

UNIVERSITY OF ARIZONA
MINUTES OF A FACULTY SENATE COMMITTEE OF THE WHOLE*
Monday, April 21, 1986 College of Law, Room 145

The continuation of the recessed April 7 meeting of the Faculty Senate was called to order on Monday, April 21, 1986, at 3:07 p.m., in Room 146 of the College of Law. Forty-one* members were present. Presiding Officer of the Senate Thomas Rehm presided.

SENATE MEMBERS PRESENT: Aamodt, Alcorn, Aleamoni, Atwater, Beigel, Butler, Chen, Chiasson, Cusanovich, Dickstein, Duncan, Epstein, Ewbank, Fahey, Farr, Finkler, Fleming, Fox, Garcia, Garrett, Goetinck, Hegland, Heigl, Hetrick, Irving, Jones, Laird, Matter, Mautner, Muramoto, S. O'Brien, Paplanus, Peterson, Phipps, Rehm, Roemer, Rollins, Sharkey, Weiss, Wert, and Witte. Dr. Robert Sankey served as Parliamentarian.

SENATE MEMBERS ABSENT: Andreas, Aquilano, Bootman, Boynton, Brand, Cardon, Cole, Cunningham, Drake, Ebeltoft, Emery, Fenstermacher, Fernandez, Giffin, Courley, Hasselmo, Hill, Horak, Kettel, Kinkade, Koffler, Marcus, McCullough, Mishel, Myers, J. O'Brien, Obst, Ridge, Rund, Sacanano, Sacken, Salzman, Sampanes, Silverberg, Smith, Sorensen, Steelink, Swalin, Tomizuka, Torres, Tuchi, Wilkening, Woodard, and Zukoski.

SPEEDWAY TUNNEL PROJECT: PRESENTATION BY CITY OF TUCSON TRAFFIC DIVISION: Dr. Rehm introduced Priscilla Cornelio, Deputy Transportation Director, City of Tucson. Ms. Cornelio said she wanted to explain how the tunnel proposal came to be, as well as its advantages from the City's perspective. The City of Tucson, she said, had embarked in a program to widen Speedway, ultimately from I-10 to Alvernon; the portion under consideration at this time concerned the section running between Campbell Avenue and Euclid.

She said that as the City was proceeding to hire a consultant to prepare the design for this section (widening it to six lanes with median islands), members of our Citizen Transportation Advisory Group and some private citizens submitted to the Mayor and Council that this is a unique area, and that alternative ways for widening Speedway should be examined. The Mayor and Council agreed, and asked the Transportation Division to embark upon a study of alternatives for widening this section.

Ms. Cornelio said that currently this section of Speedway carries 38,000 vehicles a day, although it is designed to carry only about 24,000-29,000 vehicles a day. (The higher level represents the reversible lanes.) "We are at capacity today. We are trying to design our roads to last for 20 years. Our future projections are that over 45,000 vehicles a day will be using this stretch of Speedway Boulevard. In addition, we have a couple of other unique problems that are occurring along this section. One is that 25 percent of the

*The Faculty Senate meeting of April 21, 1986 was convened. Following the presentation on the Speedway Tunnel, it was determined that a quorum (43 members) was not present. The group decided to allocate the time available to discussion on the proposed Constitution/Bylaws, acting as a Committee of the Whole.

traffic that is traveling between Campbell and Euclid gets off or on in this section. Basically, it is University-area related traffic. You have a lot of turning movements, and it is a much higher level than is experienced on comparable streets within the City of Tucson. In addition, the accident rate is two and a half times the accident rate which occurs on comparable sections of Grant Road and Broadway Boulevard. So there are high accident rates, a high amount of turning movements, and we are over-capacity: that is the problem we are dealing with."

Ms. Cornelio said that last July the Traffic Division started an alternatives study. Two public meetings were held, for which well over 9,000 individuals were notified. An Ad Hoc Citizens Committee was convened, composed of members of the adjacent neighborhoods as well as businessmen located along this section of Speedway Boulevard. The overwhelming consensus from both the public meetings and the Ad Hoc Committee, she said, was that the best way of widening this section of Speedway was to do it with a tunnel.

"What I would like to do is try to walk you through what this tunnel would look like, to help you visualize it if you were using it to drive to the University, and see how it would function. The first graphic (see attached) is an artist's rendering of the conceptual plan. If you were at Campbell Avenue, heading west on Speedway, you would see three lanes in each direction, with the lanes separated by a median. At approximately where McDonald's is today is where the roadway would start to go down into the ground. The tunnel itself would start at Cherry. From Cherry all the way to Park you would be inside the tunnel. At Park you would start to rise, and you would be back up to grade at Euclid. Let's say you wanted to go to the University coming from Campbell. If you look very closely at the schematic, you will see frontage road ramps. Again, about where McDonald's is today is where the ramps would start. So if you were coming from Campbell Avenue, you would stay in the right-hand lane. The ramps would be at grade, at the same grade Speedway is today. You would go up to Cherry Avenue. Cherry will remain open, so you can go north and south along Cherry. Or you can continue along the frontage road to Highland, which will also remain open, north and south. If you are coming from Euclid going to the University, you would get off at the ramp that would bring you up to Park Avenue, which will also remain open to traffic north and south. The University has a proposal to build a parking garage at Speedway and Park; we would provide access ramps into that parking garage. Schematic #2 (shown on the attached graphic) is an artist's rendering of what the Speedway/Park Avenue intersection would look like. The building in the lower right-hand corner is basically where Jack in the Box is today. You can see that you would have access to that Jack in the Box off the frontage road off of Park Avenue, and you can see how you would be able to gain access into the parking garage. Schematic view #3 is a viewer standing at Campbell looking west, and you can see that Cherry is where the tunnel starts, and you can see Cherry would remain open, north and south, over the tunnel area.

Ms. Cornelio said that here in Arizona we don't have too many tunnels, but back East every major city has tunnels. From an engineering standpoint, it's an accepted traffic engineering solution to congestion and traffic problems. She said that drivers will not have to turn on their headlights; it will be well illuminated. In addition, TV monitors will be installed and tied in directly with the City Communications Division so that traffic can be monitored. If the police or a tow truck needs to be dispatched, she said, the Communications Division can easily do that. In addition, there will be a two-

foot safety sidewalk, so if someone's car breaks down, they can walk out of the tunnel area. She said the biggest concern she has been hearing is water, due to the Stone Avenue underpass seasonal flooding. The Stone Avenue underpass, she pointed out, is a historic structure, built 60 or 70 years ago; our engineering expertise and sophistication in design has come a long way since the Stone Avenue underpass was constructed. In addition the amount of water flowing down Speedway is less than 1 percent of the amount of water that flows under the Stone Avenue underpass; Speedway is located on a ridge and, for the most part, it naturally drains to the north and to the south. The cost of the tunnel project will be \$35.8 million.

Ms. Cornelio reported that Scottsdale, Arizona has a tunnel under construction in the Civic Center area that will be open in a couple of months, linking their Civic Center and Government complex. She said that slides of the tunnel indicate it is very attractive, both from an engineering perspective and in its urban design. In addition, the top of that tunnel will be used as a mall area, with water fountains and art exhibits.

Ms. Cornelio said that the alternatives analysis had been completed: Speedway can be widened to six lanes, at grade, with two pedestrian overpasses (one at Olive, one at Highland); and if on May 6 the voters turn down the tunnel project, the City will proceed to widen Speedway at grade. The trouble with the at-grade roadway widening, she said, is that in ten years we will all be sitting here wondering what we are going to do about the traffic problem along this section of Speedway. She said that projections show that in 10-15 years (and she believes it's going to occur sooner rather than later), this section of Speedway will be at the level of congestion it is today, or worse. There will be a six-lane, divided roadway with pedestrian overpasses, but there will be five signal-light intersections through this one-mile stretch; all those vehicles will still be turning on and off of Speedway, and there will still be a lot of congestion. The six-lane, divided roadway has a capacity of 36,00-40,000 vehicles today, she said, and Speedway cannot be made any wider. If they were to widen it to eight lanes, she said, this building would not be here, nor would the Architecture building. Ms. Cornelio said that the City's options are very limited as to what can be done from a traffic standpoint through this section of Speedway.

Ms. Cornelio stated that the tunnel represents the ultimate safety improvement because bicyclists and pedestrians--local traffic destined for the University--are going to use the ramps and local roads; the tunnel will separate them from through traffic. Those driving in the tunnel will not have to worry about either a pedestrian running in front of them or another vehicle crossing in front of them. It will be a straight shot, she said, with no signals.

In summing up her remarks, Ms. Cornelio said, she wanted to remind the Senate that the University is the fourth-largest employer in southern Arizona and is probably the largest traffic generator because of its some 30,000 students and 15,000 faculty and staff. She said there is no doubt in her mind that if the tunnel is built, "fifteen years from now people will say, 'Somebody was thinking ahead.' Granted you don't need that tunnel for today, and you might not need it for five years from now, but you're definitely going to need it ten to fifteen years from now, and more definitely into the future. I think that people must try to look ahead as to where the University is going to be, where the University is going to grow, and where the city of Tucson is going to

grow." She said the voters will make their ultimate choice on May 6.

Senator Alcorn: What is the maximum that Speedway could handle if you widened it to six lanes? Ms. Cornelio: About 36,000 to 39,000. Senator Alcorn: And we are already at 38,000? Ms. Cornelio: Yes. And I might add that our traffic volumes this year are about 2,000 vehicles a day less than what they were last year. Last year, we were running over 40,000; an explanation for that has to do with the alternate modes program that the University has instituted.

Senator Butler: Do you have a figure for the cost of widening? Ms. Cornelio: \$6 million. I might also add, although most of you know this, the University will be contributing \$9 million over a period of 11 years to the City of Tucson towards the construction of the tunnel. The University will be gaining 5 acres of land on top of the tunnel that it can use for surface parking, a mall area, or that they can build buildings on. Their financial contribution is made in light of that benefit to the University.

Senator Chiasson: Are your 10-15 year predictions based on current roadways, or are you taking into consideration the possibility of parkways which might be built elsewhere? Ms. Cornelio: All of our assumptions for future traffic volumes assume that we are going to build the Aviation Corridor, that there will be a Rillito substitute in the northern section of the city, and we assume even further improvements to Golf Links/Alvernon. If some of those improvements do not get made over the next 20 years, the volumes will be even higher.

Senator Fleming: What plans are projected for the Speedway buses? Ms. Cornelio: Only the Route 4 bus would be affected; it would get off at the ramp and proceed along the frontage road to a transit stop at Highland, proceeding north on Highland to Helen, along Helen to Park, and down Park to get back on Speedway. There will be some detour in the bus service, but we have been working closely with SunTran, and they don't foresee a problem with that.

Senator Paplanus: I appreciate your faith that the tunnel would not flood. Does there exist an evaluation by a responsible engineering firm? Ms. Cornelio: Yes, we hired Sverdrup & Parcel Corporation. They completed a study, of which the published report is 100+ pages long with numerous back-up documents. They are a national firm that has built tunnels throughout the United States. Senator Paplanus: And they addressed the question of flooding? Ms. Cornelio: Yes, they calculated the flow at 6,000 cubic feet per second; the Stone Avenue underpass has well over 10,000 cubic feet per second. From a water standpoint, it's not that much water at all.

Senator Weiss: If you limit access to Speedway through installation of the tunnel, and currently there are cars entering Speedway from all directions, and they won't be able to enter Speedway, I am envisioning this incredible traffic jam of cars all over the campus that can't get anywhere. Ms. Cornelio: We have been working with Allan Beigel's staff who are developing a revised circulation plan on the campus that would be implemented in conjunction with this. Again, we do have the ramps and frontage roads which will allow dispersal of traffic into the University area and into the North University neighborhood. Vice President Beigel: The principal cross-street that will be lost is Mountain, depending on the ultimate concept of this development. Cross-streets will be available to handle the circulation as far west as

Highland, if you're moving from east to west, as well as at Park and possibly at Olive--we'll take a look at that in terms of design of the final circulation plan. We will not move forward with the final design of that plan until we have a sense of whether or not the tunnel will be approved. We foresee no major problem handling the vehicular traffic if we design an alternate circulation system in concert with the people who are designing the tunnel.

Senator Epstein: I worked in City Hall for seven years, with involvement in contracts for some of the fiscal improvements in the Model City program. Not one of those contracts ever came within the estimated cost; every single one was far in excess of the estimated amount. I don't even live within the City, so I'm not worried about my own taxes, but as a citizen of the community, I am concerned. What about other alternatives like the one suggested I think by Representative Kromko: depressing Speedway without building a tunnel? How much would that cost, and why is that not one of the options being considered?

Ms. Cornelio: We did an alternative study, looking at many options: elevating Speedway, and a partial depression of Speedway and partial elevation of the side streets. We also looked at a trench--having Speedway continue through, but with no cover on the top. From a transportation standpoint, that works and that handles the traffic, but it doesn't benefit the University whatsoever because you are still bisected by Speedway Boulevard. The University could perhaps cantilever a building over it, but it still doesn't provide the continuity where people can just walk across the street, tying in the campus. Your other question, on terms of cost: Sverdrup is a national corporation, and they called on some of their national expertise personnel who had been involved in tunnel design throughout the United States. They believe that their cost estimate is conservative. Nonetheless, the city has been involved in negotiations with the University over a period of months, and the University, in an effort to authenticate cost estimates, hired their own consultant to develop an independent cost estimate. The University's consultant came very close, within a couple percent of the cost estimate that our consultant developed. We feel very secure about that figure, and that our cost estimate is very conservative.

Senator Epstein: How much was the cost for the depressed roadway?

Vice President Beigel: The \$35.8 million already includes a 10 percent contingency, so there is that built in. As it will indicate on the ballot, the cost could rise to as high as \$42 million by the time it is completed, taking inflation into account. We felt pretty confident that those were conservative figures. The cost of the depressed roadway without the cover was estimated to be about \$23 million, in contrast to the \$32.8 million for the tunnel with a cover. It was that \$9 million difference which the city perceived as principally being for the benefit of the University that in fact led to the determination of the University's paying the \$9 million. The general taxpayer is paying, if you will, for the traffic and safety improvement, which is the base \$23 million. The University is saying that in order to have this done in a way that is most beneficial and most aesthetic for the campus, and provides the most options for us, we prefer to have a cover. To that end, we were willing to make the allocation of the funds to pay for the cover.

Ms. Cornelio: I might add one other comment. No one's property tax is going to go up because of this. Everyone is already paying an increase of \$.03 per gallon gas tax increase that went into effect last January 1st. Those revenues are going to pay off the bonds that the city proposes to sell to use in constructing the tunnel.

Senator Hetrick: I still would like to see pursued the advantages that the tunnel provides, but with Speedway at its present level. The pedestrians

will have to climb, but other campuses do have hills. Roads like Highland would have to have a couple of ramps. From the top view and from almost every other perspective, it looks exactly the same. But all the benefits wouldn't be there. Without a good answer to that, the tunnel may be in trouble. Ms. Cornelio: Let me try to respond to that. We have national design standards that we have to adhere to that state what will be the maximum grades of the roads. One of the things we have looked at, for example, was elevating Speedway or keeping Speedway as is and putting the other side roads over, for example Mountain or Highland. Basically it's going to take us a quarter mile on either side of Speedway to get Park, for example, up and then back down to grade. You can imagine what those land use impacts are going to be on businesses and on the University. We looked at it, and we felt that the ultimate result of the costs and the impacts on all the folks along Park, Cherry and Highland, would be equal to or greater than what's occurring along this section of Speedway. That's why we rejected that. Vice President Beigel: I think a further answer to the question is that now there are five traffic lights between Campbell and Euclid. You can construct as many overpasses as you wish to handle pedestrian traffic; whether it will be used or not is a separate issue. The principal problem is that you will still be having all of the stop-and-go traffic on Speedway unless you can either get rid of those lights or separate away from them University traffic from the through traffic. Senator Hetrick: I am talking about building on top of that grade so that there are no pedestrian overpasses. It's a covered Speedway without traffic. I understand the problem of side streets is a serious problem. Ms. Cornelio: As I said, we went through our alternative study. We had a lot of citizen input during that study. If the voters turn this down, we are not going to be coming back next year and saying 'OK, we have another plan.' It's kind of an either/or situation: it's the tunnel, or it's the at-grade roadway. If the public so desires and speaks on May 6 and says no on the tunnel, it's going to be an at-grade roadway with two pedestrian overpasses and five traffic signals. Senator Hetrick: That's unfortunate; you are closing some options. Ms. Cornelio: Again, last November the voters of Tucson voted and said that they want an opportunity to vote on any major roadway projects; that includes a grade-separated interchange or controlled access. What you are proposing is grade-separated interchanges, so basically we would have to put it before the voters again. The cost of a special election is a quarter of a million dollars. We are ready: we have an area with a high-accident rate, high congestion, and we can't keep waiting. The Mayor and the Council have said we're going to widen it at grade or install the tunnel. Vice President Beigel to Senator Hetrick: Sometimes it's a little hard to visualize what you are saying, and I think I understand. If you could sketch it out, I can answer your question as to why it is not cost-effective.

Senator Dickstein: I have a question about overpasses if the tunnel is defeated. Will handicapped students have access to these and are you studying some usable overpasses? My sense of college students is that they will do everything to avoid using them. Ms. Cornelio: Yes, we would propose that it would have a gradual incline, so that students would hopefully be on it before they would realize they would be on it. With the at-grade widening, two things are going to be done: there are going to be fences or walls down the median and alongside the roadway, because we have to force the students into using the overpass. However, the signalized intersections will still be available for crossing. There are a couple of other pedestrian overpasses in the city, one at 22nd Street at Palo Verde High School; we have a chainlink fence and pyracantha bushes down the center median. If you go out there, you will find the

chainlink fence cut and the pyracantha bushes trampled. We keep going out and repairing the damage. These are high school students; I dare say University students would be more innovative in the ways they will try to avoid the pedestrian overpass.

Senator Chiasson: Were pedestrian tunnels considered? Ms. Cornelio: Yes, as part of the at-grade road widening, and both the city and the University felt very strongly that from a safety standpoint we didn't want to consider underpasses. We would rather have overpasses, where people are out in the open; we won't have to worry about them being patrolled for safety considerations.

Senator Irving: I would like to point out that, with the Engineering building displacing an internal parking lot, and plans for the Center for Creative Photography going in another portion of that very lot, these parking lots will disappear. The only parking to serve the Art Museum, the University Theater, and Crowder Hall, where most of the performances of the Faculty of Fine Arts occur, will be across Speedway. Senior citizens, handicapped folks, or members of the community who wish to attend those evening performances will somehow have to get across Speedway. That will mean using an overpass as you have described, which will be difficult for the handicapped and elderly. It will make access to key community interest areas of this campus quite difficult. Ms. Cornelio: Thank you very much, and remember to vote on May 6.

STANDING COMMITTEE ANNUAL REPORTS: Dr. Rehm reminded Chairs of standing committees that annual reports need to be prepared for the May 5 Faculty Senate meeting.

UNFILLED COLLEGE REPRESENTATIVE POSITIONS FROM ARTS & SCIENCES: Dr. Rehm announced that he is going to call a meeting of current Arts & Sciences Senators to discuss solutions to filling the two vacant seats.

DISCUSSION ON CONSTITUTION AND BYLAWS: Dr. Rehm asked Senators Ewbank and Roemer to step to the podium to lead discussion on the Constitution and Bylaws. Senator Irving said that, because President Koffler is in Washington, on his behalf he would speak to a motion that President Koffler wished to propose, deleting the Preamble of the March 24 Constitution, and replacing it with the following: "This constitution provides for the organization and procedures through which the General Faculty of the University of Arizona exercises its authority and discharges its responsibilities as prescribed by the Arizona Board of Regents."

Senator Witte asked if a quorum was present. A count determined that a quorum was not present. Dr. Rehm said that because discussion needs to proceed, he would ask the Senate's approval that those present sit as a Committee of the Whole to discuss the items as if they were planning to vote on them, so that the sense of the discussion can be transmitted to the Committee, which in turn can come back with a modified document May 5. Dr. Rehm reminded everyone that the Senate is not the final approver of the Constitution and Bylaws: the General Faculty is. The Constitution/Bylaws approved by the Senate will go to a meeting of the General Faculty, at which time it will be discussed; recommended changes would be included in a written ballot of the General Faculty following that meeting. Discussion occurring at this afternoon's session, in the context of a Committee of the Whole, would merely be information used by the Senate to prepare a more finalized document. There is an item on the next

Senate agenda, he said, wherein a vote could be taken on whatever action occurred today. But if discussion couldn't take place today, "we will be here forever." He then requested approval for the Senate to sit as a Committee of the Whole at this time. A voice vote brought unanimous approval.

Senator Ewbank: As we resume discussion, it may not be a welcome note to observe that, of 23 administrators who are members of the Senate, 3 are now present. The discussion, then, should focus on the desirability of the substitution of the new wording for the Preamble. Senator Witte asked if she could request Senator Ewbank to read the present version. Senator Ewbank: "This Constitution sets forth the basic organization and processes through and by which the General Faculty of the University of Arizona shall function within the scope of its authority and responsibility under State law and the policies and regulations of the Board of Regents authorized by that law." He said it was simply transposed from earlier drafts. In reference to the phrase "under State law and the policies and regulations of the Board of Regents authorized by that law," the specific intent, as he interpreted it, would be the original action of the Legislature establishing the Board of Regents for the purposes of operating a system of higher education in the State of Arizona. Generically, he said, he would guess it to be an affirmation of the General Faculty being law-abiding members in the State of Arizona. Senator Witte said she would then like to ask the administrators or others who have proposed this new version what the rationale is for this proposed change.

Senator Irving said the present language makes a rather meaningless reference to General Faculty functioning under some unspecified State laws. He said he thought that was the problem; unless someone could identify specifically what State law or laws are referred to, that reference does not have a great deal of meaning. He said the President indicated he would not be comfortable in recommending that the Regents approve this vague and unspecific language. The proposed language, he said, is a straightforward reflection of the existing conditions, and reflects a language already approved by the Regents in the Constitution of Northern Arizona University. Senator Witte said she thought the present Preamble provided an additional protection, which is that vague umbrella of State law: perhaps the Arizona Board of Regents or their agents might act contrary to some existing law or laws which they might have perceived as being not applicable to them. She believed this provided a large measure of protection because of its vagueness, and she said she couldn't imagine why anyone would object to having the General Faculty protected by State laws which are applicable.

Senator Coetinck said he didn't think that the words referring to State laws are vague; on the contrary, they appeared to be as precise as can be.

Senator Hetrick said that to be more precise, we could say: "under applicable State law". He said he would like to ask the proposer if there would be any objection to modifying the latest motion by adding to it at the end "and applicable State law." Senator Irving said he would oppose such an amendment because, as he stated earlier, he believed the concern is in reference to an unspecified State law. Senator Witte said the more she heard, the more she felt we should retain State laws that are applicable because they provide some measure of protection that somehow wants to be restricted; consequently, she said, she would speak very strongly against the substitute Preamble. Senator Garcia said he would like to ask Senator Irving if he could explain exactly what is objectionable about Senator Hetrick's proposal, to add

applicable State laws to the end of the statement. Senator Irving responded that the thing that is objectionable is that "under State law" refers to an unspecified State law. He reiterated that the President is concerned about the lack of specificity and would feel uncomfortable presenting that as a Preamble to the Constitution which must be presented for approval to the Board of Regents. Senator Garcia: We do intend that the institutions will abide by State laws.

Senator Dickstein said that, as she understands it, the Preamble is just a general statement of principles that are supposed to be vague, and she didn't believe it would be appropriate to have a reference to a specific law in the Preamble. She said she didn't know why the Regents would object to the General Faculty admitting that we are also under State laws.

Dr. Rehm said he wanted to point out that we are discussing the Constitution which is for the Faculty as a body, and not individuals. The Faculty as a body is under the rules and regulations of the Arizona Board of Regents; individual other laws that might be applicable would not be applicable to the Faculty as a whole, because they come through the Board of Regents.

Senator Irving said that the Preamble, in the March 24 version, uses the term "under State law and the policies and regulations of the Board of Regents", citing two different kinds of authority. He said he believed the President feels that this Constitution should derive its authority from the Board of Regents; and mentioning these two authorities in the Preamble might confuse the authority of the Regents with that of the Legislature. Senator Ewbank said one other observation might be germane: if we are literal in the interpretation of the proposed new Preamble, we would as Faculty be unable to take any action unless and until there was a prescription by the Board of Regents, so any unexplored areas could be proscribed until the Board had taken some kind of a stand.

Senator Paplanus said he thought Senator Witte had a point: the Board of Regents has authority only insofar as they operate within the law, and therefore the Faculty is responsible to the Board of Regents only for those things which are legally recognized. Senator Witte stated that it is very constricting to say "as prescribed by", where the other leaves no boundaries and therefore provides the Faculty considerably more power and leeway. Senator Goetinck thought that, since the Board of Regents is changing and changeable, State law is the only safe constant in the Preamble and should, therefore, be retained. Senator Chiasson asked if the Committee of the Whole would vote on this. Senator Ewbank responded that a vote of the Committee of the Whole could be taken and reported to the Senate at the next meeting; only action in the name of the Senate could not be taken.

Senator Irving said he would like to take one more shot at this proposal: the Preamble, in the Draft of the 24th, says "...the General Faculty will function within the scope of this authority and responsibility under State law." He said he would question this application if it operates under State law, but outside the policies and regulations of the Board of Regents. He said the University would be asking the Board of Regents to ratify this document; presumably the Board of Regents will ratify that document only if the document outlines policies and regulations established by that body. So he felt there were two distinct choices: the possibility of operating under State law, but outside the policies of the Regents, or, writing a preamble that indicates that

the operation will be under the policies of the Board of Regents. Senator Ewbank said he would submit that a connective "and" rather than the disjunctive "or" addresses the matter directly. The vote was called. Dr. Rehm said that the question before this Committee is to accept the proposal placed on desks today and as presented by Senator Irving. A voice vote indicated a nearly unanimous denial.

Senator Paplanus asked if this Committee would have Minutes. Dr. Rehm indicated that it would.

Senator Ewbank called for additional modifications or changes to the Constitution or the Bylaws. Dr. Rehm said that one matter that came to his attention was the difficulty evidenced at the last meeting: when the Presiding Officer and Senate Executive Committee would be elected; the current draft (Constitution, Section 3, page 7) reads April, and there was some feeling that should be changed to the May meeting, to follow the seating of new Senate members.

Senator Garcia said the Committee of Eleven would like to recommend a change in the composition of the Committee of Eleven, page 6 of the Bylaws, changing the two student members to be voting, by removing the prefix "non" in line 6 of section 2. That recommendation was unanimously approved.

Senator Hetrick said he would like to return to page 7 of the Constitution and move that the elections referred to above take place in May. That motion was seconded and approved on a voice vote.

Senator Mautner asked about page 8, line 4, what the final standing is of that paragraph: Bylaws for each college, may be or shall be established? Senator Ewbank said the current status is that it had been modified to read "Bylaws for each College determined by the Faculty Senate to be consistent with the Constitution and Bylaws may be established." Senator Ewbank said a motion was made to rescind that action, changing the word "may" to "shall", but at that time a quorum was called and the meeting recessed. Senator Jones said he would like to speak briefly to that, since he proposed that change. He hesitated to do that now, since there was no quorum, but if the Committee of the Whole could make a recommendation to the Senate, he would proceed by saying that his reasons for asking for reconsideration were two: On the original vote, there may not have been a quorum but there is no official record of those who may have abstained and more importantly, Chapters 3 and 4 will be considered at the next meeting or next year, and there are a number of places where important issues in regard to establishing standing committees on promotion/tenure/continuing status and developing criteria for review are to be established within the College. He said there is no mechanism now established for doing that within a given College; it's simply done by whatever has transpired in the past. He believed it is very important that some organized method be developed so that procedures and guidelines are developed within each College so that people know how those committees are elected and how the criteria are developed, and what the organization will be. Senator Hetrick said he originally voted to change "shall" to "may", but he found this a very persuasive argument. He said it seemed to him there were some people who were at that prior meeting that would object to the notion that we are forcing a college to adopt Bylaws, although he couldn't recall who they were.

Senator Laird said he wouldn't speak against the reversal, but some word-

ing should be developed to take care of the Non-College group. He believed that no one set of conditions could possibly apply, and that Non-College should be exempt, or words to that effect. Senator Alcorn said that it was his understanding that if a College did not develop a Constitution, that the Constitution of the General Faculty would be the basic body of law that the College would follow. Senator Jones said that was assumed to be the case, but there are no Bylaws for establishing a group of peers to evaluate someone at the College level and provision for developing those guidelines for defining criteria for promotion/tenure/continuing status. Senator Garcia said this is not a management document, and these are management issues that can be dealt with by the managers of units, not by the Faculty Senate. He felt that the Faculty Senate should not indicate how such a structure should be organized. Senator Paplanus said that if he understood Senator Jones correctly, he was saying that groups of this sort under a Bylaws are desirable in order to establish College criteria for tenure/promotion, and he agreed these are very much faculty matters. He said that at the present time, throughout the University, he believed, with some exception, there are not faculty groups established to do this. Dr. Rehm said that the policy of the Arizona Board of Regents indicates that each department shall have such a committee. Senator Fahey said she was not at all convinced that you have to have a Constitution and Bylaws in order to be able to develop guidelines and criteria; she felt they were two separate matters.

Senator Garcia said he would like to turn attention to page 16 of the Bylaws, dealing with members of the Faculty Senate. He said the Committee of Eleven has before the Senate a proposed substitute for that entire section, appearing in the "Alternatives" document on page 3, 4, and 5. He said that basically it called for a smaller Senate, as has been discussed before, and he moved that the Committee of the Whole recommend to the Senate adoption of this revised composition for the Faculty Senate. Senator Garcia's motion was seconded. Dr. Rehm read, for those who did not have their "Alternatives" copy with them, the essence of this motion: Two Ex-Officio administrators (the President and the Provost) and two Ex-Officio Faculty representatives (the Chairman and the Secretary of the Faculty); fourteen elected At-Large Senators; a minimum of one member from each College Faculty (equivalent to fourteen at present) and twenty other College Representatives, prorated amongst the Colleges; and eight Students, for a total of sixty (60). Total membership is currently 85, he said. Senator Chiasson said that, speaking as a member of the Committee on Elections, they have experienced difficulty getting faculty to run as College Representatives; that difficulty would be increased by increasing the number of College Representatives to 34. Senator Chiasson said he could even imagine difficulty electing that many At-Large Senators. Senator Fahey asked what would be the advantages of having the Senate be essentially faculty; what would be gained? Senator Garcia said the Committee of Eleven has discussed the expression of faculty viewpoint created without coercion as being beneficial; also, the freeing up of administrators' time was a large factor in the Committee's decision. He said it has been expressed to the Committee on a number of occasions that many administrators do not attend on a regular basis, which is not conducive to dialogue. He noted that today there is a large number of absences, from within faculty ranks as well, so it would be hard to point fingers. Senator Garcia said the Senate would be free to invite administrators to discuss matters at any time. He referred to the Committee of Eleven's structure, which has no ex officio administrators as members, but which has a good dialogue with administrators, and which ultimately performs more of a mediation function through a discussion of ideas because it

frequently invites administrators to come to discuss various topics. Senator Garcia said that there are other institutions within our system, particularly ASU, and within the PAC-10, where almost all of the Universities have an all-faculty Senate. He said that in the PAC-10 we are the exception, and not the rule. He felt the most important point would be the ability of the faculty to come to a consensus of its viewpoints and to express those viewpoints clearly through the vehicle of the Faculty Senate. Senator Garcia said that the esteem and the prestige of the Faculty Senate on this campus is not overly high at the present time, and one of the reasons is that we find ourselves in discussions which it is not possible to resolve because of highly disparate opinions; he submitted that if all expressions were faculty views, consensus might more easily be achieved. He said those were the thoughts that triggered this suggestion. Senator Chiasson reiterated his point that he would prefer to see more At-Large and fewer College Senators. Senator Hetrick asked Senator Garcia what the rationale is for reducing the At-Large Senators from 20 to 14. Senator Garcia said the Committee of Eleven would be perfectly amenable to a modification in that portion of the motion. Senator Paplanus said that we currently have a group of faculty which can speak with authority and without coercion: the Committee of Eleven. He said he saw no difference between the Senate and the Committee of Eleven if this reconstitution occurs. He felt that in spite of the poor attendance record, the Senate is the only forum in which informal discussion among faculty and administrators can occur without the formality of issuing invitations to appear; he thought that, through reconstitution, the Senate would become a Committee of Sixty, and he saw no advantage at all in changing the composition. Although the Senate doesn't work as well as everyone might like, he said, the exchange of ideas among faculty and administrators would be lost.

Senator Roemer said that on the matter of the apportioned faculty, there is the possibility of electing from smaller voting units, in which it is possible to know people more intimately, and have a more informed selection of representation. She said that is what occurs at ASU and NAU: they elect by Departments in smaller voting units. She added that at both ASU and NAU there are only two ex officio administrators who are members of the Senate, and she got the impression from reading their Minutes that there is vigorous discussion.

Senator Laird said that, as one of the three administrators present, he wanted to go on record as voting for this proposal, but he thought it was a bad idea. He will vote for it, he said, because it will save him three working days a year. But, he said, he believed Senator Garcia is wrong about most of his arguments; and that having those administrators here makes a difference as to whether the Senate is listened to or whether it is an isolated group doing its own thing in a confrontational way.

Senator Fahey said she would support both Senator Paplanus and Senator Laird, at least in part if not in whole. She felt that sometimes 'we end up talking to ourselves', and the Senate does have a dialogue with administrators who are important. She said she is not impressed when Deans say they would rather not be here, because she believes all are here for an important purpose. She said that even if Deans do not always say anything, it is not as important as that they hear what is going on, as it is important to all other members to hear what is going on. A campus organization that is going to work on campus problems requires having the major people concerned in attendance; that would include not only the President and the Provost but at least the academic Vice

Presidents as well. She said she would vote against the proposal.

Senator Netrick suggested the Vice Presidents elect a few representatives, the Deans elect a few representatives, and the matter be settled in that fashion. After some further discussion, the vote was called. A voice vote proved inconclusive, and a show of hands was requested. Senator Garcia's motion was defeated (16-12).

The meeting adjourned at 4:36 p.m.

SUMMARY OF VOTES:

1. Substitution of a new Preamble to the Constitution: Denied.
2. Bylaws, page 6, Composition of Committee of Eleven, change students to be voting members by removing prefix "non" in line 6 of Section 2: Unanimously approved.
3. Constitution, Section 3, page 7: change elections from April to May: Approved.
4. Bylaws, p. 16, Composition of the Faculty Senate, motion to change composition to 4 Ex-Officio, 14 At-Large, 34 College Reps. (1 for each of 14 Faculties and 20 to be prorated amongst the Faculties), 8 Students, Totaling 50: Defeated.