

MINUTES OF MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA
Monday, January 3, 1972 Room 350 Modern Languages

The Faculty Senate convened in regular session at 3:40 p.m. on Monday, January 3, 1972, in the Modern Languages Building auditorium (Room 350). Fifty-two members were present with President Schaefer presiding.

SENATE MEMBERS PRESENT: Anthony, Ares, Bannister, Bartlett, Bleibtreu, Bok, Bretall, Brewer, H. Butler, Christopherson, Cole, Delaplane, Dewhirst, Dresher, Eisner, Evans, S. Fahey, W. Fahey, Gegenheimer, Goodwin, Gould, Grant, Green, Herber, Hetrick, Hull, Joyner, Keating, Layton, Lytle, Mason, Massengale, Mautner, McMillan, Munsinger, H. Myers, Nigh, Paulsen, Putt, Reiblich, Rhodes, Schaefer, Siegel, Skinner, Steelink, Svob, Thompson, Tomizuka, Voris, Wise, Younggren, and Zwolinski. Student representatives attending were Julie Lauber, Bruce R. Tufts, and Nanette Warner.

SENATE MEMBERS ABSENT: Barnes, Boyer, Dixon, Edwards, Freeman, Gaines, Johnson, Krebs, Lane, Mathews, McConnell, Muramoto, Murphy, L. Myers, Richard, Robson, Shields, Sorensen, Varney, Windsor, and Zumberge.

APPROVAL OF MINUTES: The minutes of the meeting of December 6, 1971 were approved as distributed to members with three corrections. On page 85 of those minutes in the fifth paragraph Dr. Skinner stated that his motion had been that the committee to revise the Faculty Constitution be instructed to present the report at the next meeting of the Faculty Senate. On page 86 of those minutes in the fifth paragraph a reference had been made to instructing the University Registrar to send D and F midterm reports; however, it was pointed out that this should read, "...to instruct the academic deans to send D and F midterm reports...". On page 91 of those minutes Miss Nanette Warner's name should be added to the members of the Committee to Study Student Complaints About Grading. Dean Rhodes pointed out that she had made a significant contribution to the work of this committee and should be given credit for this in the Faculty Senate minutes.

CATALOG MATERIAL: The catalog material previously distributed to members of the Senate by means of the "Curriculum" bulletin was approved with the following deletions: For the bulletin of December 10, 1971 the second paragraph in the left column of page 3 referring to HPER 298 should be deleted and in the last paragraph of the left column of page 4 the reference to Electrical Engineering 410 should also be deleted:

MEMORIAL FROM THE STUDENT SENATE REQUESTING CREATION OF A JOINT STUDENT-FACULTY-ADMINISTRATION COMMITTEE TO INVESTIGATE, EVALUATE, AND RECOMMEND TO THE STUDENT AND FACULTY SENATES UPON THE FEASIBILITY OF CREATION OF AN ALL-UNIVERSITY GOVERNMENT, INITIALLY ALONG THE LINES OF A REPRESENTATIVE LEGISLATIVE BODY COMPOSED EQUALLY OF STUDENTS, FACULTY, AND ADMINISTRATORS: The Senate had received the following memorial from the Student Senate:

SENATE ACT #345

Introduced by:

Bruce Eggers, Paul Erickson, Steve Fishbein,
Herb Kalish, Sue Shetter

A MEMORIAL

To the Faculty Senate respectfully requesting creation of a joint student-faculty-administration committee to investigate, evaluate, and recommend to the Student and Faculty Senates upon the feasibility of creation of an all-university government, initially along the lines of a representative legislative body composed equally of students, faculty, and administrators.

- WHEREAS, Barriers to change on the University campus have been, in part, precipitated by the absence of formalized working relationships between students, faculty, and administrators; and
- WHEREAS, This problem has been somewhat, though not completely, alleviated through the placement of students on all-university committees and an exchange of representatives between the Student Senate of the Associated Students and the Faculty Senate; and
- WHEREAS, Eleven Student Senate acts of the Eighth Legislature have been in the form of memorials to the Faculty Senate, slowing down the process through which problems can be enacted upon by these legislative bodies; and
- WHEREAS, Work by the Faculty and Student Senates was doubled up over the issues of voluntary ROTC and pass-fail grading, rather than being jointly explored and evaluated in the same time span by students, faculty, and administration representatives; and
- WHEREAS, A coming together of ultimate authorities controlling decision-making matters over students, faculty, and administration affairs is needed; and
- WHEREAS, To build for a better University, students, faculty, and administrators must view their roles as mutual partners, one with another; and
- WHEREAS, Interest in the concept of an all-university government has been expressed at the All-University Conference of October, 1969 and February, 1970;
- WHEREFORE: Pursuant to the powers vested in it by the Constitution of the Associated Students, Article III, Section 13, Parts 6, 8, 9, and 11, be it enacted by the Student Senate that:
1. The Faculty Senate of the University of Arizona is hereby respectfully requested to create a nine-member committee composed of three students, three faculty members, and three administrators to investigate, evaluate, and recommend to the Student and Faculty Senates upon the feasibility of creation of an all-university government, initially along the lines of a representative legislative body composed equally of students, faculty, and administrators.

2. The committee should propose the method of implementation for whatever is recommended to the two bodies;
3. The University Committee on Committees should appoint the three faculty members and three administrators to the committee and, upon the advice of the Student Senate, the three student members;
4. The report of the committee should be completed no later than December 1, 1970;
5. A progress report should be made available to the University Community by October 1, 1970.

First Reading: 3/4/70
 Second Reading: 4/8/70
 Third Reading: 4/15/70

No committee actions.

SENATE ACTION - THIRD READING: Passed by acclamation, 26 voting.

SPEAKER OF THE SENATE ACTION/S/: Bill White DATE 4/30/70

ASUA PRESIDENT ACTION/S/: Mark Ginsberg DATE 4/30/70

Miss Nanette Warner spoke in favor of the memorial. She stated that the establishment of a University Senate would serve to facilitate communication between students, faculty, and administration. Such a university governance arrangement is a trend across the United States.

Dr. Gegenheimer stated that the Faculty Senate committee to consider the revision of the Constitution had considered this memorial from the Student Senate. He further stated that he objected to some of the wording in the memorial in that he did not think the memorial should indicate the number of committee members from each segment of the University community. He felt this would serve to reduce faculty participation in the governance of the University.

Miss Lauber stated that the intent of the proposal was not to enumerate the number of members of this study committee, but rather to ask the Faculty Senate to consider a new type of governing procedure.

Dean Svob suggested that since the Senate is still waiting to hear a report from the Constitution Revision Committee it would probably be wise to table this memorial at this time. He, therefore, moved that the memorial be tabled. The motion was seconded and passed but several dissenting votes were heard.

RECOMMENDATION TO FACULTY SENATE FROM ADVISORY COUNCIL RE AUTOMATIC GRADE OF 8 IN COURSE WITHDRAWALS THROUGHOUT THE SEMESTER: Members of the Faculty Senate had been provided with the following recommendation from the Advisory Council:

"The Advisory Council recommends to the Faculty Senate that the period during which a passing withdrawal mark of 8 is automatically given students dropping courses, now limited to the first six weeks of the semester, be extended through the semester, that is, to the last day of classes.

"The Council further recommends that the statement concerning Absences appearing on page 184-185 of the current catalog be revised so that the sentence beginning at the bottom of page 184 and including the first three lines at the top of page 185 would read, 'If the Dean has no

such information, he shall notify the student that his absences have been reported and that additional absences will authorize the instructor, at his discretion, to drop the student from the course with the grade N (non-official withdrawal).' In the third line of the following paragraph the word 'appropriate' would be deleted and 'N' would be inserted following the word 'grade'.

"In the Council discussion the view was emphasized that a failing grade should be awarded only in instances where a student has failed academically after carrying a course to its completion. The consensus was that a grade of 5 should not be used as a punitive measure (in cases of excessive absences, for example) or as a final mark when a student has not taken the final examination.

"This revised policy, if approved, would become effective the first semester of 1972-73."

Dr. Gegenheimer stated that he felt the first paragraph of the recommendation was not clear. He said that the wording left some doubt as to when a grade of 8 or a grade of N should be awarded. Mr. Butler suggested that the wording be changed to read as follows: The Advisory Council recommends to the Faculty Senate that the period during which a passing withdrawal mark of 8 is automatically given students who officially withdraw from individual courses or from the University, now limited to the first six weeks of the semester, be extended through the semester, that is, to the last day of classes.

Dr. Bretall asked for some clarification of the grade of N as opposed to the grade of 8. Mr. Butler provided this. Dr. Bretall then stated that he had some hesitation concerning the recommendation. He believed that if a student doing failing work was allowed to withdraw through the last day of class with no penalty it would be unfair to those students that stayed in the course. He said that to him it was a question of justice. He asked if the business of the University was to award grades on a purely intellectual basis.

Dean Fahey then presented the following summary of the deliberations of the committee:

1. The Registrar had been in a position to detect evidences of disagreement among departments concerning the use of the grade of 5. There was an obvious inequity in the awarding of withdrawal grades. Some faculty members always gave grades of 8 when a student withdrew while others gave only failing grades of 5.
2. The student's loss of time, money, and credit will constitute a deterrent to frivolous withdrawal.
3. Where class attendance is mandatory and necessary it will still be enforceable and feasible.
4. A failing grade should count as a failure for the entire course effort rather than for a partial course effort. (Please see paragraph 3 of the recommendation.)

Dr. Dewhirst stated that he found it difficult to speak to this matter since there was no motion before the Senate. However, he would proceed. He stated that the document did not reach him until the 28th of December which, in his opinion, did not allow Senate members enough time to fully comprehend the ramifications of this recommendation. He further said that the recommendation specifically commented about pages 184 and 185 of the current catalog; however it had ignored any reference to page 181 which he felt was very important. Finally he said that he was also concerned about the justice and fairness of this recommendation.

Dr. Thompson then moved that the Faculty Senate adopt the recommendation from the Advisory Council with the minor changes as suggested by Mr. Butler. This motion was seconded by Dr. Joyner.

Dr. Tomizuka said that if we adopt this recommendation we would in effect be eliminating the grade of 5 and would be taking a backhanded approach to the 1, 2, 3 system of grading with no failures.

Dr. Schaefer stated that there had been some concern voiced by members of the Advisory Council and he was also concerned that such a procedure would result in students not making satisfactory progress toward a degree but simply dropping most of their courses in order to preserve their grade average.

Dean Fahey remarked that he could not agree that this procedure would eliminate the grade of 5. No matter how excellent the communication may be between the faculty member and the student there is always some doubt regarding the final grade, and he felt that many students would remain in the course to try to successfully complete it. He further believed that we do our students an injustice when we imagine that their viewpoint concerning University instruction is one of frivolity.

Dr. Cole voiced his concern about the recommendation. He said that when he first came to the University the situation was such that students could withdraw from courses up through the last day of class. This was not satisfactory and the faculty had worked to tighten academic standards by narrowing the time available for a student to withdraw with a passing grade of 8. He felt that the current recommendation would result in students manipulating their course enrollment and would have the effect of lowering academic standards.

Dean Bleibtreu stated that most colleges had high academic standards and we should be concerned with the students receiving knowledge rather than with trying to penalize them.

Dean Rhodes moved that this motion be tabled. Several seconds were heard and the motion passed.

FURTHER DISCUSSION RE CLOSED MEETINGS OF THE FACULTY SENATE: Dr. Schaefer stated that he had discussed the faculty bylaws with the University's legal adviser and had determined that we are under no obligation to have open meetings. Dr. Joyner then moved that Article 6 of the University of Arizona General Faculty Bylaws be deleted and the following be added:

"All meetings of the Faculty Senate are open to the public. The only exceptions are when a majority of those present and voting call for an executive session or when the presiding officer calls an executive session.

"Non-members may participate in discussions or debates upon invitation of the presiding officer.

"Before the close of each Senate meeting, the presiding officer 'calls the audience'. Under this item only those who are not members of the Senate may address the body on any matters which are germane to the Senate's responsibilities. Comments under 'call to the audience' may not exceed five minutes unless the presiding officer rules otherwise."

This motion was seconded by Mr. Mautner.

Dr. Delaplane asked if the entire faculty did not have to vote on a change in the bylaws. Professor Joyner replied that according to Section III, E, 10 of the Constitution of the Faculty of the University of Arizona the Faculty Senate had the authority to change or formulate bylaws.

Dr. Gegenheimer stated that he felt there was no advantage in "calling the audience". Any faculty member or member of the University community could have an item placed on the agenda of the Faculty Senate by requesting that this be done through the Secretary of the Faculty. Dr. Thompson said that he felt there was a difference between opening the meetings of the Senate to the public and allowing for the public to participate actively in the discussion. He felt that perhaps the two might be separated and meetings should be opened now and possibly after a year's experience then public participation could be invited.

Dr. Gegenheimer said that public participation could result in very lengthy time-consuming meetings. Dr. Joyner replied that his recent experience in a legislative body had shown that this was not the case.

At this point Parliamentarian LaBan indicated that this motion was out of order since any change in bylaws must be provided to the members of the body in a written form in advance of the meeting. Dr. Joyner replied that before the meeting of December 6 his motion had been distributed to all members of the Faculty Senate. Dr. LaBan stated that his motion at that time did not indicate this was to be a change in the bylaws and that to be in order the motion to change bylaws must be circulated in writing in advance of the meeting to all members and must clearly indicate that this is a motion to change the bylaws.

Dr. Joyner asked if a motion to suspend the rules was in order. President Schaefer replied that the proceedings of the Faculty Senate should be conducted in an orderly manner. Therefore, such a motion was out of order.

Dr. Joyner then withdrew his motion and Mr. Mautner withdrew his second. Dr. Joyner then requested that his memorandum which had been sent to the Faculty Senate prior to the meeting of December 6 be recirculated to all Senate members and labeled as a motion he intended to introduce as a change to the bylaws at the February meeting of the Senate.

REPORT OF THE FACULTY SENATE AD HOC COMMITTEE TO STUDY PARKING SITUATION: President Schaefer recognized Dr. Steelink, chairman of the Ad Hoc Faculty Senate Committee Appointed to Study the Parking Situation. Dr. Steelink stated that the committee had been concerned about the large accumulation of delinquent fines owed by members of the faculty and staff. He said that there were approximately \$20,000 dollars in parking fines owing by nearly a thousand members of the faculty and staff. Further, there was no enforceable procedure for collection of these fines.

The committee had determined with advice of counsel that Section 15-725.01, B. and E. of the Arizona Revised Statutes gave the Parking Administrator authority to collect fines by involuntary payroll deduction. He then presented the following report:

Introduction

"This committee was charged with the responsibility of reviewing: (1) parking facilities, (2) enforcement of parking regulations, and (3) appeal procedures for the faculty and staff and of making any recommendations that would ease the parking problem on campus. The members of the committee were aided in all their deliberations by the participation of Mr. John Trimble, Mr. Douglas Paxton, and Colonel Edward Wilkie.

"The committee restricted its review to items (2) and (3), since item (1) is properly under the purview of the Parking and Traffic Committee. This report is divided into two parts: (A) Analysis of current parking regulations, and (B) Recommendations.

A. Current Regulations

The current parking regulations as summarized in the Parking and Traffic Digest, 1971-72 and the Arizona Revised Statutes, (Section 15-725.01, B. and E.) authorize the Parking Administrator to collect fines by involuntary payroll deduction. This conclusion was reached by the committee after reviewing all the relevant regulations, statutes, and consultation with the Regents' attorney. The Parking Administrator may use the mechanism of involuntary payroll deduction under the general authority of the statute: that is, he may request the Comptroller to deduct the amount of the delinquent fine from an employee's paycheck.

B. Recommendations

The committee proposes the following procedure for the adjudication of delinquent parking violations (see Footnote 1). It believes that this procedure will give the Parking Administrator the tools of enforcement, offer the faculty and staff a fair way to settle their accumulated fines, and provide more parking space by reduction of use by unauthorized vehicles.

1. The Parking Administrator will inform the delinquent employee by registered mail (return receipt requested from addressee) of his violation. In the letter the Parking Administrator will invite the employee to use all his available administrative remedies, including the opportunity to present his case before the University Parking Appeals Board. Special emphasis will be placed on the availability of the intermediate level of appeal: namely, the Office of the Parking Administrator, who may waive part or all of the fine after discussion with the employee about the merits of the case.

2. The Parking Administrator may use involuntary payroll deduction as a method of collection of fines from individuals who have repeatedly ignored their notices of traffic violations. The Comptroller will be supplied periodically with a list of individuals and the amount of their delinquent fines; no more than \$50.00 will be deducted from any one paycheck.

3. Should the employee decide to file a formal appeal to the Appeals Board, his appeal bond will be waived. The committee felt that employees of the University are in a different category than students, since the latter do not have salaries which can be encumbered.

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A person who has violated one, or more, of any combination of these regulations for three or more times. (Parking and Traffic Digest, 1971-72, Section VI, D).

Richard M. Edwards
Jack R. Cole
Walter J. Fahey
Cornelius Steelink, Chairman"

Dr. Steelink moved that this report be adopted and that it be applicable to all fines incurred by members of the faculty and staff since 1968. This motion was seconded by Dr. Joyner.

Dr. Gegenheimer than amended the motion to state that the application of this method of collection not be made retroactive but take effect February 1, 1972. This amendment was seconded by Dr. Reiblich.

Dr. Cole, speaking as a member of the committee, stated that the committee had wrestled with the problem of what to do about the outstanding debts owing to the University. He spoke once again of fairness. Many members of the faculty and staff have paid their fines while others have dared the Parking Administrator to attempt to collect them. Dean Fahey stated that he would like to re-enforce Dr. Cole's comments. He said that amnesty would have been an attractive method of presenting this recommendation but the committee's concern for equity and fairness was the overriding consideration. He further stated that on the advice of counsel the recommendation did not put forth a new authority but just restated the power that has been there all along. He therefore urged defeat of the amendment.

Dean Ares said that we have had a miserable system of collecting these fines and people have been misled. He felt that they had not been advised of the seriousness of this fine and it was now highly unfair to retroactively collect this money. He stated that if we were really concerned with fairness we would give back the money we had collected in fines over the past two years. Dr. Gegenheimer stated that many fines are outstanding against people who are no longer here and could not be collected from. Therefore this in itself was unfair.

At this point the amendment was voted on and was carried.

Dr. Joyner then moved to delete Recommendation 2, Section B. This motion failed for lack of a second.

Dean Ares then asked for information concerning the description of the adjudication process or appeal. Dean Fahey explained this in some detail pointing out that there is a great deal of emphasis on the special burden of the Parking Administrator. He stated that sometimes the individuals were not aware of the parking fine and described how the individual would receive a preliminary notice and then if no response had been made to that, a letter by registered mail would be sent. Dean Ares asked if students may appeal to the same board and the answer was affirmative. He then asked why students must post a bond while faculty must not. It was pointed out that with the involuntary payroll deduction procedure the hold over the faculty seemed to be firmer than the encumbrance procedure for students.

Professor Siegel asked about the Parking Administrator's obligation to ensure that there is adequate space available to park if in fact a faculty or staff member had been assigned a parking sticker. Dr. Steelink replied that this was the affair of another committee.

The motion as amended then carried.

Dr. Dewhirst asked if this action would be adequately publicized to all members of the faculty and staff. Dr. Schaefer said that it would and asked the Secretary of the Faculty to handle this. Dr. Schaefer further stated that he had some reservation about the forgiving of the past fines. Professor Reiblich then pointed out that the action of the Faculty Senate concerning the enforcing of the parking regulations was advisory to the administration and the administration still could enforce the collection of the past fines.

Dr. Bretall asked about the work of the other parking committee. He stated that he felt that some violations were of a much more serious nature than others and there should be a differentiation among the fines assessed. Dr. Schaefer stated that he would ask the permanent parking committee to reinvestigate the entire parking situation on campus.

RESOLUTION TO THE ARIZONA BOARD OF REGENTS RE EMPLOYMENT OF ROBERT STIRLING:
Dr. Gegenheimer moved that the following resolution be adopted and presented to the Arizona Board of Regents:

"The Faculty Senate of the University of Arizona requests the Arizona Board of Regents to reconsider its decision of December 18, 1971, with regard to the employment of Robert Stirling as Projects Editor.

"We believe that the Regents' rejection of the staff recommendation of the President of the University raises the following serious problems:

1. It makes it very difficult for administrative officers to recruit faculty and staff, since all future commitments for employment will become tentative and not binding.
2. It removes the authority to make decisions on employment from those most competent to evaluate qualification: namely, the professional people in the discipline.
3. It destroys public confidence in the University and the Regents and creates the suspicion that political criteria are being used in the selection of University personnel."

Dr. Bretall seconded the resolution.

The motion was carried unanimously without discussion.

COMMENTS BY THE PRESIDENT: President Schaefer reported on the matter of summer salaries for those on research contracts. He stated that Vice President Murphy and Comptroller Carr were not ready to present a complete report at this time but they hoped to have one available for the next Senate meeting. He said that we would probably be able to begin payment of salaries June 1 through August 19 but a more definite report will be given later.

VARIOUS ITEMS: Dr. Gegenheimer asked if Vice President Murphy had any information regarding the lump sum payment to faculty members whose raises had been withheld due to the wage price freeze. Dr. Schaefer said information on this would be given at the next Senate meeting or would be distributed individually to each faculty and staff member.

Dr. Lytle asked if anything was being done regarding the payment of salaries on a twelve-month basis for those on a ten-month appointment. Dr. Schaefer replied that some progress was being made on this matter.

Dr. Shirley Fahey asked when the report from the Senate committee regarding the revision of the Constitution would be forthcoming. Dr. Gegenheimer replied that he and Mr. Windsor were working out some administrative details and hoped to have this report ready for the next meeting.

Dr. Schaefer asked Mr. Grant, Chairman of the Committee to Study Registration Procedures, if this committee was making progress. Mr. Grant replied that they were and hoped to have a recommendation to bring to the Senate soon.

The meeting adjourned at 4:55 p.m.



David Butler, Secretary pro tem