

President Schaefer then explained that a number of questions had been submitted in advance to which the Regents were asked to respond. The first one was, "What merit increases can University personnel expect for 1977-78?" Several Regents explained that practically no money will be available for merit increases, perhaps 1% to 3%. Since only 98% of the salary budget is funded, this increase would provide only 101% at most of the dollars needed for the salary budget, thus allowing practically no money for merit increases. However some rather substantial increases in the health insurance program are expected to be approved by the Legislature, with the state perhaps also assuming some portion of that contribution to the retirement program now paid by the employe. These adjustments would result in an increase in the typical University staff person's take-home pay.

The next question was whether the universities of Arizona should raise their entrance requirements. Regent Bilby said that if the institutions did raise requirements they might find themselves subject to some lawsuits. He said the point had been made that admission requirements should be imposed in order to control the size of the institutions. This is probably really not so now since the size of each of the Arizona universities seems to be leveling off anyway. In any event, he said the Board is not contemplating any change in admission requirements.

Regent Chandler commented that if the Legislature does not provide funding to support the universities adequately, then it might be necessary to tighten entrance requirements in order to reduce the number of students so that the quality of the institutions could be maintained.

The next question concerned the U of A Faculty Constitution which has been under review by the Board of Regents for the past two years. The section dealing with grievance procedures is still at issue, it was pointed out. The balance of the Constitution and Bylaws dealing with faculty government has been accepted by the Regents' Policy Committee. The question was asked if the Regents could ratify the faculty government part and leave the grievance machinery section to further negotiation.

Regent Dunseath acknowledged that the Constitution and Bylaws presented no problem for the most part and had been given tentative approval. The point of dispute was in the Bylaw referring to nontenured faculty members. He said the Regents had taken the position that it is not necessary to give reasons for terminating a nontenured person. This position has been supported by the United States Supreme Court. The Regents would almost surely be threatened with lawsuits if they did give reasons, he said. Experience of recent court cases has indicated that in such cases if a suit was lost the Regents could individually be subject to damages of an exorbitant amount. He said he supposed the Constitution and Bylaws could be given piecemeal approval but this would be very cumbersome. He said the Regents' legal adviser, Blair Benjamin, is trying to develop an appropriate constitution for all three universities. He said it is true that the matter has dragged on for two years but he said this has been the fault of the University of Arizona faculty, not the fault of the Regents, because the faculty simply will not yield or compromise on the points under discussion.

Dr. Witte said that although Regent Dunseath had referred to "legal opinion" there were opinions of other lawyers which were not in agreement with those cited by Mr. Dunseath. If people were let go without reasons being given, such secrecy would lead to even more lawsuits, she felt. She felt that the court cases processed thus far are indeed open to interpretation. She said she felt very much troubled by the fact that nontenured personnel at this institution do not have adequate rights. Most nontenured faculty are younger persons. She said the Regents' policy "will turn this campus into a cemetery instead of a university."

Dr. Witte said legal advisers to the American Association of University Professors have given legal opinions on some court cases quite different from the legal opinions cited by Mr. Dunseath. Fifty percent of the colleges and universities in the country do give reasons to nontenured persons when they are

let go, she said. She said she would like to know what the opinion of the other Regents present was on this issue.

Mr. Dunseath responded that all the Regents were well acquainted with Dr. Witte's position. They also were acquainted with the opinions of the AAUP lawyers that she had referred to. As a matter of fact, he said, the University administration and the Regents would like to give reasons for not continuing the employment of a faculty member. But this would frequently be very harmful to the individual in question. Further, adequate insurance for the legal expenses of lawsuits and the coverage for damages if the suits were lost would be something impossible for the state to support. Trials would be protracted even if the Regents won, he said. They would "wipe out" an individual's financial resources, for instance. The Regents just cannot take the position of risking such lawsuits.

Regent Chandler said that of course lawyers do not always agree. He said he would like to give reasons, and that is his inclination. But he said it is easy to be Spartan about someone else's responsibility. He said he was referring to his fellow Regents. He said he personally would be willing "to take a chance."

Regent Molloy said he must admit that he was biased and prejudiced in this matter. He earlier, before becoming a Regent, had represented the Board in some litigation involving Professor Peacock. He had advocated a position contrary to that advocated by Dr. Witte. In his opinion the law does not require that reasons be given when nontenured people are not retained. His mind is not absolutely closed on the issue, he said. And he can understand why nontenured people would want specific reasons stated. On the other hand he said he has been appalled at the amount of litigation U.S. society is drifting into. It is great for lawyers but it is requiring an excessive amount of the time of scientists, doctors, and others. All of this he deplures. We should insist on people performing well, and when they fail to do so and we let them go we should tell them why we are letting them go. "However, now you have to justify everything you do with the risk of lawsuits, and matters drag on and on and on," he said.

Regent Campbell pointed out that a bill had been presented in the Arizona Legislature to eliminate tenure in the Arizona universities entirely. He said he would not support this. He felt, however, that nontenured persons do not have the same rights a tenured person has.

Dr. Inman asked if nontenured personnel had the right to appeal to the Committee on Academic Privilege and Tenure. Dr. Steelink said that while faculty personnel do not have the right to tenure until they have been employed a certain number of years, they do have the right to a CAPT hearing. This is not necessarily related to the matter of giving reasons. Dr. Dunseath said he didn't see the difference between giving reasons and having a hearing. Dr. Inman said that the CAPT could investigate a case and indicate that the firing had been proper or improper without stating the reasons for the nonretention. Dr. Schaefer explained that that procedure was available now.

The next question asked was whether the Regents were considering changing the academic calendar so that classes in the fall semester would start a week earlier in August. The 1977-78 calendar places the last final examinations

of the first semester very close to Christmas which would cause hardship for a number of students and faculty. Several Regents said they would consider any calendar which was recommended by the University faculty.

The next question asked if in view of the lack of English language proficiency shown by many entering freshmen, the Regents would be willing to support compensatory English programs in cooperation with the Arizona high schools. Several Regents said they did not know if the high schools would be willing to work with universities on this matter or not. They said they were not sure just what role the Regents should play in this matter. They said that the secondary schools are looking for good reading and English teachers. Perhaps the best thing the universities could do would be to train better teachers who would go into the high schools and teach English and reading more efficiently to the high school students who then would come to the universities better prepared. There is some question whether the Regents have any authority in this whole area, it was pointed out.

Professor Robert Clark asked if something shouldn't be done about students who come to the University sadly lacking in the ability to read or write. Mr. Chandler said that of course the high schools should be forced to do their job so that their graduates would have the ability to read and write.

Dr. Gegenheimer commented that the teaching of high school English must be improved. The high schools, one would think, would want their English program to be so good that their students would not have to take subcollegiate English in the universities. Mr. Dunseath asked if doing away with bilingual educational programs would solve the problem. Dr. Gegenheimer said indeed no, the problem would be even worse then.

The next question asked if there was any chance of changing the 22 to 1 student-faculty ratio to something lower. Regent Bilby answered that the problem was of a different nature. That is, how do you keep the ratio as low as it is now? Many members of the Legislature feel that the ratio should be made greater. Of course it is hard for some legislators to understand that while you have some classes with 500 students in them you have others with only 3 or 4. The Regents are not enamored with the 22 to 1 ratio, Mr. Bilby said, but the Legislature is and the Regents find they have constantly to defend that ratio to keep it from getting any greater.

The next question referred to the fact that a number of legislators have asked faculty representatives if they could use faculty expertise as a resource for writing legislation. Have the Regents considered setting up a central data bank for this purpose? Mr. Bilby and several other Regents indicated no.

Professor Clark pointed out that many faculty members have helped over the years in writing proposed legislation. He said that many faculty members are asked to help in this regard but they don't want to lose their credibility!

The next question asked if it was fair to tax all students to pay for an athletic program which caters only to a few students. Regent Chandler said yes and no. It sometimes is hard to justify the relevance between higher

education and athletics, he said, but regents must be practical. It is a fact of life that many legislators look at an institution's athletic record when it comes to vote for appropriations. Patrick Mitchell pointed out that at the present time the only fees which students are paying toward the athletic program are fees applied toward retiring the bonds issued in connection with the construction of athletic facilities.

The next question was that, since the training of graduate students is more expensive than the training of undergraduate students, should graduate students have to pay a higher registration fee? Regent Payne referred to the fact that students from the College of Medicine are already paying higher fees because of the difference in the cost of their education. From the point of view of cost accounting, perhaps such a procedure should be followed. But what do you do with the very qualified person who cannot afford a greater fee? Would only the well-to-do be able to afford graduate school? Dr. Payne said it would be difficult to develop a single policy to cover all situations. There is inexpensive research confined pretty much to individual effort in the library, compared with expensive laboratory research, he said.

Professor Clark said in defense of graduate students that they do provide a cheap labor market. Graduate students do much of the institution's lower division teaching. That whole system would be threatened if the fees for graduate work were increased. Regent Bilby commented that at Northern Arizona University none of the teaching is done by teaching assistants. Graduate students simply do not handle any of the teaching responsibility at that institution.

Dr. Witte commented that some schools do have an exorbitant tuition for their College of Medicine. Several Regents responded that the pressure to get into med schools is so great that the financing of medical education must not be too great a problem for most aspiring medical students.

Regent Campbell said that the Regents are studying, in response to a request from the Legislature, the cost of higher education in the Arizona universities. It is hoped that something appropriate can be developed which will be based on something other than Full-Time Equivalent. A side effect could be a change in the fee structure, he said.

Dr. Gegenheimer said that one function of a university is to train the next generation. If graduate work becomes too expensive, then institutions will fail in that particular function. Doctors and lawyers earn more than teachers, he said. Perhaps doctors and lawyers and others could be expected to pay off some of their higher education costs later. But to change the overall structure of financing higher education from income from fees as presently paid would be undesirable, he felt.

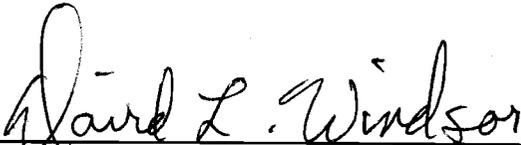
The question was then asked if anyone knew what the student-faculty ratio was at the member schools of the Pacific Athletic Conference. No one seemed to know. Mr. Bilby said that he thought that the public institutions in the PAC-8 had a ratio of about 22 to 1, similar to that of the University of Arizona. Stanford, on the other hand, probably had a ratio of about 9 to 1.

At this point it was announced that all the questions submitted in

advance had been answered and the floor was open for additional questions. Dr. Lou Battan asked what the status is of liability insurance for University personnel. Is liability coverage currently in force? He knew it had lapsed at one point. Has it been reinstated?

The question was directed to Mr. Benjamin who said that the only such insurance now in effect for University personnel is the state's own self-insurance program. Dr. Gegenheimer asked if civil rights matters are covered by this self-insurance. Mr. Benjamin answered yes.

There being no further questions the meeting adjourned at 4:50 o'clock.



David L. Windsor, Secretary



David Butler, Assistant Secretary