

**MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA®
December 7, 1998**

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1. CALL TO ORDER

A quorum being present, the regular monthly meeting of the Faculty Senate was called to order by Presiding Officer Jeffrey L. Warburton on December 7, 1998, at 3:20 PM in Room 211 of the College of Education (Kiva Auditorium). Senator Warburton announced that only videotaping related to news coverage would be allowed at Senate meetings.

Present: Senators Atwater, Caldwell, Christiano, Clarke, Coker, D. Davis, T. Davis, Dryden, Dvorak, Erlings, Ervin, Garcia, Gruener, Heinrich, Hogle, Howell, Hurt, Jenkins, Joens, Laetsch, Larson, Levin, Levy, Likins, Love, Maré, Medine, Merkle, Mishra, Mitchell, O'Brien, Schooley, Silverman, Spece, Swindle, Sypherd, Taylor, Troy, Voyatzis, Warburton, and Zwolinski. Dr. Theodore Tong substituted for Senator Nolan. Robert Sankey served as Parliamentarian.

Absent: Senators Aleamoni, Armstrong, Cohen, Dahlgran, Dyl, Heckler, Impey, Johnson, Marchalonis, Meaker, Miller, Nolan, Pepper, Pitt, Szilagyi, Weinand, and Witte.

2. OPEN SESSION

(Please note that speakers at the Open Session are expressing their personal opinion, which may not reflect the position of the Faculty Senate.)

Dr. William Bickel, Professor of Physics - Legal issues in previously discussed activities related to the Committee on Academic Freedom and Tenure (CAFT). (Attachments)

Senator Atwater - Progress report from NCA 2000 Self-Study Steering Committee. Continuing updates may be accessed on the web at <http://www.library.arizona.edu/nca/>. (Attachment)

3. REPORTS

3A. ASUA President Tara Taylor

Senator Taylor reported that ASUA has acquired a shuttle bus from Parking and Transportation for use by the escort service. Unlike the ASUA vans, this bus will accommodate physically impaired passengers and is therefore accessible to all UA students. Senator Taylor also noted that students are currently preparing for final exams.

3B. Presiding Officer of the Faculty Senate Jeffrey Warburton

No report.

3C. Secretary of the Faculty Susan Heckler

In her absence, Presiding Officer Warburton read Secretary Heckler's written report: (1) Response to the survey indicates overwhelming faculty support for the establishment of a faculty-wide electronic listserv. The listserv will be developed according to the majority preferences elicited by the survey: a read-only listserv that allows individual faculty to sign off the list, with management duties shared by the Chair of the Faculty, the Presiding Officer of the Faculty Senate, and the Secretary of the Faculty. (2) Minutes of the Faculty Senate meetings are now being prepared following recommendations in *Robert's Rules of Order, Newly Revised*. Quotes will be used only for specific motions, and discussions will be summarized such that all aspects of the discussion are represented. Because of the new minutes format, it will no longer be necessary to prepare written verbatim transcripts of Senate meetings. However, audiotapes of the meetings will be available for review at the Faculty Center for up to two years.

3D. Provost Paul Sypherd (Attachment)

Provost Sypherd read a statement clarifying quotes attributed to him in an *Arizona Daily Wildcat* article published on December 3 regarding faculty salaries. He explained that his comments were intended merely to convey the magnitude of the problem of low faculty salaries, not to suggest a possible solution. The administration absolutely will not consider taking funds from a staff allocation in order to supplement faculty salaries, he said. Dr. Sypherd noted that the UA has complied and will continue to comply with legislative mandates concerning distribution of salary allocations. He also emphasized his respect for UA staff members and his continuing commitment to fair and equitable salaries for all UA employee groups.

3E. Chair of the Faculty Jerrold Hogle (Attachments)

Highlights: (1) The Committee on UHAP, Constitution, and Bylaws Changes, chaired by Senator Silverman, has drafted a protocol (enclosed in Senators' packets) for revising or adding new material to the *University Handbook for Appointed Personnel* (UHAP). A standing committee known as CONUR will be established to review proposed additions and revisions to UHAP. CONUR (Committee on UHAP Revisions) will be composed of the Provost, Director of Human Resources, Chair of the Faculty, Chair of the Appointed Personnel Organization Council, and Chair of the Staff Advisory Council, or their designees. (2) Selected topics discussed at the most recent Arizona Board of Regents (ABOR) meeting—(a) Regents were sufficiently impressed with the post-tenure review report that they have instituted a process by which the report may be used as an exemplar for other universities. The report also revealed that 884 out of 1,152 UA faculty members were rated as better than satisfactory. (b) The Consolidated Measures Program (CMP), developed by a committee including Senator Ervin, streamlines the method of measuring faculty performance. The CMP essentially combines the Hurwitz Measures (undergraduate goals) and the ABOR Report Card. How undergraduate teaching by professorial faculty will be measured is still being discussed. If proficiency courses such as freshman composition and basic math classes are omitted from the measurement, then it will be shown that ranked faculty teach the vast majority of lower-division courses. (c) The Arizona Faculties Council (AFC) has reviewed the documents developed by the three state universities regarding whistle-blower protection. All three documents allow for an independent monitor when an issue reaches the level of the president, but there are other details to be worked out. The AFC has encouraged the state universities to have their academic senates review their particular policy as carefully and expeditiously as possible. At the UA, the Academic Personnel Policy Committee (APPC) has been given copies of all three policies to review, and it is expected that the APPC will be bringing a proposed revised whistle-blower protection policy to the Senate early next year. (3) Chair Hogle explained his role in the recent research misconduct case handled by CAFT. He noted that he had watched the entire process carefully, and his informed opinion is that both CAFT panels acted as they should have, that the process was proper and fair, and that shared governance and a faculty-based process were followed. He referred Senators to materials placed on their desks regarding the case.

3F. President Peter Likins

Citing his commitment to shared governance principles and his earlier promise to communicate with the Faculty Senate regarding his decision in the scientific misconduct case involving Dr. Marguerite Kay, President Likins began by providing a brief chronology of events. He noted that his involvement had not begun until May 4, 1998, when the CAFT hearing panel report was delivered to him. He read the four charges in reverse order and explained that he had concentrated on charge #1—relating to falsification, manipulation and misrepresentation of data and findings in publications. Using overhead transparencies, President Likins showed several of the documents he had studied, explained the process for his analysis of them, then shared his decision and his subsequent action regarding Dr. Kay's employment status.

4. QUESTION AND ANSWER PERIOD

Senator Silverman commended President Likins for coming before the Senate to explain his decision in the Kay case. He also thanked Senator Ervin for her work in developing the CONUR process. With regard to the post-tenure review process, he said he would like to have a report on the improvement that occurs as a result of the process.

Senator Medine echoed Senator Silverman's commendation of President Likins for his presentation. With regard to the settlement that President Likins had offered to Dr. Kay, he asked why the UA would be willing to suspend and then reinstate a faculty member in such a circumstance. President Likins responded that compassion was a factor, indicating that he had had the best interests of all parties in mind when formulating the agreement.

Senator Spece questioned whether Dr. Kay had some misunderstanding regarding what sanction she was facing, and he wondered aloud whether the Senate as a body should require a greater preponderance of evidence in such cases. President Likins responded that he had been very clear regarding the options open to Dr. Kay. He also noted that he had gone well beyond what is required in general institutional procedures with regard to preponderance of evidence.

Senator Maré noted that, during his 25 years at the UA, he had seen an evolution from a relatively autocratic system to one that is faculty-based. He added that he was enormously encouraged by the progress of faculty involvement. He also commented that he felt very good about the process, but very sad about the outcome.

Senator T. Davis thanked Senator Maré for his statement. He spoke briefly about his role in the process as chair of the University Committee on Ethics and Commitment (UCEC). He noted that none of the faculty members involved in the process felt good about what they had to do, but they did their work carefully and effectively, and the process will stand the test of time.

Senator Spece cautioned that we should not be so overcome with self-congratulations that we fail to review the process and look for ways to improve it. CAFT should not be both an investigative and a prosecutorial body, he said. He added that we need to have explicit charges and possible sanctions outlined at the beginning of the process.

Senator Silverman responded that everyone recognizes that there are some problems with the process. Those problems will be addressed this year, and a better solution will be sought, he said.

5. **APPROVAL OF THE MINUTES OF NOVEMBER 2, 1998**

The minutes of November 2, 1998, were approved as distributed.

REPORT FROM THE FACULTY REPRESENTATIVE TO THE INTERCOLLEGIATE ATHLETIC COMMITTEE

Presiding Officer Warburton noted that this report would have to be postponed, since Dr. Katherine Carter was unable to attend today's meeting. He also reported that three faculty members had been nominated as possible Faculty Senate representatives to the Intercollegiate Athletic Committee (ICAC): Katherine Carter, Thomas Davis, and Price Fishback. Biographical statements for these three nominees were enclosed in Senators' packets. Per ICAC guidelines, all three names have been forwarded to the President for his final selection of one.

7. **DISCUSSION AND ACTION ON THE DRAFT POLICY ON CORPORATE RELATIONS (Attachment)**

Using overhead transparencies, Senator T. Davis, Chair of the University Committee on Corporate Relationships (UCCR), briefly reviewed the UCCR's roster, activities, and the draft policy. He thanked Dr. J. D. Garcia for authoring the initial draft of the policy. He also noted two changes that the UCCR had made since the draft had been mailed in Senators' packets: (1) In the Philosophy section (page 1, paragraph 2, line 5), the committee deleted "both foreseeable and unforeseen." (2) Under Conditions and Procedures (page 2, paragraph 4), the committee changed the phrase to read, "Agreements related to affinity marketing and other activities utilizing the University name that involve the Alumni Association, the UA Foundation, or other affiliated support organizations." Senator Davis explained that approval of the policy as modified by the UCCR comes as a seconded motion from the committee. [Motion 1998/99-23]

Questions regarding the policy focused on the rhetorical tone of the Philosophy section, the committee's decision-making process, and possible sanctions for violations of the policy. A concern regarding the commercialization of the University was also expressed. Chair Hogle explained that the Philosophy section was written to make the committee's position on integrity perfectly clear. He added that the decision-making process is briefly discussed on page 2 of the policy, but process details are still being formulated. He also noted that, although the word "sanctions" is not used, possible consequences for violations of the policy are mentioned in the Purpose and Intent section on page 1. Senator Davis commented that both the UCCR and the President will review selected proposed agreements and their justifications before any Presidential decision is made about entering into such agreements.

Motion 1998/99-23, to approve the Policy on Corporate Relations as modified by the UCCR before today's meeting, was carried unanimously.

DISCUSSION AND ACTION ON THE DRAFT CODE OF RESEARCH ETHICS (Attachment)

Senator Gruener, Chair of the Research Policy Committee (RPC), used overhead transparencies to review the draft Code of Research Ethics, noting that the approval of this document comes as a seconded motion [Motion 1998/99-24] from the RPC. He explained that the code represents a declaration of good intent, rather than a policy, and provides an explicit statement of what we all feel implicitly—something to tell our ourselves, our students, and our constituents. He noted that the first section of the code discusses what we expect of ourselves, while the second segment deals with obligations internally to colleagues and others, and the third segment relates to our obligations to students and trainees, as well as our expectations of them. Senator Gruener also reported that major research institutions now require training in ethics issues.

With regard to section I, it was noted that the UA has an obligation to funding agencies to make public reports of research, while still recognizing the issue of private-use agreements. To a comment that some professional programs engage in practices that are not necessarily in the best interests of the public good, Senator Gruener noted that the code does not limit our ability to deal with those situations.

Motion 1998/99-24, to approve the Code of Research Ethics, was carried unanimously. Senator Silverman asked about distribution of the code, and Senator Gruener responded that the document would be disseminated in the usual manner on campus.

9. **REPORT REGARDING PROMOTION AND TENURE STATISTICS (Attachment)**

Senator Atwater, Co-Chair of the Academic Personnel Policy Committee (APPC), briefly reviewed the Promotion and Tenure Statistics report enclosed in Senators' packets. She noted that the actions taken in 1997-98 to be effective in 1998-99 conform to the patterns of previous years. There were no questions or comments regarding the report.

10. **DISCUSSION ON RECOMMENDATIONS FROM THE COMMITTEE ON FACULTY MEMBERSHIP (Attachment)**

Senator Hogle, Chair of the Committee on Faculty Membership, read the recommendation from the Committee on Faculty Membership that General Faculty status be approved for (1) all more than half-time members of the teaching faculty on multi-year appointments in Arizona International College, and (2) all clinical faculty on multi-year appointments in any college of the University who have not yet been granted General Faculty membership under other rubrics. He explained that this recommendation, which comes as a seconded motion [Motion 1998/99-25] from the Committee on Faculty Membership, is an effort to be fair, since both of the aforementioned groups are highly analogous to "lecturers and senior lecturers holding multi-year appointments," who already have General Faculty membership.

He also noted that the Senate can approve temporary membership for these categories of faculty, but a permanent expansion of the General Faculty membership will require revisions of the General Faculty Constitution and Bylaws.

There was no discussion of this recommendation. **Motion 1998/99-25**, to grant General Faculty membership to the two faculty categories described above, was carried, with no votes opposed and one abstention.

11. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:15 PM.

Susan E. Heckler, Secretary

Appendix*

1. Statement of Dr. William Bickel regarding the Marguerite Kay case.
2. NCA2000: University of Arizona Self-Study Steering Committee Progress Report - December 1, 1998.
3. Letter to Members of the University Community from Paul S. Sypherd, Senior Vice President for Academic Affairs and Provost, dated December 7, 1998.
4. Protocol for Revising or Adding New Material to *University Handbook for Appointed Personnel* (UHAP), draft 6 (final).
5. Materials distributed on Senators' desks regarding the scientific misconduct case (excerpt from UHAP, copy of letter to Dr. Michael Cusanovich from UCEC, roster of two CAFT panels, CAFT charges with appendices).
6. The University of Arizona Policy on Corporate Relations.
7. Code of Research Ethics.
8. Promotion and Tenure Statistics report.
9. Recommendation from the Committee on Faculty Membership regarding faculty at Arizona International College and clinical faculty.

*Copies of material listed in the Appendix are attached to the original minutes and are on file in the Faculty Center.

Motions of the Meeting of December 7, 1998

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| 1998/99-23 | Seconded motion from the University Committee on Corporate Relationships to approve the draft Policy on Corporate Relations as modified by the UCCR; motion carried. |
| 1998/99-24 | Seconded motion from the Research Policy Committee to approve the draft Code of Research Ethics; motion carried. |
| 1998/99-25 | Seconded motion from the Committee on Faculty Membership to grant General Faculty membership to two faculty categories, as described in these minutes; motion carried. |

Faculty Senate Office
1400 East Mabel Street
PO Box 210473

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