

**MINUTES  
FACULTY SENATE  
THE UNIVERSITY OF ARIZONA  
March 1, 1999**

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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 March 1, 1999, at 3:04 PM in Room 146 of the College of Law.

Present: Senators Aleamoni, Armstrong, Atwater, Caldwell, Christiano, Cohen, Coker, Dahlgran, D. Davis, Dyl, Erlings, Ervin, Gruener, Heckler, Heinrich, Hogle, Impey, Jenkins, Joens, Johnson, Laetsch, Larson, Levin, Likins, Maré, Medine, Merkle, Mishra, Mitchell, O'Brien, Parsons, Pepper, Pitt, Pope, Schooley, Silverman, Spece, Swindle, Taylor, Troy, Voyatzis, Warburton, Weinand, Wilson-Sanders, Witte, and Zwolinski. Robert Sankey served as Parliamentarian.

Absent: Senators T. Davis, Dryden, Dvorak, Garcia, Gerken, Howell, Hurt, Levy, Love, Marchalonis, Meaker, Miller, Nolan, Sypherd, and Szilagyi.

**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. A. J. Timothy Jull (Appointed Personnel Organization Council [APOC] Observer) - appointed personnel issues.

**3. REPORTS**

**3A. ASUA President Tara Taylor**

Senator Taylor's announcements: (1) The recent graduate student showcase in Phoenix was well received. (2) GPSC will have a raffle in April to fund graduate student child care; a 3-D memo will be distributed regarding this. (3) The next student regent will be from the UA; the search has been narrowed to three candidates.

**3B. Presiding Officer of the Faculty Senate Jeffrey Warburton**

Presiding Officer Warburton had two announcements: (1) Anyone interested in running for Faculty Senate representative to the Senate Executive Committee should submit a brief biographical statement to the Faculty Center by mid-April; the election will take place at the Senate meeting on May 3. (2) The location of the May 3 Senate meeting will be the Center for Creative Photography Auditorium, since no rooms are available in the College of Law for that date.

**3C. Secretary of the Faculty Susan Heckler (Attachment)**

Using an overhead transparency, Secretary Heckler made the following points. (1) When preparing for Senate discussion, Senators can obtain additional background materials from Secretary Heckler at [sheckler@mail.bpa.arizona.edu](mailto:sheckler@mail.bpa.arizona.edu). (2) The reminder e-mail for Faculty Senate meetings will be expanded to include topics to be discussed. (3) The goal of the current format for Senate minutes is to provide complete representation of issues covered in discussions, without the use of quotes or speakers' names. Guidelines contained in *Robert's Rules of Order, Newly Revised* are being followed. When a particularly complex or controversial subject is discussed at a Senate meeting, a "flag" will be added to the minutes encouraging review of the Senate meeting audiotapes in the Faculty Center.

**3D. Chair of the Faculty Jerrold Hogle (Attachment)**

Highlights of Chair Hogle's comments: (1) The annual General Faculty meeting will be held Tuesday, March 2, from 10:00 to 11:30 AM in the Center for Creative Photography Auditorium. The meeting will feature a conversation with President Likins. All faculty are encouraged to attend as their schedules allow. (2) Dr. Allison Vaillancourt, Director of Recruitment/Outreach and Employee and Organizational Development, has asked that a brief e-mail survey regarding training for supervisors/managers be distributed to Faculty Senators. Senators are encouraged to respond to the survey, directly to Dr. Vaillancourt at [vaillana@u.arizona.edu](mailto:vaillana@u.arizona.edu). (3) The Arizona Board of Regents (ABOR) meeting on February 25-26 was productive: The Student Union construction project was approved, and it now appears that threatened legislative budget cuts will not occur. (4) The Arizona Faculties Council, composed of faculty leaders from the three state institutions, has recommended that the process for budget setting be changed before the next legislative session. A task force of students, faculty, Regents, and others may be formed to study the issue. (5) This week is the time to urge the state legislature to increase funding for the state's universities. Phone calls—to legislators from voters' own districts—seem to be more effective than e-mail, faxes, or letters. The toll free number is 1-800-352-8402. UA time and resources may not be used to make contacts with the legislature. (6) Current House and Senate bills that may impact UA personnel are listed on the informational sheet placed on Senators'

desks today. (7) Ballots for the annual General Faculty elections should arrive in campus mail today. It is important that all eligible faculty members vote, since there are two contested races—for seats on the Committee of Eleven and on the Strategic Planning and Budget Advisory Committee (SPBAC).

**3E. Provost Paul Sypherd**

No report, since Provost Sypherd was unable to attend.

**3F. President Peter Likins**

A summary of President Likins' remarks: (1) The UA recently received an invitation from the Department of Labor to participate in the Fair Labor Association (FLA), a group of human rights organizations, major apparel manufacturers, and universities being established to monitor labor practices in manufacturing plants around the world. The announcement of the UA's participation will be made on March 2—the same date that Students Against Sweatshops (SAS) plan to hold a noontime rally on the mall to express concerns regarding the anti-sweatshop licensing code developed by the Collegiate Licensing Company. (2) The Student Union construction project approved at the last ABOR meeting will be accomplished without the imposition of a student fee to help finance it—thanks in large part to the Athletic Director's offer of \$500,000 annually from his unit's state budget to help reduce the debt for the project. (3) In our continuing struggle with the legislature, we have not made much substantive progress. Although we may have managed to avoid severe damage during this budget cycle, we need to develop long-term strategies to help shape the legislative agenda and work more closely with legislators favorably disposed to the state's universities. The Associate Vice President for State Relations works at this every day, but the task will also require faculty time and effort. It is unfortunate that certain legislators have personalized the conflict between the legislature and the universities, characterizing University representatives as the villains in the struggle, rather than keeping the discussion on the level of the ideas and principles involved.

**4. QUESTION AND ANSWER PERIOD**

Senator Witte disagreed with the suggestion that shortening Faculty Senate minutes follows *Robert's Rules of Order, Newly Revised*.

Senator Silverman asked President Likins what his position is on disclosing the locations of manufacturing plants. President Likins responded that he agrees with SAS representatives that full disclosure of geographic locations of factories is a necessity. However, he differs with students regarding how to arrive at that point. Current plans call for full disclosure to the FLA, with the FLA monitoring sites and gradually disclosing the locations to the public. Dr. Likins expressed his desire to work within the FLA to help shape it, as well as his reluctance to accept the SAS recommendation that the UA withdraw from the FLA after 12 months if full public disclosure has not been accomplished by that time. Senator Medine asked which other universities will be involved with FLA in its early states, and President Likins mentioned Notre Dame, North Carolina, Ohio State, and Princeton.

Senator D. Davis expressed concern about the lack of a bell tower in the plans for the new Student Union. President Likins noted that the project's architects had been charged with preserving the significance of the USS Arizona memorialization. Senator Taylor added that the USS Arizona will be more prominently featured in the new Student Union, and the bell will be part of that.

Senator Christiano asked which human rights organizations will participate in the FLA. Although President Likins said he could not recall specifically which organizations would take part, he did provide a brief history of the development of FLA.

Senator Taylor thanked President Likins for his willingness to listen to student concerns about partially financing the Student Union project with a student fee. President Likins acknowledged that he finally acquiesced on this issue.

**5. APPROVAL OF THE MINUTES OF JANUARY 25, 1999, AND FEBRUARY 8, 1999**

Senator Witte moved [Motion 1998/99-31] that the minutes of the Senate meeting on January 25, 1999, be approved except for Item #9, the whistle-blower policy discussion, on the grounds that the discussion was inadequately reported in the minutes; the motion was seconded. After some discussion, Senator Witte amended her motion to accept Item #9 of the minutes for filing without approving that section. In response to a Senator's question, Parliamentarian Sankey noted that there is no distinction between acceptance and approval; he added that the issue is whether the minutes are accurate. One Senator expressed his preference for shorter minutes, and two Senators spoke against Senator Witte's amendment. One Senator clarified that the full Senate had not instructed the Secretary to prepare more detailed minutes. After further discussion, Motion 1998/99-31 was defeated.

Senator Witte moved [Motion 1998/99-32] that Item #7 (the whistle-blower policy discussion) in the Senate minutes of February 8, 1999, be accepted for filing without being approved. Motion was seconded and defeated.

The minutes of the Senate meetings on January 25, 1999, and February 8, 1999, were then approved as distributed, with 40 votes in favor and 5 votes opposed for each set of minutes.

**DISCUSSION AND POSSIBLE ACTION REGARDING CHANGING THE NAME OF THE HONORS PROGRAM TO THE HONORS COLLEGE (Attachment)**

Senator Dahlgran, chair of the Instruction and Curriculum Policy Committee (ICPC), explained that this name change, which is being forwarded as a seconded motion [Motion 1998/99-33] from the ICPC, is being recommended in order to make the UA's Honors Program

more appealing to prospective students and donors, as well as more competitive with other programs in the state. Referring to the informational sheet in Senators' packets, he noted that the name change would *not* mean establishing new departments, hiring new faculty, forming new administrative structures, or instituting new degrees or degree programs. If this motion passes, a reasonable time to implement the name change would be July 1, 1999, he said.

A summary of Senators' questions and comments: (1) This name change also involves a change in status. Will the Honors College be on a par with other colleges? What assurance do we have that additional administrators will not be hired if the program becomes a college? (2) The Honors Program should clearly indicate the criteria required for admission, and new features should be instituted to strengthen the program. (3) The Honors Program has improved over the last few years, and renaming it the Honors College would further enhance its improvement. (4) What would the relationship be between the University College and the Honors College? Will non-honors students be able to register for honors classes in areas in which they excel?

Concerns were also expressed regarding certain points in the justification sheet enclosed in Senators' packets: faculty affiliation with the Honors College and the method of establishing criteria to determine affiliation; and Honors College representation in faculty governance and University administration. It was clarified that the motion on the floor is to change the name only; the justification sheet provides possible ramifications but is not part of the proposal in the motion. Responding to the first Senator's comment above, Senator Dahlgran remarked that the Honors College probably would more closely resemble the University College than it would the College of Agriculture or the College of Medicine; he also noted that there is never an absolute guarantee that additional administrators will not be added at some point to any program on campus. Dr. Patricia MacCorquodale, Dean of the Honors Program, indicated that the unit already has representation on the Undergraduate Council, the Deans' Council, and the University-Wide General Education Committee, and that it would not want a seat in the Faculty Senate if it becomes the Honors College. Several Senators, including one current and one former participant in the UA Honors Program, spoke in support of the motion.

Motion 1998/99-33, to rename the Honors Program the Honors College, passed unanimously.

#### 7. REPORT ON POSSIBLE REVISIONS TO FACULTY GRIEVANCE PROCEDURES (Attachments)

Senator Caldwell, Chair of the Committee of Eleven (C-11), explained that C-11, in consultation with the Revisions Committee chaired by Senator Silverman, began reviewing grievance procedures in Fall 1998. The committee identified problems with current procedures; collected information from various sources, including UA policies and those of other institutions, Committee on Academic Freedom (CAFT) procedures, and the Office of Research Integrity's *Words to the Wise*; and eventually concluded that a total rewrite of the procedures would be preferable to attempting to make substantial revisions in the current procedures. Referring to the informational sheet enclosed in Senate packets and an overhead transparency, Senator Caldwell noted that the committee began by drafting guiding principles to better understand the fundamental issues before delving into specific details. These guiding principles were reviewed and revised at a February meeting of chairs of various grievance committees, representatives of selected administrative offices, and others involved with grievance procedures. Today's Senate discussion is intended to obtain general guidance regarding next steps in the revision process, with more formal discussion planned for Fall 1999, Senator Caldwell said.

A summary of Senators' comments and questions: (1) Redoing the UA grievance process is a good idea, but we also need to redo the relevant committees. Which committees are relevant? (2) Has C-11 considered appointed personnel in relation to the grievance process? (3) With regard to Item #7 in the guiding principles, the Arizona Board of Regents does not necessarily want to have all appeals directed to it. (4) Why does the guiding principles document use the term "grievant" rather than "grievor?" (5) A UA clearinghouse committee should include the chairs of CAFT and the Committee on Conciliation, as well as a representative from the Equal Opportunity and Affirmative Action Office. (6) Regarding Item 4b in the guiding principles, what is the rationale for allowing anonymity in the early stages of certain cases? (7) Terms used in the guiding principles document, such as "very early stages" and "informal," should be defined. (8) Item #2, regarding the integrity of the grievance procedure, the avoidance of influence over a committee, and the prohibition against *ex parte* communication, is a critical principle. (9) Regarding Item 4f, one party will be forced not to have legal representation if the other side declines it. In cases where the accused party is the powerful person in the situation, and he/she declines legal representation, the accuser would be denied the right to have an attorney present at the hearing. (10) Item 4f is not worded strongly enough; attorneys should not be doing the talking for either side. (11) The guiding principles are important, but the process is of ultimate importance; issues will be clarified in the process.

A summary of responses to questions and comments listed above: (1) The committees and units relevant to the grievance process include CAFT, the Committee on Conciliation, the Ombudsman Committee, the University Committee on Ethics and Commitment, and the Equal Opportunity and Affirmative Action Office. (2) C-11 used the definition of General Faculty, which includes academic professionals holding continuing and continuing-eligible appointments, when it developed the guiding principles. (4) The guiding principles document used terms that ASU employs; "grievant" is used in ASU documents. (6) and (7) C-11 intended that anonymity be allowed only for a matter of days. (9) and (10) Historically, attorneys have been permitted to speak during hearings; currently the Constitution and Bylaws of the General Faculty allow this.

Presiding Officer Warburton asked Senators to provide additional input regarding grievance procedures to Senators Caldwell and/or Silverman.

#### 8. CONTINUED DISCUSSION AND POSSIBLE ACTION ON REVISED WHISTLE-BLOWER POLICY (Attachments)

Presiding Officer Warburton noted that, if necessary, a special Faculty Senate meeting can be convened on March 22, 1999, to continue discussion of the proposed whistle-blower policy, the approval of which is being brought forward as a seconded motion [Motion

1998/99-34] by the Academic Personnel Policy Committee (APPC). Senator Atwater, APPC Co-Chair, reviewed the background of the document and discussed the relevant materials contained in Senators' packets. She noted that the state whistle-blower bill and the proposed UA policy are now almost identical except in two or three places. She also reported that ASU passed its policy one week ago, and that NAU is acting on its policy today. Dr. Atwater then reviewed changes from previous drafts of the UA whistle-blower policy: The definition of "university officer" has been broadened to include the UA President and Vice Presidents, "public body" has been redefined; a definition for "discloser" has been added; the conflict in time limits has been corrected; hearing procedures have been changed so that an external hearing officer is chosen by mutual agreement; a typographical error has been corrected in the "alleged wrongful conduct" definition; verbiage has been changed so that "hearing" is used consistently, rather than having "hearing" and "review" used interchangeably; and the influence of Human Resources on the process has been reduced as appropriate.

A summary of comments: (1) The policy appears to be written from the perspective of a corporation trying to control its employees. (2) UA employees are not given the option to an appeal *de novo*. (3) Suggested changes included: (a) expansion of the "University officer" definition (p. 4); (b) substitution of "in good faith" for "reasonably" (p. 1, Policy section, line 3); (c) redefinition of "adverse personnel action" and "alleged wrongful conduct" (p. 2); (d) deletion of "supervisory" in "supervisory employee" (p. 1, Policy section, paragraph 3); and (e) removal of the requirement for a written statement of complaint (p. 4).

Senator Hogle commented that the APPC had worked diligently on the policy and had made a number of revisions to improve it, thus moving us farther along toward the protection afforded under the state whistle-blower statute. He moved [Motion 1998/99-35] to close debate and call for the question on the approval of the whistle-blower policy. It was determined that a quorum was still present. The motion was seconded and defeated.

Due to the lateness of the hour, Presiding Officer Warburton announced that he would convene a special Faculty Senate meeting on March 22, 1999, at 3:00 PM in Law 146 to continue discussion of the proposed whistle-blower policy.

## 9. ADJOURNMENT

The meeting was adjourned at 5:10 PM, until the special meeting on March 22, 1999.

Susan E. Heckler, Secretary

### Appendix\*

1. Copy of overhead transparency dated 3/1/99, used by Secretary Heckler when discussing issues related to Senate minutes and e-mail reminders of meetings.
2. Bills now being considered in the state legislature that may impact UA faculty, students, and related personnel (for the report of the Chair of the Faculty, March 1, 1999).
3. Proposal to change name from The Honors Center to The Honors College (draft 2/18/99).
4. Memo dated February 20, 1999, to members of the Faculty Senate from Roger Caldwell, Chair, Committee of Eleven, regarding background for changes in our faculty grievance procedures.
5. Faculty Grievance Procedures (copy of overhead transparency used during Senator Caldwell's presentation).
6. Materials distributed in Senators' packets regarding the proposed whistle-blower policy.

\*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 March 1, 1999

- 1998/99-31 Motion to approve the Faculty Senate minutes of January 25, 1999, except for Item #9, the discussion of the proposed whistle-blower policy, on the grounds that the discussion was inadequately reported in the minutes. The maker of this motion later amended it to propose that Item #9 of the minutes be accepted for filing but not approved. Motion was seconded and defeated.
- 1998/99-32 Motion to accept for filing Item #7 (discussion of the proposed whistle-blower policy) of the Faculty Senate minutes of February 8, 1999, without approving that section of the minutes. Motion was seconded and defeated.
- 1998/99-33 Seconded motion from the Instruction and Curriculum Policy Committee to change the name of the Honors Program to the Honors College, effective July 1, 1999. Motion was carried unanimously.
- 1998/99-34 Seconded motion from the Academic Personnel Policy Committee to approve the proposed whistle-blower policy; motion postponed until the next Faculty Senate meeting, a special meeting scheduled for March 22, 1999, to continue discussion of the whistle-blower policy. (See below.)
- 1998/99-35 Motion to close debate and call for the question on the proposed whistle-blower policy; motion was seconded and defeated.

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