

MINUTES OF MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA  
Monday, April 7, 1975 Kiva, Room 211 College of Education

The Faculty Senate convened in regular session on Monday, April 7, 1975 in the Kiva, Room 211 of the College of Education. Fifty-eight members were present with Vice President Weaver presiding.

SENATE MEMBERS PRESENT: Aamodt, Boghosian, Brewer, D. Butler, H. Butler, Chin, Demer, Dinowitz, Dresher, Edwards, Evans, S. Fahey, W. Fahey, Fazio, Gaines, Garcia, Graham, Halderman, Hull, Inman, Jensen, Johnson, Kass, Kassander, Knorr, LaBan, Livermore, Malik, Manes, Massengale, Mathews, McConnell, McCoy, McMillan, McWhorter, Miller, D. Myers, L. Myers, Noyes, Odishaw, Palsson, Paylore, Peterson, Ray, Reed, Roby, Roemer, Simpson, Steelink, Thompson, Tomizuka, Trier, Vanselow, Weaver, Wiersma, Windsor, Woods, and Yoshino. Student representatives present were Ken Sobel and Jorge Reyes. Dr. Robert Sankey was present as parliamentarian.

SENATE MEMBERS ABSENT: Bleibtreu, Capponi, Carr, Christensen, Corrigan, DuVal, Elliott, Joyner, Kearns, Mason, McCullough, Muramoto, Nelson, Paulsen, Rhodes, Rosaldo, Rosenberg, Schaefer, Shields, Skinner, Sorensen, Stairs, Stubblefield, and Svob. Student representative absent was Scott Nation.

APPROVAL OF MINUTES: The minutes of the meeting of March 3, 1975 were approved as distributed to members.

CATALOG MATERIAL: The catalog material as presented in "Curriculum" bulletin Vol. 5, No. 12 (issue date of March 11, 1975) was approved with the exception of two proposed new courses, Systems and Industrial Engineering 230, Elements of Engineering I, and Systems and Industrial Engineering 231, Elements of Engineering II. Dean Fahey asked that action approving these two proposed new courses be postponed until the May meeting of the Senate. It was explained that questions had been raised about these proposals and it was wished that these questions be answered before formal Senate action is taken. Consideration of Systems and Industrial Engineering 230 and 231 will be on the agenda of the next Senate meeting.

ELECTION OF MR. RAY DAVIS AS SENATOR-AT-LARGE REPLACING PAUL ROSENBLATT EFFECTIVE FALL 1975: Dr. Steelink, Chairman of the Faculty, pointed out that in the recent election of twenty senators-at-large, to take office in the fall of 1975, Dr. Paul Rosenblatt had been elected. Dr. Rosenblatt, however, has recently been appointed dean of the College of Liberal Arts effective July 1, 1975. Thus he will be an ex-officio member of the Senate. To fill the vacancy among the new senators-at-large caused by Dr. Rosenblatt's appointment to the deanship, Dr. Steelink moved that the next runner-up after the twenty elected in the recent balloting for senators-at-large, Dr. Ray Davis, be elected by the Senate as the replacement for Dr. Rosenblatt. Dr. Steelink's motion was seconded and carried with no dissenting vote heard.

FURTHER REPORT FROM AD HOC COMMITTEE TO STUDY PROVISIONS OF FACULTY MANUAL RE DISMISSAL OF FACULTY MEMBERS (SEE MINUTES OF SENATE MEETING OF FEBRUARY 10, 1975):  
Dr. Weaver asked Dr. Gegenheimer, chairman of the ad hoc committee to study the provisions of the Faculty Manual regarding the dismissal of faculty members to come to the rostrum.

Dr. Gegenheimer commented he would like to point out that the committee had been pleased to note that President Schaefer had recently appointed a committee to consider grievance procedures for nontenured personnel, with Registrar David Butler serving as chairman.

Turning to the Report of the ad hoc Committee to Study Provisions of the Faculty Manual re Dismissal of Faculty Members, Dr. Gegenheimer said the committee had reviewed the suggestions that had been forwarded to the group since the Senate reviewed the report in February and had made a number of editorial changes as well as several other corrections and emendations.

Dr. Gegenheimer said the suggestion had been made that more complete statements should be developed concerning the cases of personnel not being retained because of financial exigency. Reference had been made to the Winter 1975 Bulletin of the American Association of University Professors which contained a suggested policy concerning this situation. Dr. Gegenheimer said his committee had discussed this matter at length, but had come to the conclusion that nothing concerning such a situation beyond what already is included properly belongs in Chapter VIII. The subject is one which deserves fuller development for inclusion in the Faculty Manual but this should not be included in Chapter VIII, it was felt. The committee, therefore, recommended that another committee be developed to consider developing a full statement on this subject.

Referring to Section 8.05 of Chapter VIII, Dr. Gegenheimer reported that the committee recommended that the last sentence of the fourth paragraph, reading "At the time any recommendation is transmitted hereunder a copy of the recommendation shall be given to the faculty member", be revised to read "At the time any recommendation is transmitted hereunder the faculty member shall be advised of the recommendation". This would mean that the faculty member concerned need not be furnished with the entire file on his case but simply be advised of the recommendation that is being made. Thus privileged information in the file would be protected, Dr. Gegenheimer pointed out. Also the committee recommended that the final paragraph of Section 8.05 be revised to read, "In order to protect temporary faculty members from improper interpretations of decisions not to retain, no reason for such a decision shall be stated in the notice. The faculty member may, however, request a statement of reasons".

In Section 8.08, Dr. Gegenheimer explained, referring to the first paragraph, the committee agreed that the word "appointments" in the fourth line should be deleted so the reference would be simply to "...all matters of faculty reappointment, nonretention, promotion, and tenure." The next sentence, the committee had at first felt, might well then be revised to read, "A department or single department college may establish separate standing committees on faculty recruitment and initial appointments", changing the original language to provide for more than one committee. On further deliberation, however, the committee had concluded that the best solution here would be to delete that sentence entirely since the preceding language no longer spoke to initial appointments.

At this point Dr. Inman asked when it would be appropriate to propose formal amendments to the document. Dr. Gegenheimer's response was that while he hoped consideration of the report could be completed today he thought that the time to make formal proposals for revisions would be after he had completed reporting all of the committee's latest suggested changes.

Turning to earlier sections of the document, Dr. Gegenheimer reported several minor changes in Sections 8.02 and 8.03. In Section 8.02, in the second paragraph, the word "persons" had been inserted after the words "The following". In Section 8.03, in the final paragraph, the word "shall" had been changed to "should", the word "any" changed to "serious", and the words "as soon as possible" deleted. This sentence then would read, "Department heads should advise faculty members of serious dissatisfaction in order to provide an opportunity for correction of the situation."

Dr. Mathews referred to Section 8.08 again. He said he felt the language could present difficulties for the College of Medicine since ad hoc departmental committees on faculty status are created in that college in addition to the college's standing committee on faculty status. He felt the statement would be strengthened if a provision was made providing the option of developing ad hoc departmental committees. Dr. Gegenheimer said that the recommendation here was for a basic structure, but nothing was intended to prevent developing a more elaborate system in a given college if such were desirable. He felt the committee members would agree with him, however, that it would be desirable for departmental committees on faculty status to be standing committees rather than ad hoc ones so that at least in a given year all cases would be treated by the same committee membership, thus providing a consistent perspective. Dr. Mathews said that a college standing committee would provide consistency. Dr. Gegenheimer said that he felt that a college standing committee could not but be influenced by a departmental committee and if the departmental committee was made up of the same personnel throughout the year, greater consistency would be assured. This consistency would provide a necessary element of protection to all faculty members whose cases came before the committee.

Dr. Mathews said he did not feel that, at least in Medicine, the college committee was predisposed necessarily to follow the recommendation of a departmental committee. Dr. Gegenheimer said he felt the college committee would be more disposed to follow the recommendations of a departmental committee if the departmental committee concerned was always the same one, that is, made up of the same persons.

Dr. Inman said that in the Department of English there were six standing members of the committee plus three ad hoc members for a given case. Was this legitimate? Dr. Gegenheimer responded, "Yes, indeed".

Dr. Myers asked Dr. Gegenheimer if he had understood correctly that the committee was not proposing anything additional for Chapter VIII regarding faculty members who are not retained because of financial exigencies. Dr. Gegenheimer explained again that the committee's feeling was that anything more on this subject should not be included in Chapter VIII. Rather, a different statement in the Manual should cover such situations and a different committee should develop that statement.

Dr. Myers said he had a question about the committee's changing the final paragraph of Section 8.05. Dr. Gegenheimer explained that the committee had here simply made a change suggested in the Senate at the February meeting. The point was that a faculty member would have the right to request a written statement of reasons why he was not being retained.

Referring to Section 8.06 Dr. Myers said he felt the final paragraph as presently written implies that once a report has been given to the Committee on Academic Privilege and Tenure the matter was disposed of. He would hope that some machinery could be provided to protect the faculty member to a greater degree. Dr. Inman commented that the statement in the fourth paragraph of Section 8.06, she felt, was totally inadequate and contradictory to the guidelines of the American Association of University Professors. If, as has been suggested, a special statement is to be developed for inclusion in the Manual elsewhere than in Chapter VIII relating to persons not retained because of the lack of financial support, such a statement should also include situations involving persons released because of the curtailment or termination of a program, or because of the redirection of the goals of the department. Dr. Gegenheimer agreed with Dr. Inman but said that he felt the brief reference to situations involving lack of financial support or the curtailment or termination of a program should be included as presently proposed in the last paragraph of Section 8.06. It is essential that the University of Arizona's document consistently fit together, he said, and this was more important than absolute compliance with AAUP guidelines.

Dean Livermore commented that he was having trouble understanding some of the modifications being reported by Dr. Gegenheimer, that is, appreciating just where the revisions should be made, etc. and moved that as soon as possible members of the Senate be provided a "clean draft" of Chapter VIII for study prior to the next meeting of the Senate. Dr. Gegenheimer commented that the committee's report had been in the hands of the senators since before the February meeting and the emendations he was reporting were mainly ones that had been suggested by Senate members in the discussion in February.

Dr. Myers seconded Dean Livermore's motion.

Dean Windsor pointed out that each senator had, by means of the minutes of the February meeting, the proposed revised version of Chapter VIII as modified following the discussion in that meeting. The changes proposed today by Dr. Gegenheimer were not complicated or lengthy.

Dr. Shirley Fahey commented that the ad hoc committee keeps making final drafts which then are modified into new final drafts. When will the committee's work be done?

The question on Dean Livermore's motion was called for and carried.

Dr. Tomizuka referred to Section 8.03. He noted that Dr. Gegenheimer had reported that the committee felt that the wording "Department heads shall advise faculty members of any dissatisfaction..." should be changed to "Department heads should advise faculty members of serious dissatisfaction...". Could not an accumulation of minor dissatisfactions in time accumulate to such a level that in the aggregate there was a major need for a faculty member to change his ways? Yet the faculty member would not have been apprised of the various instances of less than satisfactory performance since no single one of them was considered "serious".

Dr. Gegenheimer pointed out that in the February meeting Dean Livermore had pointed out that the word "shall" was mandatory in tone and the phrase "any dissatisfaction" was too broad. Thus "shall" had been changed to "should" and "any" had been changed to "serious".

Dean Livermore said that one had to be reasonable and a department chairman or dean could not be expected to report to a faculty member every single criticism that he heard about that faculty member. In his office he would be having to write letters almost daily to faculty members reporting various minor criticisms he had received. He said he felt disposed to move that this entire paragraph be deleted.

Referring to Section 8.05, Dr. Trier asked in what manner faculty members are to be advised of "serious dissatisfaction". Dr. Gegenheimer said there were various ways in which a faculty member could be advised. Dr. Trier said that a system of accountability must be maintained. What if a departmental committee on faculty status recommends in one direction and a department head recommends in another? Dr. Gegenheimer said he assumed that both reports would go forward to the next review level for consideration. He pointed out that the statement under discussion referred to persons on temporary status. There is a much more specifically spelled-out procedure for tenured personnel. The committee's feeling had been that it was not in the best interest of the employe to have written statements of reasons not to retain included in the notice of nonretention. unless the individual faculty member requests such a statement of reasons.

Dr. Mathews said that although a faculty member may request a statement of reasons for a decision not to retain this does not guarantee that he will receive such a statement. Dr. Gegenheimer said that it had been assumed that if a person requested a statement he would get it. It was then suggested that the final sentence of the last paragraph of Section 8.05 be revised to read, "The faculty member shall be provided a statement of reasons upon request".

Dr. Demer referred to the final paragraph of Section 8.06. He said that since this statement includes reference to persons being released because of the lack of financial support or because of the curtailment or termination of a program, there should also be included reference to a person's being released because his expertise is no longer needed because of a redirection of the department's goals.

Dr. Gegenheimer turned next to Section 8.24. He said the committee proposed inserting the words "at the option of the University" in the first sentence following the word "notice". In the third sentence of Section 8.24 beginning "This provision...", the words "by the President" should be inserted after the word "finding".

Dr. Peterson said he was disturbed by Dr. Livermore's comment that he was considering recommending that the final sentence of Section 8.03 be deleted. He said he supposed a department head or a dean might "hold on to his ammunition" until the last minute if he felt he had ample reason in the aggregate, made up of a number of minor criticisms, for letting a faculty member go. Administrative officials must protect their options. On the other hand, he saw a responsibility of the Faculty Senate to be to develop a document which would protect the individual

faculty member. He felt some statement carrying the sense of the present final sentence of Section 8.03 is necessary and he hoped that Dean Livermore could help develop wording which would protect both the University and the faculty member.

Dean Livermore said he certainly would not normally anticipate making a recommendation different from that of the faculty committee. But should a dean or department head be expected to never hold back anything? Every time he receives a report that a certain course is "crummy" or that professor so and so is not a very good teacher, must he immediately report that to the instructor concerned?

Dr. Gegenheimer said that the committee had changed the word "any" to "serious" because it was felt that any deficiency should be of a truly serious nature. Good personnel management should be able to discriminate between an important and an unimportant deficiency.

Dr. Mathews said he could see value in both Dean Livermore's and Dr. Peterson's points of view. The fact is, he said, that sometimes faculty members are not retained who up until the time they are told they are not to be continued have never been made aware in any manner whatsoever of any inadequacy in their performance. They have been totally ignorant that anyone has found anything in their work to criticize. Maybe what is needed, he said, is a sound training program for department heads who would be expected to develop means on a continuing basis to keep their faculty members informed as to whether they are doing a good or bad job of teaching. Dr. Gegenheimer said that the President of the University of course could urge all department heads to constantly maintain a continuing review of the performance of all personnel they supervise. He commented that anyone wishing to make suggestions similar to those being made by Dr. Mathews could forward them to Dean Fahey who is chairman of a committee studying the developing of appropriate ways to review the performance of department heads.

Dr. Myers said he thought that the word "dissatisfaction" in the sentence under discussion was not a good one. Inadequate performance is what is really meant here and there are criteria that are well spelled out elsewhere as to what constitutes adequate or inadequate performance. The word "dissatisfaction" is a poor word for this situation, he said.

Dr. Henry Butler said he saw as a critical problem the need for maintaining a distinction between nonretention and dismissal. The same due process should be made available to temporary personnel not being retained as that given a tenured faculty member, he felt. Certainly a department head should tell the temporary employe where his deficiencies are and what he should do to correct them before he is suddenly told he is not going to be continued.

Dr. Inman asked if something definite was going to be done to assure that somewhere in the Faculty Manual a more detailed statement is developed concerning persons not being retained because of financial exigencies, etc. Dr. Gegenheimer said he hoped a special committee would be appointed to develop such a statement. Several motions to this effect were then made, that is, that the President be asked to appoint such a committee. Many seconds were heard and the motion carried.

Dean Hull referred to what to him seemed to be a contradiction in Chapter VIII. Section 8.10 reads "An instructor may be recommended for promotion, for nonretention, or for other change in status during the first, second, or third year of service in rank". Yet Section 8.02 provides that periods of length of service in rank can include up to two years served by the individual at another university or college in the rank specified. If an instructor had served two years at another institution and was in his first year of service at the University of Arizona, since this was his third year of service in rank, would he be subject to recommendation for promotion, nonretention, or other change in status? Dr. Gegenheimer said that there was no contradiction here. In such an instance as that cited by Dean Hull, the individual could be recommended during his first year on the U of A campus for promotion, for nonretention, or for other change in status.

At this point Dr. Weaver suggested that any additional suggestions members of the Senate might have for changes in Chapter VIII be communicated in writing to the committee as soon as possible. The committee will prepare its final "clean draft" at the earliest possible opportunity and the secretary will circulate it promptly to members of the Senate.

Dr. Myers asked if it would be in order to accept the committee's work thus far and discharge the group. Some Senate members felt however that the committee should continue its existence a little longer so it could meet to take into account today's discussion in preparing the final draft of Chapter VIII which then will be formally acted on by the Senate at its next meeting.

Dr. Gegenheimer reminded the Senate that the committee's charge had not been to completely revise Chapter VIII, but only to consider certain features of the chapter relating to dismissal and nonrention. It might be very much in order, he said, for another committee at an early date to study all of Chapter VIII to see what revisions any part of the chapter might need.

There being no further business the meeting adjourned at four-thirty o'clock.



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David L. Windsor, Secretary



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David Butler, Assistant Secretary