

MINUTES OF THE MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA
Monday, October 1, 1990 Room 146, College of Law

The Faculty Senate convened in regular session at 3:00 p.m. on Monday, October 1, 1990, in Room 146 of the College of Law. Fifty-eight members were present. Presiding Officer of the Faculty Senate Vivian E. Cox presided.

SENATE MEMBERS PRESENT: Aleamoni, Aquilano, Atwater, Avery, Badger, Beigel, Bickel, Bizik, Bootman, Braden, Burkhart, Butler, Cole, Cox, Cusanovich, Dvorak, Enos, Ewbank, Fernandez, Ganapol, Ganguly, Garcia, Goetinck, Hetrick, Hildebrand, Johnson, Jones, Kermes, Knight, Koffler, D. Larson, LaSalle, Lei, Mautner, Mitchell, Pao Tao, Phipps, Redeker, Rehm, Roemer, Rollins, Salomon, Sander, Schneider, Silverman, Songer, Spera, Steinke, Sugnet, Sullivan, Thomson, Tomizuka, Tomoff, VanMetre, Vezino, Witte, Zukoski, and Zwolinski. Dr. Robert Sankey served as Parliamentarian.

SENATE MEMBERS ABSENT: Adamec, Chen, Dalen, Elliott, Escalante, Fenstermacher, Hershberger, Joens, Kolodny, Krager, L. Larson, Masone, McCullough, O'Brien, Parsons, Ratner, Shisslak, Sigelman, Smerdon, Smith, Woodard and Zeigler.

APPROVAL OF MINUTES: The Minutes of the meeting of September 10, 1990 were approved as distributed.

REPORT FROM THE PRESIDENT OF THE UNIVERSITY: President Koffler said that last week the Arizona Daily Wildcat had published a front-page article suggesting that the University had a \$45 million reserve, including \$28 million that was available to handle our current need for \$22 million in budget reallocations. "Normally I would not use my remarks to the Senate to correct errors of fact or interpretation in the Wildcat. On this occasion, however, given the deep concern over the reallocations that we all share, I believe that I must correct this assertion, especially since the Tucson Citizen dangled the same \$28 million pot in our faces only two days after the Wildcat.

"The \$45 million figure came from the University's audited balance sheet as of June 30, 1990. The \$28 million represents the balance after subtracting the amount in our Restricted Funds. The journalists who have written on this matter have acknowledged that Restricted Fund balances cannot be diverted to other uses. Unfortunately, they then leap to the unwarranted assumption that Unrestricted Fund balances must be spare cash that the University administration can use as it wishes. They appear to have totally overlooked the fact that the word "Unrestricted" is used in the accounting sense and not in the popular sense of the word. I want to explain that there is no pot of spare gold available to solve our problems.

"The \$28 million figure suggested as available for reallocation involves two groups of funds: the General Operating Funds handle state appropriations as well as federal appropriations for Agriculture; the Designated Funds deal with indirect cost recovery revenues from sponsored research and funds that we receive for administering student aid programs, as well as Investment Income and Administrative Service Charge revenues. The Auxiliary Enterprise Funds cover student housing, bookstores, the Student Union, and other revenue-producing operations that serve the University community but are not in themselves educational

activities. I want to address each of these three groups of funds in turn.

"The General Operating Funds had a balance of just over \$2 million on June 30. Out of this, \$727,000 was reserved to pay for items ordered but not yet delivered--this is quite common, and shows up as an asset but is really not available because it is to pay for items on order--and almost \$1 million was allocated by arrangement with the state to help fund this year's budget. In other words, far from having an extra \$2 million for reallocation, only a little over \$300,000 was available for this purpose in this fund.

"The second element, the Designated Funds, showed a balance of almost \$15 million. Again, these funds are not available for reallocation by the campus administration. Roughly \$8.5 million was a share in past Indirect Cost Recovery revenues from grants and contracts that was controlled by departments and colleges, who also control virtually all of another \$1.9 million received as gifts. I will leave it to Senators to judge for themselves how the colleges and departments would react if the campus administration had taken these funds and reallocated them. Another \$6.8 million represented working capital for Summer Session, the Center for English As A Second Language, Student Services and our Conference operation. Those Senators who are quick at arithmetic will realize that these amounts add up to more than the \$15 million balance in the Designated Funds overall. This is because the subsidiary account that handles the campus administration's share of Indirect Cost Recovery revenue was in the red by \$2.3 million on June 30 after being overdrawn to meet unexpected expenses in utilities and the Mount Graham project. I mentioned this to the Senate at our last meeting.

"The final element, the Auxiliary Enterprises Fund, had a balance of \$10.5 million on June 30 but this was no more available for reallocation than were the other funds. This sum included \$6.3 million in inventory alone. The remainder was working capital for Residence Life, the Bookstore, the Student Union and so forth. There was no pot of gold for reallocation here, either. Indeed, since the auxiliary enterprises are run as 'non-profit' units that build balances only to finance their own operations and capital replacement needs, it would be contrary to their purposes to expect them to subsidize other operations.

"My basic point is this: it is an elementary error to assume that a fund balance on June 30 necessarily represents resources available for reallocation by the campus administration on July 1. Our Unrestricted Funds balance at the end of last year consisted almost entirely of funds controlled by colleges and departments, or funds encumbered to pay for purchases, or inventory on hand, or working capital needed to operate our auxiliary enterprises.

"There is no hidden pot of gold, and no amount of wishful thinking will create one. We have to face the fact that we have no option but to reallocate and make best use of our available dollars. This requires, as I mentioned at the last meeting, transferring resources from administrative units to help our academic, academic support and student support units to do their jobs, and transferring resources within these receiving units so as to ensure that they meet priority needs. This is what our reallocation plan is all about."

REPORT FROM THE PROVOST OF THE UNIVERSITY: Dr. Cole distributed to Senators material on market adjustments, completed only yesterday. On Friday he received final recommendations from the Budget and Strategic Planning Policy Committee; nearly all were incorporated into the final document. "We wish to get on with the process of making these adjustments in a timely fashion, and are attempting

to make them available in the November 2 payroll. It was necessary for these instructions to go out immediately so that the allocations could be made and returned to my office, or we would not make that deadline. At our last meeting I had indicated that when they were available I would share them with you."

Dr. Cole also distributed copies of the Faculty Governance Committee report, which he had received September 25, and which he had indicated he would share with the Senate. He said that while he has had an opportunity to review it, significant analysis has not yet been completed. He requested that Senators review the report and submit suggestions or comments on the recommendations, particularly in view of the fact that many are directed to Senate structure, organization and administration. "Actually, we will have to share the responsibility of responding to this in the future."

Lastly, Dr. Cole reported on the various reallocation plans from departments and other units. "At this point in time approximately fifty percent of them have been received and approved. We are still dealing with the remaining half, and in most all cases they have presented plans which indicate they are unable to meet the four percent request. Those will have to be negotiated with the various units before they can be approved. I would like to mention one particular case, although I know it's on the agenda later: the Library had been reduced to two percent, and right now even the Acting Librarian is not aware of this, but it may be reduced by an additional 1.3 percent in the next day or two."

REPORT FROM THE PRESIDING OFFICER OF THE FACULTY SENATE: Dr. Cox welcomed those present today who were sitting in for absent Senators, and noted that for items on the agenda requiring votes, voting privileges were not extended to those sitting in, although their presence and input were appreciated.

Dr. Cox reported that Regent Esther Capin will address the Senate at its November meeting. She also reported that the Presidential Search Committee has scheduled an additional open forum on October 10, 2:30 p.m. in Main Library 313. She encouraged Senators to attend, and to announce it in classes they were teaching, because students and staff were welcome to participate. She also reminded Senators that the Regents breakfast was scheduled for November 9, and reservations should be made through the Chair of the Faculty. Dr. Cox noted that the last part of the November 5 Senate meeting would include a joint meeting with members of the General Faculty to review changes to the Constitution and Bylaws. Lastly, Dr. Cox announced she had appointed Senator Atwater to the Ad Hoc Committee for Undergraduates, representing the Senate.

REPORT FROM THE CHAIR OF THE FACULTY: Senator Rehm announced that, in addition to the Presidential Search Committee open meeting just announced, a meeting has also been set for faculty to meet with the research consultant for the Search Committee on October 3 at 4:30. All Senators were invited, he said.

Two committees of the General Faculty are now formed. Members of the Committee on Committees include Helen Gothberg, Graduate School of Library Science; Jean Kearns, Family and Consumer Resources; James LaSalle, MIS; Margaret Gibson, Russian and Slavic Languages; Craig Hawbaker, Library; and Nathan Buras, Hydrology and Water Resources. Members of the Committee on Elections include William McCaughey, Nutrition and Food Science; Edward Putzar, East Asian Studies; and Carrie Russell, Film Library.

Senator Rehm also reported that the Committee on Academic Freedom and Tenure and the Committee on Conciliation are in the process of generating some guidelines

to improve their operation, and to make it more clear to the complainant, the accused, and the panel their responsibilities in the grievance process.

The Regents breakfast on November 9 will be held in the Scholarship Suite of the Stadium, and he needs to hear from those who wish to participate by November 1.

"At our last meeting I indicated I had asked the faculty for input concerning items perceived by the faculty as management oriented. A number of these have come in, and I have identified two threads that run through these comments, as follows: management problems we are generally encountering seem to be concentrated at the department head and dean levels. The second thread is that the faculty as a group appears to be reluctant to stand up to their administrators when they perceive or identify an item that is detrimental to carrying out their teaching, research or service responsibilities.

"The first of these threads can be corrected in a number of ways. The primary one, that I see, would be management training upon initial appointment, and refreshers as the years go on. There are many guidelines already in place--in the University Handbook for Appointed Personnel, in the Conditions of Faculty Service--but they are not being followed in managerial style. Training is needed for people in this middle-management situation. In addition, it is vitally important that these middle-management people are subject to critical and ongoing review by upper-level administrators. It has to be done in a much more in-depth manner than is currently taking place. After all, good university administrators should have as a goal the support of the faculty, not the hindrance thereof, in their teaching/research/service commitment.

"The second thread needs to have a much stronger arm of the faculty being involved in deciding what the goals, direction, commitments of an academic unit are. There are some proposals that are beginning to develop to help them in doing this. One is that each of these academic units should have a committee structure in which many things are handled. Some of these, faculty status for instance, where we talk about evaluation, promotion and tenure and hiring--those are in place, and the structure is contained in the University Handbook for Appointed Personnel. What we need is a similar structure in three other areas: budget and planning, undergraduate education, and graduate studies. Each of these committees would be comprised of faculty members elected by faculty in that unit, and they would work with the administration of that unit to provide an atmosphere for outstanding education for the students in that unit, a creative atmosphere for scholarly activities, and a service commitment to assist the university in managing its support and governance facilities.

"One of the problems I see in the thread is that quite often faculty are reluctant to do these sorts of things because they feel there will be some sort of retaliation on the part of the administration. Now, in my reading of what academic freedom is about, it says there is no room for that kind of retaliatory action on the part of the administrators when dealing with a faculty member that may have a differing view from the administration. On the part of the faculty, we have to be positive in our approach to these sorts of things.

"We are beginning a search for a new president of this university. It is a golden opportunity to make these positive kinds of changes I have just indicated. We can make this university a better place than it has been. We have gained a tremendous amount of stature in the last twenty years. Let's not give up the ship now. We have to continue to fight to bring those other things up to comparable levels that particularly the research area has done. Support needs

to be increased. Undergraduate education needs continued support. We can't lose the gains we have made so far. I know the Senate is working towards this end, and I will do everything I can to move us in those directions. But I need your help to do so, and I look forward to having it."

REPORT FROM THE SECRETARY OF THE FACULTY: No report.

REPORT FROM THE PRESIDENT OF ASUA: Senator Avery reported that the Students Are Voting Everywhere (SAVE '90) program has registered over 11,000 students state-wide. Associated Students is entering the tuition negotiation time period at Board of Regents meetings, and students are exploring many new alternatives regarding tuition. Senator Avery said he will keep the Senate posted as the process develops. He noted that Bob Hope will be in concert on campus October 26, and good tickets are still available. ASUA will offer an invitational golf tournament the weekend of November 12 to benefit the Officer Barleycorn Scholarship that ASUA is putting together. Senator Avery reported that he and President Koffler have presented some Presidential Forums in the past, and those will continue for faculty, students, staff and anyone who would like to attend; two are scheduled for November--the 6th at noon in the Senior Ballroom, and the 28th at 6:30 p.m. at Kappa Kappa Gamma Sorority. Lastly, Senator Avery noted that an ASUA special election process is underway.

QUESTION AND ANSWER PERIOD: Senator Silverman asked Dr. Cole about the market adjustments: "University guidelines will allow an individual to request a procedural review." He said that faculty need to be notified that such a procedure exists. Secondly, he asked what kind of information will be made available to faculty within the thirty-day period so they can decide whether they have been treated fairly. Dr. Cole responded that everyone will receive a notice indicating previous salary, cost of living, and any market adjustment, as well as information on the appeal process. He added that information would be available in the units, where the figures came from. "What's important here is the appeal would be to the next highest supervisor, so if there is concern about not being able to get that data, they can ask the next highest supervisor." Senator Silverman said it is important to tell deans and department heads what kind of information they have to make available to faculty, any plans or data used, and then make sure department heads and deans tell faculty what is available and where, on the first day of the thirty-day review period. Dr. Cole said he didn't believe that would be a problem.

Senator Silverman, addressing President Koffler, said he was concerned about depletion of reserves, and asked what position the administration was taking concerning the amount of reserves, and whether we have been using an insufficient amount. President Koffler responded that one of the problems encountered is interpreting accounting terminology. Preparation of annual statements is determined by convention among financial offices of universities. "Our reserves are very limited, and fund balances are not reserves. The typical figure that's used on most university campuses is ten percent, as recommended by financial advisors. Unfortunately, we had decreasing state resources and indirect cost recovery....At the moment of reallocation we had about a million dollars, but that is shrinking because we are making adjustments to units that can't handle the reallocation."

Senator Zukoski asked Dr. Cole what sum of money is available in total for market adjustment allocation. Dr. Cole responded that for faculty the figure is a little over \$2 million, with separate amounts for academic professionals, classified staff, and administrators.

Senator Witte asked Senator Rehm why there was no mention of selection and review of department heads in the Faculty Governance Report, in view of the fact that problems were discerned at that level. Senator Rehm said that item was not addressed because Guidelines for Five-Year Reviews of Deans/Department Heads is already in use and published in the University Handbook for Appointed Personnel.

Senator Silverman, addressing Dr. Cole, said it was his understanding that of the \$2 million market adjustment, approximately \$450,000 would be used to meet retention agreements made last spring, and another \$100,000 for promotions also made last spring. He requested verification and, if that was true, for the rationale for using this money for those purposes. Dr. Cole: "First of all, the dollar amount that was given out is approximately \$350 to \$370 thousand, about 24 percent. The amount that was given out for retention was \$320,000, and if you add the promotion it comes out to be about the same amount of money. There are no additional funds for promotions other than the salary packages that are provided every year. This has been going on ever since the decision was made to provide salary adjustments for promotion. Additionally, I would suggest that market adjustments in cases of retention are probably, and we discussed this with the Budget and Strategic Planning Policy Committee (BSPPC), the most valid market adjustments you can make. We have in most cases followed up by checking with universities, with our peers, with our campus, so that we have had a much better picture of market. In any respect, we believe that while those may have been decisions made in the last few months prior to the end of the academic year, they would have been made in any respect during this period. However, and I did discuss this with the BSPPC, we did provide additional amounts of money in order that the four percent was given only out at this time and the additional amount covered from retention funds." Senator Silverman: "This money is not being used for that or is used for that?" Dr. Cole: "I'm saying that the principle is good, and that we did allocate an additional amount which would be equivalent to that amount which was made available for retention." Senator Silverman said he was still confused. Dr. Cole: "If the amount is \$2.3 million, for the sake of argument, and the retention cases as I said were \$320,000, if we allocate \$2.62 million, that meant that we could allocate \$320,000 more than the four percent pool. And we did." Senator Silverman: "So this \$2.3 million is the four percent pool." Dr. Cole: "Yes. What we tried to do so was provide as much money as possible to all of the units so that there would be an opportunity for everybody to share in this market adjustment, at least to the extent that they were below the market. I would suggest to you, as I said earlier, that a retention case is not much different than an individual being given a market adjustment at this time. In other words, if the person was below the market in May, they are still below the market in October. What I am suggesting is I think those were valid decisions made on the basis of market comparability. I was trying to respond to a question that was asked not only by you but by the BSPPC: did we give out additional amounts to cover that? As it turned out, we did, but not necessarily to cover that. So that the four percent pool was untouched. Have I confused you completely?" Senator Silverman: "In principle, I do have a problem taking a group of people that we made agreements with last spring, before the Legislature enacted this, and before we set these guidelines down, and those people are not even judged against these guidelines. They are judged against the fact they may have received an offer from another institution--and we made the decision to meet that offer. They may have been above the market, I don't know what those situations are. All I'm saying is they were pulled out of this. They're not even judged like the rest of us under this criteria." Dr. Cole: "We had a meeting with the Budget and Strategic Planning Policy Committee in which they specifically wanted to know how retentions were handled, and we gave them the complete outline of how they were done, and the basis on which we

make those judgments. We could have done nothing, and let people leave. I'm sure that's an alternative. Even though we made retention offers, some people left because they had received offers which we didn't believe were in the market, and as a result of that we didn't meet it, and so we have lost people, unfortunately, to places like Harvard, Berkeley, UCLA or Stanford. There's nothing we can do about those cases. I would be happy to share the policy with you as we shared it with the Budget Committee."

Senator Witte commented that, concerning the input on market provided on two occasions by the Budget and Strategic Planning Policy Committee and the Committee of Eleven, those committees believed it was clearly not the Legislature's intent to use an individual record of an individual person as an assessment of the market, and it seemed that Dr. Cole objected to that. Dr. Cole: "No, what we said is an individual letter was not necessary, and in some cases we didn't have a letter, we simply had an intention by a faculty member. I think the important point was that we wanted to maintain that individual's presence on this campus. We in the central administration don't necessarily make the judgments that these people are important to programs. It's the people in the departments and colleges that make those judgments. Therefore, when you tell us this person is important all we do is attempt to validate whether that is the case. In this market adjustment period there will be people who have letters in their hands who will be given market adjustment. All we said is the letter should not be required and should not be the only evidence."

Senator Ewbank asked Dr. Cole how credible the figures were in the guidelines, and if the possibility existed that there might yet be some reconsideration of the revised guidelines. Dr. Cole: "What I did with the deans was to tell them this was the approximate amount of differential for market based upon our calculations, which we shared with all the committees previously. We then said that no market amount should be given out until it is submitted to us for approval. There have been three or four different drafts which we shared with the BSPPC; on two occasions they had an opportunity to respond. We could not officially accept and nobody should have officially made any statements until we completed the guidelines. We worked over the weekend--we were here all day yesterday--getting these out so they would be available as quickly as possible. I was a dean for a long period of time; once you know you have an allocation, you start thinking of how you're going to give it out. It is altogether possible that they were sharing with some of the people. But recommendations are not official until they have been approved by our office, and by the President and the Board of Regents. We are going to review all of the recommended amounts to make sure guidelines were followed."

Senator Aquilano asked Dr. Cole (1) for the definition of market and (2) if it could be assumed that unless a person has received unsatisfactory reviews, that a person at any rank should be worth at least entry level salary. "Is that a reasonable starting point in the question of what is the market value of a person who has been here for some years?" Dr. Cole: "If the document does refer to entry level as being one of the measurements, yes." Senator Aquilano asked if entry level could be assumed when units don't know the market figure. Dr. Cole: "That has a bearing, and that's why I distributed the document. We talked about salary compression, about offers, because they are in part a measure of the market, about the AAU figures we now have available. There are a variety of sources which we use, but entry level is one of them, yes." Senator Aquilano asked if it would be reasonable to disperse funds based on some criteria such as Assistant Professors first. Dr. Cole: "I don't know whether I can answer that question. We gave an allowance for Assistant, Associate and full Profes-

sors. And I think you could argue that a lot of Assistant Professors in some departments could be at a disadvantage. In other departments, because of the entry level, they might come in at much higher levels and therefore not be disadvantaged. What we felt was most important was their relationship to the market and also to what we called the target this year, which was the fifty percent figure for AAU at that rank."

REPORT FROM THE ACADEMIC PERSONNEL POLICY COMMITTEE: Senator Ewbank reported the committee continues to meet regularly. Later in the agenda, agreement in principle will be requested for modification of the Conditions of Service document; and at the November meeting, the committee will introduce related amendments to the Bylaws of the General Faculty for Senate approval, to be followed by General Faculty action through mail ballot.

REPORT OF THE BUDGET AND STRATEGIC PLANNING POLICY COMMITTEE: Senator Roemer reported the committee recently welcomed three new members who constitute a great asset: Douglas Canfield, Donald Myers, and Lynn Nadel. The committee reviewed plans for reallocation of market salary adjustments, as Dr. Cole indicated, and provided responses promptly. The committee found the draft very close to satisfactory. Some concern was expressed about use of the market pool to fund retention agreements from last year. "We suspect that the retention agreements will tend to bring salaries closer to the current market than the increment that is going to be available this year from the market pool. So we were interested in whether the funding of those retention agreements was appropriately divided between a part that could be justified from the kind of general review that will be going on affecting all of us, and supplementary funds that might be used to bring the salary adjustments right up to current market. We certainly were informed there was a substantial amount of supplementary money used in those retention agreements. We have no independent way of ascertaining whether the split between the other funds and the market pool is appropriate. The Provost's office is clearly very conscious of this and we will monitor the situation."

Concerning the budget, the committee had met with Vice President for Business Affairs Joel Valdez, Bert Landau, Controller and Dick Roberts, Budget Officer. The meeting, scheduled to end at 9:30, was extended until nearly 11:00, and a very profitable interchange occurred in both directions, Senator Roemer said. Now understanding the key policy questions, and how some of them have been addressed in the recent past, the committee is reaching conclusions about which ones should be considered. Policy decisions will be the topic of the committee's next meeting, with Provost Cole and Vice-Provost Holly Smith.

REPORT FROM THE INSTRUCTION & CURRICULUM POLICY COMMITTEE: Senator Mitchell said the main item of discussion at its next meeting will be results of the faculty survey about the University Teaching Center conducted last spring. It is anticipated the survey results will accompany the Senate's November meeting call.

REPORT FROM THE RESEARCH POLICY COMMITTEE: Senator D. Larson reported the committee had met with Vice President for Research Cusanovich, who shared with the committee the policy issues of concern to his office as well as the most recent draft of the intellectual property policy. The remainder of the meeting was devoted to a discussion of the proposed changes, and members will prepare written comments for the next meeting.

REPORT FROM THE STUDENT AFFAIRS POLICY COMMITTEE: Senator Enos said she had met with Vice President for Student Affairs Woodard to gain a better understanding of all areas and offices connected with Student Affairs. The committee has

discussed phone registration as well as accommodation of faculty input into registration with Registrar Butler. The committee will continue to discuss at its next meeting whether it can address the real or perceived problem of faculty interference in the drop/add system that can prevent students from obtaining a seat in a class. The committee is near consensus on the topic of advising, and will possibly formulate a questionnaire to departments to find out how they choose advisors, whether or not there is compensation for the additional duty, criteria, longevity, and to determine the status of the situation in general. Responses may be requested on topics like how they would feel about providing the faculty advising coordinator with release time. Senator Enos will meet with Dean Tronsdal to draft a questionnaire to take to the committee's next meeting on October 19. She said the committee would welcome suggestions on the content of the questionnaire.

APPROVAL OF CURRICULAR MATERIAL: Approval of Curriculum Bulletin, Vol. 13, No. 12, Section I (motion 90/91-12) was moved and seconded. A question arose concerning budgetary matters in view of the new faculty that would be required by Media Arts in establishing this Master of Arts degree program. Dr. Cox, responding to a request, recognized Department Head Caren Deming. Dr. Deming said the master's program is vital to the operation of the 700-member undergraduate program. The Department of Theatre Arts has accommodated Media Arts graduate students, and the proposed program will succeed the program in Theatre Arts which will disappear. Senator Garcia asked if the program was being structured to accommodate the undergraduate program, or if there was academic purpose. Dr. Deming responded that a subcommittee of the Graduate Council reviewed the proposal carefully; it is a regular academic program in the history and theory of criticism, and the University will be proud of the program for its academic content. A voice vote on motion 90/91-12 indicated approval. Approval was then moved for Section III (motion 90/91-13), seconded, and the motion was approved unanimously on a voice vote.

ELECTION OF TWO REPRESENTATIVES TO THE ARIZONA FACULTIES COUNCIL: Dr. Cox asked Senators to cast their ballots for membership on the Arizona Faculties Council. Secretary Burkhart and Parliamentarian Sankey collected and counted the ballots. Dr. Cox expressed the appreciation of the Senate to the three individuals willing to serve on the Council. Those elected were: Senators Douglas Jones, whose term will end 4/92, and Malcolm J. Zwolinski, whose term will end 4/91.

DISCUSSION AND ACTION ON REVISIONS TO ABOR CONDITIONS OF FACULTY SERVICE: Senator Ewbank reported that the March 26, 1990 revisions to the Arizona Board of Regents Conditions of Faculty Service (CFS) had been submitted to the Senate's Academic Personnel Policy Committee (APPC) after review by the Tri-University Committee and members of the Regents staff. Each of the three Faculty Senates in Arizona are being asked to consider the draft, and to make recommendations. He said APPC had noticed a number of references to other documents; because new faculty would be unaware of the content of such documents, one recommendation being made would be that the documents be appended to the CFS as an appendix, so they could be located and read. Results of Senate action will be reported to ABOR staff for final action. He reported that revisions include plans for five-year reviews of the document, with faculty input. Recommendation for approval in principle was coming to the Senate as a seconded motion from APPC (motion 90/91-14). He called for questions on APPC's recommendations.

Senator Jones asked about change #12: [Reference to page 16, Section J: Consider separating provisions for "Reorganization" and for "Programmatic Changes" (to the extent that these are not one and the same) from "Budgetary Reasons."]

One reason for this proposal is seen on p. 21, #7, where a terminal year is mandated unless "reorganization includes such an appointment." If it is budgetary, that would be determined. If it is programmatic or reorganizational, there should be no such budgetary factor. If the circumstances were not lumped, no such proviso is needed. In addition, it seems at least arguable that programmatic changes might, or should, be initiated within the faculty, while budgetary change will be initiated by administration. Present language has programmatic proposals starting from administration, with faculty involvement mandated only after a proposal is made.] He said there seemed to be a significant difference in those very different operations, and asked Senator Ewbank to address this point.

Senator Ewbank said that in the present draft, reorganization and programmatic change for budgetary reasons are dealt with in the same section, and one point indicates that any tenured faculty who is recommended for release due to programmatic change or budgetary reason will be offered a terminal year contract unless budgetary reasons prevent. He said it was the committee's observation that if it was not for budgetary reasons there should be no budgetary claim that would prohibit a year's terminal contract except for a tenured faculty member who was released on the basis of programmatic changes. "I think we're on your side and the recommendation should undoubtedly be worded more strongly. We'll write a p.s. and recommend to the members of the Tri-University Committee that they go back to this one especially."

Senator Cole expressed concern about #5: [Reference to p. 7, top, 3.b.: Consider reversing the sequence of conditions creating an effective appointment - i.e., ought not Board approval to precede signing of a notice of appointment (or at least approval by a designated agent of the Board)?] Senator Ewbank responded that the wording here appeared unclear: 'The appointment shall not be effective until written acceptance of the notice of the appointment is received by the University official designated to receive such acceptances, and the appointment has been approved by the board.' He said it appeared that receipt of the accepted notice of appointment would come prior to approval by the board, which might put at some risk the individual who accepted the appointment, especially if he got a moving van, and then was not subsequently approved by the Board. Dr. Cole said this pragmatic option is used routinely, and the Board has not yet to his knowledge ever rejected a recommendation. He believed a change could create some problems.

Senator Salomon, referring to point #17 [page 32, j, Delete the proviso that "The president shall not be bound by the recommended findings of fact." This permits him to ignore everything that would be made manifest in the hearings, and to make a decision on undisclosed grounds. It renders hollow the entire hearing procedure.], asked if deletion of the proviso would be sufficient, or if something to the effect that the findings would be binding would be more effective. Senator Ewbank responded that he would not object to that as a second step, but the first step seemed advisable.

Concerning point #17, ["In all places where the phrase '...shall have no expectation of employment beyond...' consider a less threatening phrase, such as '...shall have no legal right to employment beyond..."] Senator Silverman asked for an example of where that appears. Senator Ewbank said the phrase was used primarily in reference to tenure-eligible individuals who have no expectation of employment beyond the term of appointment, and it seemed to the committee the language was unnecessarily threatening. Senator Silverman questioned the suggested phrase "no legal right" appearing in CFS, and while he wasn't sure what

the words should be, perhaps they should be somewhat less threatening. Senator Ewbank said it was the committee's understanding that Board attorneys sought to have this included based on court cases encountered in recent years, in this system and perhaps another. He said the committee accepted inclusion as a foregone conclusion, and it was a matter of tinkering with words. Senator Silverman said it may be in the Board's interest that their attorneys say something to this effect, but it may not be in the faculty's interest to have such a statement in the Conditions. It may require additional thought. Senator Rehm added that it could be changed to say that each president will establish procedures to evaluate appeals, as is currently in our University Handbook for Appointed Personnel. Senator Witte strongly seconded Senator Ewbank's concerns. Senator Bickel suggested a phrase to the effect that the university has no obligation to give employment beyond. Senator Salomon asked Senator Rehm to elaborate. Senator Rehm said this item deals with a hearing of the Committee on Academic Freedom and Tenure. That committee makes an advisory recommendation to the President. The President may at that time, quoting from University of Arizona wording, take steps to find additional information, send it back to the committee to have it run through again. The procedure is in existence on our campus for handling this, he said, and it does indicate that the decision will be made only on those facts generated in the hearing and in the subsequent investigation. Senator Salomon asked if the president is bound to accept the final recommendation of that committee, and Senator Rehm said no. Senator Salomon said discussion had returned to the point he made earlier.

Regarding item #14, [p. 27, c) "In the final sentence, insert after 'ten day period' the phrase 'without good cause demonstrated.' This will remove an automatic termination mandate."] Senator Tomizuka commented that a faculty member cannot be stripped of a response to anything in ten days. Secondly, he asked if the overall effect of the revision is to make it easier for the institution to terminate faculty. Senator Ewbank responded that the current revisions had been massaged and worked over by the entire university in conjunction with Board staff, and the document does provide some advances for individual and collective faculty interests. It avoids and it responds to a couple of suits in which the university system has been involved. He said he believes this draft constitutes constructive revisions, and that he is not unhappy with it.

Dr. Cox called for the vote on motion 90/91-14, to accept in principle the recommendations of the Academic Personnel Policy Committee concerning revisions to the Conditions of Faculty Service, with the understanding that it revert to the committee for further development. A voice vote indicated unanimous approval.

DISCUSSION AND ACTION TO CLARIFY THE PROCEDURES FOR FILLING UNEXPIRED SENATE TERMS: Senator Rehm reported that current Bylaws do not provide clear instructions for the filling of an unexpired Faculty Senate term, and the proposal distributed to Senators with the meeting call, coming as a seconded motion from the Faculty Senate Executive Committee (motion 90/91-15) is a more detailed structure for handling this procedure.

Senator Aleamoni noted the nonvoting distinction made between a faculty member whose name had appeared on a ballot but who was not elected and elections where there were none who were not elected, and in the second case no voting privileges would be extended, although the person would be asked to fulfill the same responsibility for a semester. After some discussion, Senator Rehm accepted an amendment to the proposal: the striking of "not" in the fifth line from the bottom.

Senator Roemer said she believed that to achieve a clear mandate, it would be preferable to conduct special elections in both cases. Senator Garcia said this question arises in many political constituencies, and in many cases a chief executive officer simply appoints a voting member of the body to replace the one that departed for whatever reason. Having the Committee on Committees essentially handle that task didn't seem out of line. Senator Avery added that, speaking from experience, he would hesitate to endorse special elections.

The question was called, and a voice vote indicated unanimous approval of the amended procedures to be used in conjunction with Bylaws, Article V, Section 2e ("The Faculty Senate shall elect a successor to fill an unexpired term of an elected member for any reason.") as follows:

"Either of two situations exist when an unexpired or vacated term occurs, namely (a) there were unelected candidates for the position in the most recent election in which the unable-to-serve Senator was elected, or (b) there were not.

"For all vacancies occurring under situation (a), the Presiding Officer of the Senate will ask the unelected candidate receiving the highest number of votes to become the successor. If this individual is unavailable, then the next highest vote recipient will be asked to serve, repeating this procedure until no unelected candidates are available. All successors serving under this situation will have voting privileges in the Faculty Senate and will serve until the return of the regularly elected Senator or until the end of the vacated term, whichever occurs first, but no less than one full semester in any case.

"For vacancies occurring under situation (b), two types occur: (1) the vacated term to be filled is longer than one semester, in which case the Committee on Elections will be asked to conduct a special election in the constituency of the vacated seat, complete with nominating petitions and written ballot voting. An individual elected in this way will have full voting privileges in the Senate and will serve to the end of the unexpired term of the vacated seat. (2) the vacated term is for one semester, in which case the Committee on Committees will be asked to provide the name of an individual from the vacated Senator's constituency who is willing to serve. An individual selected in this way will have full voting privileges in the Senate and will serve only until the end of the then current semester.

"In all of these situations, the Senate will be asked to ratify the individuals thus selected to fill the vacancies."

EXPEDITIOUS COMPLETION REQUESTED: Dr. Cox noted that, in accordance with parliamentary rule, if the Senate is to continue beyond 5:00 p.m., a two-thirds vote would be required. She expressed concern for items remaining on the agenda which required attention, and urged the Senate to move as expeditiously as possible on the remaining items.

PRESIDENTIAL SEARCH COMMITTEE: SUGGESTIONS ON CRITERIA TO BE UTILIZED: Senator Rehm reported that members of the General Faculty who are on the Search Committee are: Vivian Cox, Juan Garcia, John Hildebrand, Helen Ingram, Andrew Silverman, Eugene Sander, James Woolfenden, Ruth Dickstein, and Thomas Rehm, and each

is available for input. Items listed on the material distributed with the meeting call were provided to help generate individual suggestions.

The following additions were suggested: knowledge and respect for the position of teaching; reference to our institution being a land-grant university; a more emphatic statement to include national stature in "academic teaching/research experience"; students particularly would like someone who is "vocal, visible, accessible"; the ability to recognize the importance of the University within the Tucson community and to pursue the relationship of "town/gown"; unequivocal support for the University of Arizona's position as a Research I university; removal of No. 9 (a personality deserving of respect); questioning of No. 12 (possessing a competitive attitude) was explained as eagerness to continue the growth and expansion of the University in areas where it has faculty support, competing with other universities throughout the country and the state; visiting the campus of candidates to learn the level of respect for that individual on that campus; demonstrated leadership at a large land-grant university; and strong supportive position in regard to "libraries" should be changed to "instructional support". Senator Rehm encouraged submission of the list to any member of the search committee with additions, deletions, or revised ranking.

NEW BUSINESS: COMMITTEE OF ELEVEN RESOLUTIONS CONCERNING THE LIBRARY: Senator Zukoski reported that he had chaired a subcommittee of the Committee of Eleven which reviewed various matters related to the University Library. Sources concerning the review were appended to the information provided to the Senate today. He said the document provides a succinct description of the condition of the Library, and the Committee of Eleven was presenting as a seconded motion (90/91-16) the resolutions contained in that document. He noted that ASUA had already approved them.

Senator Jones said he supported the resolutions proposed, and would like to suggest one additional resolution concerning the follow-up. He said that frequently the Senate passes a resolution, it is included in the Minutes, but quite often there are no follow-up reports indicating what has transpired. Senator Jones proposed that a committee be appointed to report back in a year's time. Senator Zukoski said he believed the follow-up needs to be immediate, and that such a Senate committee should meet with the administration to look into issues such as the position on the Decision Packages of the Library Automation package, which has been on the Decision Package list since 1982 and not been allowed to come to the surface far enough for the Legislature to even get a whiff of the fact that it needs funding. He said he hoped something could now be done to address this very serious consideration. "I think we have made some progress with the budget reallocation: we have gone from 7 to 6 to 4 to 2, and maybe down to .7 percent. I would like to see no percentage, and I would like to see action carried forward now." Senator Ewbank reported he had calculated the .7 percent which the Library will have to reallocate at \$60-70,000.

Senator Silverman suggested creation of a Senate ad hoc committee. "There may be other matters in the Library that need to be addressed that are not included in these four resolutions. If these resolutions are approved, an ad hoc committee on the library is needed to (1) see how these four resolutions will be implemented and (2) see if there are other matters that also need to be addressed in some way. Senator Garcia said he would support such a motion. Senator Witte said a mechanism should be included for reporting back to the Senate.

Senator Knight said the resolutions had been approved by the Student Senate last week. She said there was obvious support for the Library, but little informa-

tion on the student tax being proposed in the Summer School program, and she requested some details. Senator Knight also asked, regarding resolution #2, if tuition would have to be increased to generate the funding sought. Senator Garcia reported that he had been a member of the Provost Search Committee last year, and outside candidates who visited campus without exception came from a campus that had an on-line computerized library service available to them, and they were all uniformly shocked that we did not. It was truly embarrassing, he said. "Regarding summer school, it is a substantially profit-making enterprise. It generates several million dollars which are distributed to the units above and beyond costs, so the tax would be on that portion." Senator Silverman said he questioned use of the word "tax," because it did sound like a tax on students. The idea, he said, was to take some of the profits, because the Library does not receive any funds from Summer Session profits, although the Library does serve Summer Session students.

Senator Dvorak asked what the Library uses for operations during the summer. Senator Garcia said the Library has a fiscal-year budget, but Summer School profits are not allocated to the Library. Senator Dvorak asked if these proposed funds would also be allocated to the smaller libraries. Senator Silverman said it hadn't been considered, but could be looked into.

A voice vote on the motion to approve the resolutions indicated approval. Dr. Cox then invited a motion for the establishment of an ad hoc committee and for a reporting procedure regarding these resolutions. That motion (1990/91-17) was made, seconded and approved unanimously on a voice vote.

ADJOURNMENT: The meeting adjourned at 5:02 p.m.

Respectfully submitted,

Ford N. Burkhart, Secretary

MOTIONS

- 90/91-12 Approval of Curriculum Bulletin, Vol. 13, No. 12, Section I.
- 90/91-13 Approval of Curriculum Bulletin, Vol. 13, No. 12, Section III.
- 90/91-14 Approval of revisions to Conditions of Faculty Service.
- 90/91-15 Approval of procedures for filling unexpired Senate terms.
- 90/91-16 Approval of Committee of Eleven resolutions re University Library.
- 90/91-17 Approval to enact a Senate ad hoc committee to monitor implementation of motion 90/91-16 and to report back to the Senate.

ATTACHMENTS TO THESE MINUTES: None.