

**MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA®
October 5, 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 October 5, 1998, at 3:05 p.m. in Room 146 of the College of Law.

Present: Senators Aleamoni, Atwater, Christiano, Cohen, Coker, Dahlgran, D. Davis, T. Davis, Dryden, Dvorak, Dyl, Erlings, Ervin, Garcia, Gruener, Heckler, Heinrich, Hogle, Howell, Hurt, Impey, Johnson, Laetsch, Larson, Levy, Love, Marchalonis, Meaker, Medine, Merkle, Miller, Mishra, Mitchell, Nolan, O'Brien, Pepper, Pitt, Schooley, Silverman, Spece, Swindle, Sypherd, Taylor, Troy, Voyatzis, Warburton, Witte, and Zwolinski. Robert Sankey served as Parliamentarian.

Absent: Senators Armstrong, Caldwell, Clarke, Jenkins, Joens, Levin, Likins, Maré, Szilagyi, and Weinand.

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.)

Senator Cohen, GPSC President—student-sponsored research forum to be held November 6-7.

Dr. Marguerite Kay—employment dispute. Prepared statements were distributed on Senators' desks. (Attachments)

Senator Impey—grade inflation concerns.

Mr. Ryan Windows—Facilitators Program. (Attachment)

Dr. Carol Bernstein, President of the Arizona Conference of the American Association of University Professors—employment dispute of Dr. Marguerite Kay. A prepared statement was distributed on Senators' desks. (Attachment)

Mr. Jay Rochlin, Alumni Association observer—remarks postponed until November.

Dr. John Schwarz, Senior Faculty Associate to the President for External Relations—responsibilities and objectives of this new position.

3. REPORTS

3A. ASUA President Tara Taylor (Attachments)

Senator Taylor introduced a new student representative to the Faculty Senate—Mr. Matthew Meaker, President of the Residence Hall Association. Encouraging Senators to contact ASUA personnel regarding student issues, she also briefly discussed the ASUA informational brochure and organizational chart distributed on Senators' desks.

3B. Presiding Officer of the Faculty Senate Jeffrey Warburton (Attachments)

Presiding Officer Warburton announced that copies of the minutes of the most recent Faculty Senate Executive Committee meeting will be available at Faculty Senate meetings. Interested Senators may obtain copies of these minutes at the podium starting today. Senator Warburton also called attention to other documents placed on Senators' desks today: a brochure regarding the mall enhancement project and a booklet containing information about the UA's family care policies.

3C. Secretary of the Faculty Susan Heckler

No report.

3D. Chair of the Faculty Jerrold Hogle

Chair Hogle's comments: (1) Senate Executive Committee members should have received packets containing interview schedules and vitas for the four finalists for the position of Vice President for Advancement. Executive Committee members unable to attend a particular interview session are encouraged to send a substitute. (2) The Arizona Faculties Council (AFC) is working with the Arizona Board of Regents (ABOR) to finalize faculty workload measures. (3) The AFC is also currently reviewing a new statement regarding whistleblower protection on state campuses. This statement, which has already been reviewed by legal staff, will probably be brought to the UA Faculty Senate for review in November or December. (4) The draft policy on corporate relations, enclosed in today's packet so that Senators can review the information in advance, will be placed on the Senate agenda for November 2 for discussion and possible action. Advance input is invited and should be directed to Senator T. Davis, Chair of the University Committee on Corporate Relationships, or to Chair Hogle. (5) The annual UA United Way Campaign is under way. Chair Hogle noted that he has sent a letter to all faculty encouraging them to participate.

3E. Provost Paul Sypherd (Attachments)

Using overhead transparencies, Provost Sypherd presented data regarding this year's student body, including characteristics of the freshman class. He also discussed recent enrollment trends and UA recruitment efforts in Maricopa County. Highlights: (1) Fall 1998 headcount enrollment is 34,327, an increase of 590 students from last year (540 undergraduates, 50 graduate/first professional students). (2) Average GPA and SAT scores for entering freshmen have increased, as have the yield on merit-based scholarships and the number of new National Merit Scholars. Despite more stringent enrollment standards and the implementation of the academic index, one-quarter of this year's freshman still meet the criteria for the Honors Program, as in the past. (3) The number of underrepresented minority students is the largest in University history, with the percentage of new Arizona freshman minority students continuing at 30%. (4) First-year retention matches last year's level of 77%. (5) The current enrollment successes can be attributed in part to cooperative campus efforts, such as faculty participation in recruiting, the phone-a-thon, ambassador programs, and special arrangements for visiting prospective students.

3F. President Peter Likins

No report, since President Likins was participating in a Washington, D.C., forum on labor standards and codes of conduct.

4. QUESTION AND ANSWER PERIOD

Senator T. Davis asked Provost Sypherd why retention rates seem to be improving. Dr. Sypherd responded that the rates are actually similar to those of last year, and that the new entrance requirements result in students who are better prepared.

Senator Witte asked that Provost Sypherd distribute the student data in printed form to Faculty Senators. She also asked for data on faculty—e.g., numbers of tenured and tenure-eligible faculty, numbers of part-time vs. full-time faculty, and information on faculty at Arizona International College and Extended University. Provost Sypherd and Vice Provost Ervin agreed to provide this information.

5. APPROVAL OF THE MINUTES OF SEPTEMBER 14, 1998

Senator Marchalonis requested that an additional sentence from the verbatim transcription of President Likins' remarks regarding the Marguerite Kay case be included in the minutes, and that the reference to consulting "with experts" in the same passage be removed. Presiding Officer Warburton said the verbatim transcription would be reviewed and reported upon at the next Senate meeting. The minutes of September 14, 1998, were then approved, with the exception of the aforementioned portion.

6. APPROVAL OF CONSENT AGENDA ITEMS FORWARDED AS SECONDED MOTIONS FROM INSTRUCTION AND CURRICULUM POLICY COMMITTEE (Attachment)

Both consent agenda items, as detailed in the motions at the end of these minutes, were approved. [Motion 1998/99-1 and Motion 1998/99-2]

7. CONTINUED DISCUSSION AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO SELECTED PORTIONS OF THE CONSTITUTION AND BYLAWS OF THE GENERAL FACULTY (Attachment)

Senator Hogle moved [Motion 1998/99-3] that the proposed amendments to the Constitution and Bylaws of the General Faculty, as detailed in the information distributed in Senators' packets, be approved; the motion was seconded.

Discussion centered on the duties of the Secretary, the role of the Senate Executive Committee, the independence of the Committee on Committees from the Executive Committee, and the staggering of the terms for Chair and Vice Chair. Concerns were also raised regarding the role and the election of the Vice Chair. It was noted that, since the Vice Chair would preside over Faculty Senate meetings if the proposed amendments are passed, it might be advantageous to have the Vice Chair elected by the Faculty Senate rather than by the General Faculty.

Senator Cohen moved [Motion 1998/99-4] that the proposed amendments be modified in two places to include the Graduate and Professional Student Council (GPSC): (1) Article V, Section 4, a, Executive Committee (line 9)—Add "the President of GPSC or his/her

designee” as a member of the Executive Committee, immediately following “the President of ASUA or his/her designee.” (2) Article V, Section 5, line 8 (dealing with membership on Faculty Senate standing committees)—To the sentence “Student members of standing committees shall be nominated by the Associated Students of the University of Arizona,” add “and the Graduate and Professional Student Council.” **Motion 1998/99-4** was seconded and carried unanimously.

Senator Larson moved [**Motion 1998/99-5**] that Article IV, Section 4, of the Bylaws be changed to read: “The Committee on Committees shall be composed of six members of the General Faculty elected by the General Faculty for three-year staggered terms. No member shall serve consecutive terms. The committee shall elect its chair from those of its members who have served one year or more on the committee.” Motion was seconded and carried unanimously.

As a point of order, Senator Hogle noted that approval of Senator Larson’s motion would have the effect of deleting Article III, Section 4, A, III, of the Constitution amendments (stating that the Secretary of the Faculty shall serve as chair of the Committee on Committees). He moved [**Motion 1998/99-6**] that this passage be deleted; motion was seconded and passed.

Motion 1998/99-3, to approve the proposed amendments to the Constitution and Bylaws as modified by the last three motions, was carried.

8. CONTINUED DISCUSSION AND POSSIBLE ACTION ON CONFLICT OF INTEREST AND COMMITMENT POLICY (Attachments)

Presiding Officer Warburton noted that the approval of the Conflict of Interest and Commitment Policy (CICP) comes as a seconded motion [**Motion 1998/99-7**] from the Research Policy Committee (RPC). Using overhead transparencies, Senator Gruener, Chair of the RPC, gave an update on this policy since it was last discussed in the Senate on April 27, 1998. He noted that his repeated requests for input regarding the document had elicited two responses, both of them expressing concern about the \$10,000 threshold that triggers the reporting of potential conflict. However, he said, this provision must remain in the policy, since it (and the statement regarding 5% of annual income) simply restate federal and state statutes. He added that disclosure simply means acknowledging awareness of the rules and compliance with them. It does not mean that a conflict exists; even if a conflict does exist, the situation is open for discussion. If an employee can prove that performance is not affected, he or she need not give up the outside income or divulge financial details irrelevant to the situation. Noting that the current draft of the CICP is nearly identical to analogous documents that he reviewed from 20 other institutions, Dr. Gruener individually reviewed several minor changes that the RPC had made throughout the document at a meeting on October 4.

Concerns were expressed regarding the lack of examples and a flow chart in the document, possible sanctions against those who are found to have a conflict, anonymity for those who report non-compliance of others, the requirement for documentation of non-compliance, and the applicability of the document to UA administrators.

Senator T. Davis moved [**Motion 1998/99-8**] that “must” be changed to “should” in the sentence, “Allegations must include documentation of non-compliance.” (CICP, p. 9, VII, B, third sentence—added by RPC on 10/4/98) Motion was seconded and passed, with 20 votes in favor and 12 opposed.

Senator Spece moved [**Motion 1998/99-9**] that administrators be added into the definition of employees (CICP, p. 4, definition 10); motion was seconded and carried unanimously.

Senator Spece suggested that the following sentence be inserted in the definition of Institutional Review Committee (p. 4, definition 13), immediately prior to the last sentence: “A majority of the IRC may exclude the University Attorney’s Office representative, if they choose, on a particular issue.”

A question was raised regarding the language in II, A (p. 2), which mentions alternative policies and procedures for addressing conflict of interest issues. It was also noted that the language in the definition of Committee on Academic Freedom and Tenure (p. 4) requires clarification.

Due to the lateness of the hour and the need to conduct additional business, Presiding Officer Warburton suggested that further discussion and action on this motion be postponed until the next Faculty Senate meeting on November 2. No objection was heard. Senator Warburton invited Senators to provide additional input to the RPC prior to that date, and he noted that the packet for the next meeting will contain the most current version of the CICP draft, including modifications made by the RPC on October 4 and by the Senate at today’s meeting.

9. DISCUSSION AND POSSIBLE ACTION ON REVISED SEXUAL HARASSMENT POLICY (Attachments)

Senator Troy, Co-Chair of the Academic Personnel Policy Committee (APPC), briefly reviewed the evolution of the Sexual Harassment Policy and noted that its approval comes as a seconded motion [**Motion 1998/99-10**] from the APPC. He added that the document is currently in use on campus as the interim policy.

Using overhead transparencies, Ms. Susan Free, Associate Director of the Equal Opportunity and Affirmative Action Office, reported that the revised policy meets several objectives: (1) to have the definition of sexual harassment meet legal standards, and (2) to make the policy more concise and focused, in part by separating policy from procedures and educational materials—thus also facilitating changes

to procedures. She also noted that certain references to student-teacher and employee-supervisor relationships had been removed because a separate group convened by Provost Sypherd has drafted a policy on "consensual amorous relationships" to address those issues.

A brief question-and-answer period followed, during which it was noted that the current issue of *Academe* contains a discussion of sexual harassment issues.

Due to the lateness of the hour, it was moved [Motion 1998/99-11], seconded, and passed that further discussion and action on Motion 1998/99-10 be tabled until the next Senate meeting on November 2.

10. **RECESS**

The Senate meeting recessed at 5:20 p.m. to go into Executive Session.

Susan E. Heckler, Secretary

Appendix*

1. Dr. Marguerite Kay's statement to the Faculty Senate, University of Arizona, with attachments.
2. Informational sheet regarding Facilitators Program.
3. Dr. Carol Bernstein's statement.
4. ASUA organizational chart and informational brochure.
5. Mall Enhancement Project brochure.
6. Family Care Policies pamphlet.
7. Overhead transparencies used during Provost Sypherd's report (student data, etc.)
8. ICPC Proposals for possible Faculty Senate action on October 5, 1998 (consent agenda).
9. Proposed amendments to the Constitution and Bylaws of the General Faculty, with cover memo dated September 23, 1998.
10. Conflict of Interest and Commitment Policy, clean copy draft of 4/27/98 and marked-up version showing changes.
11. Interim Sexual Harassment Policy, with attachments.

*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 October 5, 1998

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| 1998/99-1 | Seconded motion from the Instruction and Curriculum Policy Committee to drop the requirement that <i>summa cum laude</i> , <i>magna cum laude</i> , and <i>cum laude</i> distinctions require 60 total UA units, but leave in place that these distinctions require 45 graded UA units; motion carried. |
| 1998/99-2 | Seconded motion from the Instruction and Curriculum Policy Committee to change the name of the College of Architecture to the College of Architecture, Planning, and Landscape Architecture; motion carried. |
| 1998/99-3 | Motion to approve the amendments to the General Faculty Constitution and Bylaws as developed by the Committee on UHAP, Constitution, and Bylaws Changes; motion seconded and carried, as amended. (See below.) |
| 1998/99-4 | Motion to revise the General Faculty Bylaws amendments by including the Graduate and Professional Student Council in two places: (1) Article V, Section 4, a, Executive Committee (line 9)—Add "the President of GPSC or his/her designee" as a member of the Executive Committee, immediately following "the President of ASUA or his/her designee." (2) Article V, Section 5, line 8 (dealing with membership on Faculty Senate standing committees)—To the sentence "Student members of standing committees shall be nominated by the Associated Students of the University of Arizona," add "and the Graduate and Professional Student Council." Motion seconded and carried. |
| 1998/99-5 | Motion to change Article IV, Section 4, of the proposed Bylaws amendments to read: "The Committee on Committees shall be composed of six members of the General Faculty elected by the General Faculty for three-year staggered terms. No member shall serve consecutive terms. The committee shall elect its chair from those of its members who have served one year or more on the committee." Motion was seconded and carried. |
| 1998/99-6 | Motion to delete Article III, Section 4, A, III, of the Constitution amendments, which states that the Secretary of the General Faculty shall serve as chair of the Committee on Committees. Motion seconded and carried. |
| 1998/99-7 | Seconded motion from the Research Policy Committee to approve the Conflict of Interest and Commitment Policy; further discussion and action postponed until the Faculty Senate meeting on November 2, 1998. |
| 1998/99-8 | Motion to change the Conflict of Interest and Commitment Policy, p. 9, VII, B, third sentence to read, "Allegations should include documentation of non-compliance." Motion seconded and carried. |
| 1998/99-9 | Motion to change the Conflict of Interest and Commitment Policy to include administrators in the definition of employees (CICP, p. 4, definition 10); motion seconded and carried. |
| 1998/99-10 | Seconded motion from the Academic Personnel Policy Committee to approve the Sexual Harassment Policy; motion tabled. (See below.) |
| 1998/99-11 | Motion to table further discussion and action on the Sexual Harassment Policy until the Faculty Senate meeting of November 2, 1998; motion seconded and passed. |