

**MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA®
November 3, 2003**

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1. CALL TO ORDER

The meeting was called to order by Vice Chair and Presiding Officer Wanda Howell at 3:02 p.m. in the College of Law, Room 146.

Present: Senators Arabyan, Benedict, Baughman, Bui, Burd, Christenson, Conway, Cusanovich, D. Davis, G. Davis, Green, Gruener, Hancock, Hildebrand, Howell, Jenkins, Kiefer, Kim, Larson, Likins, Miesfeld, Mitchell, Pitt, Powell, Radebaugh, Rainer, Schlager, Songer, Spece, Strittmatter, Vierling, Warburton, Willerton, Zizza, and Zwolinski. Terrence J. Monks substituted for Timmerman. Robert Sankey served as Parliamentarian.

Absent: Senators Bixby, Borden, Chandler, Dahlgran, Diaz, Erickson, Garrett, Impey, Joens, Jones, Lynch, Pintozzi, Silverman, Swanson, Tatman, Timmermann, Tomanek, Weinand, Witte, S. Wright, and Wysocki.

2. OPEN SESSION

There were no speakers at the Open Session.

3. REPORTS

3A. ASUA President J. P. Benedict

President Benedict welcomed the Senate to the Homecoming events this week and reminded them that Homecoming is not just for students and alumni, but for faculty, staff and the community, too.

3B. GPSC President Jani Radebaugh

President Radebaugh reminded Senators that the Student Showcase of undergraduate and graduate research is featured on the Mall during Homecoming this Friday and Saturday, November 7 and 8 and introduced new Senator Kyle Baughman from GPSC.

3C. Vice Chair of the Faculty Wanda Howell

Vice Chair Howell welcomed newly elected Senator Mintai Kim from Architecture, and returning Senator Ara Arabyan from Engineering.

3D. Secretary of the Faculty Robert Mitchell

No report.

3E. Chair of the Faculty Jory Hancock

Chair of the Faculty Hancock introduced Allison Vaillancourt and John Schwarz, co-chairs of a Strategic Planning and Budget Advisory Committee sub-committee charged with drafting the University's Strategic Plan for 2005-2010. John Schwarz presented SPBAC's proposed vision for the future of UA. This proposal is intended for campus distribution and a list of questions on page 4 of the document will guide this campus conversation. Dr Schwarz requested feedback on what the goals and core values should be and what priorities, strategies, and building blocks should be used to reach them. Feedback should be sent quickly to raphael@email.arizona.edu. This document will be returned to the Senate in December with that feedback incorporated.

3F. Provost George Davis

No report.

3G. President Peter Likins

President Likins reported that he will be giving his Annual State of the University Address to benefactors and that he intends to send out to the campus community a 13-page status report on the Capital Campaign. The report will contain graphical representations of where the

money is coming from and where the money is going and for what purposes, and distinguishing cash in hand from pledges and gifts in kind. This report will be posted to a website by the end of the week. The Campaign continues through July 2005. He also described the UA's principal initiative to the legislature this year which includes: \$15.5M for a key personnel retention fund, enrollment growth formula funding which should produce another \$10M, restitution of the University's share of health insurance and retirement benefits for employees, about \$2M in maintenance and operations funding for the new buildings, and restoration of building renewal funding.

4. **QUESTION AND ANSWER PERIOD FOR AGENDA ITEM 3**

There were no questions on the reports.

5. **APPROVAL OF THE MINUTES OF OCTOBER 6, 2003**

The minutes of October 6, 2003 were approved.

6. **CONTINUED DISCUSSION AND POSSIBLE ACTION ON FACULTY GRIEVANCE POLICY (attachments)**

Continuing the discussion which ended on October 6, 2003 when time ran out, Chair Hancock reminded the Senate of the question about which standard of proof, "clear and convincing" or "preponderance of the evidence" offers better protection for faculty. The need to protect faculty is the spirit behind the proposed language requiring a clear and convincing standard of proof for faulty grievances, as described in an article provided to the Senate by Senator Spece, which he co-authored with Dr. John Marchalonis. Chair Hancock said he considered the questions of what is the most appropriate way to protect faculty and what assumptions are at play here, since whatever standard is in use will work both to protect faculty and also to protect the administrators against whom they may be grieving. He asked Faculty Center staff to conduct research on the past ten years' of Committee on Academic Freedom and Tenure grievances. Then he asked the Chair of CAFT to comment on these findings. CAFT member and Senator Ara Arabyan read a letter from CAFT Chair Bruce Sales in which Dr. Sales delineated the nature and number of CAFT cases in the past ten years and offered his opinion that the preponderance of the evidence standard of proof offers greater protection for faculty. He said if administrators bring the majority of cases against faculty, the higher standard would afford faculty more protection, but if the converse is true, the lower standard gives faculty a better opportunity to win their cases. The data revealed that of the thirty-six cases in the past ten years, 26 have been faculty grieving against administrators, and 2 were faculty grieving against administrators and other faculty, and one was a faculty member grieving against another faculty member. The other seven cases were all research misconduct cases that involved administrators grieving against faculty, and four of those were part of one case. Dr. Sales also noted that the preponderance of evidence standard is fixed by ABOR for hearings on claims of major infractions involving dismissal or suspension without pay, whereas the new faculty grievance policy will only affect the standard of proof for hearings on claims of lesser infractions. It is illogical for the University to have the preponderance of evidence standard for hearings on claims of major infractions and then use the higher clear and convincing standard for hearings on claims of lesser infractions. The new Research Integrity Policy employs the preponderance of the evidence standard and he wondered what types of problems CAFT might encounter that it should have a higher standard of proof. Finally, Dr. Sales stated that asking the faculty members on CAFT to conduct hearings using different standards of proof depending on the seriousness of the case may be an unrealistic request. Chair Hancock said that about 88% of CAFT cases are faculty complaining against administrators, which means that requiring the higher standard of proof would make it more difficult for a faculty member to prove his or her case. Senators' questions and comments included the following: 1) This data is totally irrelevant to the proposal before the Senate, which is, "No faculty member should be disciplined unless there is clear and convincing evidence of all facts predicate to the discipline. Otherwise the standard of proof shall be by a preponderance of the evidence." The idea that this standard would protect administrators is ridiculous because the language directly addresses faculty. 2) The illogic that would exist if we have clear and convincing for lesser infractions, and preponderance of the evidence for greater infractions is best answered by raising the standard of proof for greater infractions to be clear and convincing, which would follow the trend in the courts for professional disciplines because of the careful balancing of the Constitutional interests at stake. 3) The New England Journal of Medicine article distributed in Senators' packets supports the clear and convincing standard of proof for research misconduct cases. 4) The Faculty Senate needs to take a stand against the Regents' choice to employ an unconstitutional standard for the greatest infractions. ABOR's choice doesn't justify joining that choice and lending our moral force to the idea that this is all right. Even if our policy's standard is vetoed by the UAO or ABOR attorneys or by our President, this Senate's action, coming from faculty who are part of the academic culture, who have been awarded tenure, who are defenders of academic freedom and have rendered the opinion that the standard should be clear and convincing, could be used to challenge that policy in the legislature or the courts. 5) Vice President for Research Powell clarified that, in the research misconduct area, complaints are usually brought by a faculty member or another employee, but the Research Integrity Officer is listed as the complainant in order to protect confidentiality, so this is not really an administrator complaining against a faculty member. He also noted that the Research Integrity Policy (RIP) seems to be working quite well with the preponderance of the evidence standard of proof and that this policy has a number of protections built in to protect the integrity of the process and to protect the faculty member. He also recommended being consistent with the standards of proof among ABOR, the RIP and the faculty grievance policy. 6) Senator Mitchell presented an overhead of the ABOR Policy Manual, Chapter 1, Section 113, which reads:

1-113 Approval of Faculty Constitutions, Bylaws, and Regulations

The faculty constitution and all amendments thereto, together with bylaws or regulations adopted pursuant to the faculty constitution at each institution shall become effective when approved by the university president. The president's consideration of proposed revisions shall be preceded by written analyses by university counsel and by Board Counsel to determine consistency with Board Policies. In any case where a provision in the faculty constitution, a bylaw or a regulation conflicts with the policy of the Board, the policy of the Board shall govern.

He said that the tactic of inserting "clear and convincing" into the Bylaws would be a grave mistake because of the requirement for written analyses by the University and ABOR counsels to determine consistencies with the Board policies and that in cases of conflict, the Board policy overrides the University's policy so it would essentially be dead on arrival. Another path would be to approve preponderance of evidence for the Bylaws but to continue lobbying with the Arizona Faculties Council (AFC) for a change to "clear and convincing." 7) The President is not bound by the attorneys' opinions and can choose to disagree. 8) Approving "preponderance of the evidence" and passing a Senate resolution calling for faculty leadership to continue to lobby for "clear and convincing" for the greatest infractions is a more reasonable approach and one that could possibly effect a change in Board policy, whereas hitting the issue head-on will not. 8) Asking our President and faculty leaders to spend precious time lobbying for this issue may cause them to lose credence for other, much more important issues. 9) The presidents and faculties of all three universities have every right to attempt to change Board policy, but they should do it in a tactical way that at least has a possibility of success. 10) The CAFT data is not irrelevant because 88% of cases are faculty complaining against administrators and the higher standard would make it more difficult for faculty to prove their cases, thereby protecting administrators more than faculty. Administrators, for the most part, are faculty with administrative assignments. 11) For a University or ABOR attorney's analysis to show that something is in violation with Board policy does not mean that attorneys are calling the shots for the President. Senator Mitchell moved [Motion 2003/04-13] that the language contained in the proposed new Bylaws Article VI, "Grievance Policies and Procedures for Faculty," Section 2, "Grievance Principles," subsection t, which currently reads:

t. No faculty member should be disciplined unless there is clear and convincing evidence of all facts predicate to the discipline. Otherwise the standard of proof shall be by a preponderance of the evidence.

be replaced with alternate language that reads:

t. The standard of proof for all findings, conclusions, and recommendations relating to grievances shall be a preponderance of the evidence.

Motion was seconded and passed by a show of hands, 21 in favor, with 5 opposed and 3 abstentions. Senator Spece moved [Motion 2003/04-14] to resolve that the admonition of this body is that our leaders continue to press for a change in the Arizona Board of Regents Policy Manual that would mandate a clear and convincing standard of proof before faculty would be disciplined. Motion was seconded and passed by a show of hands, 16 in favor, 11 opposed, and 6 abstentions. President Likins commented that the ABOR General Counsel has advised him that the Regents do not have the power to change their standard of evidence in the state of Arizona where the state law prescribes preponderance of the evidence, so asking the AFC to continue pressing ABOR to change its standard of evidence may be unrealistic. Senator Spece countered that the ABOR counsel's opinion reflects a conflict of interest and that the Board is not prohibited from having a clear and convincing standard of proof for their internal disciplinary proceedings, as distinguished from appeals to the court subsequent to these proceedings.

7. **APPROVAL OF CONSENT AGENDA ITEMS FORWARDED AS A SECONDED MOTION FROM THE INSTRUCTION AND CURRICULUM POLICY COMMITTEE (attachments)**

The consent agenda items detailed at the end of these minutes [Motions 2003/04-15 to 2003/04-20] were approved with one abstention.

8. **DISCUSSION AND POSSIBLE ACTION: UNIVERSITY OF ARIZONA INTERIM POLICY ON TRAVEL TO AREAS OF THE WORLD AFFECTED BY INFECTIOUS DISEASE EPIDEMICS (attachment)**

Chair Howell announced that the University of Arizona Policy on Travel to Areas of the World Affected by Infectious Disease Epidemics is not a seconded motion from the Senate Executive Committee. She also announced that the policy without the word "Interim" is at Senator's desks. Senators' questions and comments included the following: 1) Is there a reason why the policy doesn't include any restrictions on money expenditures when travelling to the restricted areas? Another university's policy requires special permission if you are using university funds to travel to an area that is advised against. Provost Davis said that the University's concerns were centered on whether or not returning travelers should be allowed to reenter the department immediately upon return. He said the Dean of Public Health helped to develop a benchmark policy that was useful to follow at every stage along the way as the SARS epidemic built up and declined, but consideration of funding never was an issue. 2) What are the consequences of non-compliance with this policy? Provost Davis responded that there is every expectation that any faculty or staff member who has been at a location where there is potential for acquiring a disease, would, out of due consideration to colleagues, be subject to medical examination and tests upon return and comply with some sort of self-isolation during the incubation period, but if that person insisted on returning to the department too soon, there would be intervention, probably removal from that location. Senator Warburton moved [Motion 2003/04-21] to endorse the University Of Arizona Policy on Travel to Areas of the World Affected by Infectious Disease Epidemics. Motion was seconded and passed with one abstention.

9. **SECOND READING AND POSSIBLE ACTION: INTERIM POLICY ON DISRUPTIVE BEHAVIOR IN AN INSTRUCTIONAL SETTING (attachment)**

Senator Warburton announced that this is a seconded motion [Motion 2003/04-22] to approve the Interim Policy on Disruptive Behavior in an Instructional Setting from the Student Affairs Policy Committee. He advised the Senate that students will be informed about both the Threatening Behavior Policy and this Disruptive Behavior Policy at new student and transfer student orientations and that faculty will be informed at new faculty orientation and through a letter to all faculty from Vice President Taylor's office that will accompany the policies. The policies will also be posted to a website that faculty can reference on their syllabi. Senators' questions and comments included the following: 1) Why is this policy limited to disruptive behavior on the part of students? There are yearly

incidents of disruptive behavior among faculty and staff against each other or against students. Human Resources Workplace Violence Policy addresses the issues of faculty and staff behavior. Motion passed. Senator Warburton noted that the "interim" would be removed from the policy name before it is implemented.

10. **FACULTY CONSTITUTION AND BYLAWS REVISIONS (attachment)**

Secretary Mitchell, who chairs the Committee on UHAP, Constitution and Bylaws Revisions, offered as a seconded motion [Motion 2003/04-23] that committee's draft proposed revisions to the Faculty Constitution and Bylaws, dated September 3, 2003, as detailed in the attachment to these minutes. The majority of these revisions are updates or clean-up matters that ought to be corrected or changed at the same time that the faculty grievance policy is going to be voted on by the general faculty, in the interest of efficiency. Beginning with the Constitution, Article V, Section 6, the committee recommended that the description of the Committee on Budget and Strategic Planning be revised as follows:

Section 6. The Committee on Budget and Strategic Planning shall be comprised of the Strategic Planning and Budget Advisory Committee's 6 elected faculty members; the Chair of the Faculty; and 2 Faculty Senators. The committee shall represent faculty interests and responsibilities at all stages of budget preparation, policy making and strategic planning. It will serve as a resource for the Faculty Senate through regular reports, and responses to requests for information and advice, and to the various budget and planning committees throughout the University through joint meetings. The committee will conduct periodic open forums or hearings as needed on budgetary and planning issues as a means of collecting information and soliciting faculty perspectives and comments.

Secretary Mitchell explained that this committee is usually inactive, but it exists so that if the Senate or the elected members of SPBAC should ever feel like the faculty voice is not being listened to in SPBAC, this committee can, meet separately from SPBAC and conduct forums or hearings. The next change simply involves adding language to the Constitution Article V, Section 9 to cite a relevant ABOR Policy to read:

Section 9. The Committee on Conciliation and the Committee on Academic Freedom and Tenure shall be the faculty committees that conduct all investigations and/or hearings regarding recommendations against, or complaints and grievances by or against members of the General Faculty as hereinafter prescribed and not otherwise. (Certain preliminary steps for dismissal situations are described in Chapters 3 and 4 of the University Handbook for Appointed Personnel and Sections 6-201 and 6-301 of the Arizona Board of Regents Policy Manual.)

The next change is an attempt to clarify the Senate meeting schedule, which is thought to be a little too prescriptive. This language enables the Senate to vote to approve its calendar of meeting dates and to allow flexibility when needed. The committee recommends changing the Constitution Article VI, Section 4 to read:

Section 4. Meetings. The Faculty Senate shall meet regularly the first Monday each Month during the academic year, except in September, when it shall meet the Monday after Labor Day, and in January, when it shall meet on the first Monday following the resumption of classes for the Monday meetings omitted from each year's Faculty Senate meeting calendar as voted upon and approved by the Faculty Senate.

The next change is to delete a reference to the Senate reviewing colleges' constitution and bylaws, but adding a reference that says these should be established in accordance with Shared Governance and to delete the obsolete reference to the faculties within the College of Arts and Sciences. The committee recommends changing the Constitution Article VII to read:

The general charge of each college is entrusted to its College Faculty, subject to the Board of Regents and the authority vested by the Board in the President of the University. Voting rights in College matters shall be accorded to General Faculty members as defined in Article II, above, and to such other individuals as the College Faculty may decide. Bylaws for each College determined by the Faculty Senate to be consistent with this Constitution and Bylaws should be established in accordance with the Shared Governance Memorandum of Understanding and adopted by the appropriate College Faculty and made available to each member, and a copy filed in the Office of the Provost and the Faculty Center. In matters of faculty governance, the Faculties within the College of Arts and Sciences shall be regarded as Colleges, and members of the General Faculty not included in a College shall be regarded collectively as a College (Non-College).

The next change combines the Constitution Article IX, Amendments, and Article X, Ratification, into one article on both amendments and ratification. The change adds the possibility of electronic balloting and describes the approval policy as stipulated by the Board Policy 1-113. The committee recommends changing the language of Constitution Articles IX and X to a new Article IX, with Sections 1 and 2, to read:

Article IX Amendments & Ratification

Section 1. Constitution. Amendments to this Constitution may be proposed by the Faculty Senate or by petition to the Chair of the Faculty signed by five percent (5%) or one hundred (100) members of the General Faculty, whichever is smaller. The Chair of the Faculty shall send copies of such proposals to all members of the General Faculty and shall convene a special meeting of the General Faculty to consider them not fewer than ten (10) days after distribution. The proposed amendment(s) shall then be submitted to a mail or electronic ballot of the General Faculty. A three-fourths majority of the votes cast is necessary for adoption. Immediately on adoption, the amendment shall be transmitted by to the President of the University to the Board of Regents, and shall take effect upon affirmation by that body. Upon consideration and approval by the University President, the Amendments shall become effective. The President's consideration shall be preceded by written analyses by University Counsel and by Board Counsel that the Amendments are consistent with Arizona Board of Regents Policies.

Section 2. Bylaws. Amendments to the Bylaws may be proposed by the Faculty Senate or by petition to the Chair of the Faculty signed by five percent (5%) or one hundred (100) members of the General Faculty, whichever is smaller. The Chair of the Faculty shall send copies of such proposals to all members of the General Faculty and shall convene a special meeting of the General Faculty to consider them not fewer than ten (10) days after distribution. The proposed amendment(s) shall then be submitted to a mail or electronic ballot of the General Faculty. A three-fourths majority of the votes cast is necessary for adoption. Immediately on adoption, the amendment shall be transmitted by to the President of the University to the Board of Regents, and shall take effect upon affirmation by that body. Upon consideration and approval by the University President, the Amendments shall become effective. The President's consideration shall be preceded by written analyses by University Counsel and by Board Counsel that the Amendments are consistent with Arizona Board of Regents Policies.

~~Article X, Ratification. This Constitution and Bylaws shall be submitted to the General Faculty for approval by mail ballot. On approval it shall be forwarded to the President of the University. The Constitution and Bylaws will become effective when approved by the Arizona Board of Regents in accordance with Board Policy 1-113.~~

Senator Spece moved [Motion 2003/04-24] to change the word "that" in both of the Section 1 and 2 sentences that read, "The President's consideration shall be preceded by written analyses by University Counsel and by Board Counsel that the Amendments are consistent with Arizona Board of Regents Policies." to be "as to their view whether" because the statement as is gives absolute veto power to the University and ABOR attorneys. Motion was seconded. Secretary Mitchell pointed out that this language merely reflects Board policy, and not including the reference will not change the policy. Senator Spece argued that the attorneys should not run the University because they often have conflicts of interest, they are not part of our culture, they don't understand academic freedom, and they are sometimes contentious toward "ivory tower intellectuals protecting amorphous values." Parliamentarian Sankey suggested that the Senate consider whether that statement is even appropriate to the Constitution, since it is a statement regarding attorneys of the Board and the University dictating how the President receives analyses. Senator Spece withdrew his motion [Motion 2003/04-24]. Senator Spece moved [Motion 2003/04-25] to delete the sentence, "The President's consideration shall be preceded by written analyses by University Counsel and by Board Counsel that the Amendments are consistent with Arizona Board of Regents Policies." from both Sections 1 and 2 of the proposed new Constitution Article IX. Motion was seconded and passed. A point of order was raised about why a three-fourths majority is required to revise the Constitution and a two-thirds majority is required to revise the Bylaws. Parliamentarian Sankey explained that the higher level majority is required to change the organization's most fundamental principles and policies which are most often contained in the Constitution, and a less rigorous majority is required to change the Bylaws, which more often relate to the implementation of the Constitution's policies.

Turning to the Bylaws revisions, Secretary Mitchell directed the Senate's attention to the Bylaws Article IV parts ii and iii, which relates to the timing and distribution of nominating petitions. The Committee on Elections recommended that two separate deadlines, one for picking up and another for returning petitions are unnecessary and recommended eliminating the first deadline. The Revisions Committee's proposed language reads:

Article IV. Committee on Elections and Election Procedures

ii. The Committee shall issue nominating petitions ~~beginning no later than January 15. The nominating petitions for appropriate offices will be available until ten (10) class days prior to the election and ceasing the last class day preceding February 1 for appropriate offices.~~

iii. The Committee shall accept completed nominations ~~no later than the close of business ten (10) class days prior to the election, through the two weeks immediately following the final day of issuance, no nominating petition shall be accepted after the close of business on the tenth class day following the final day of issue.~~

The committee recommends deleting Bylaws Article IV Section c. v.

~~Committee on Budget and Strategic Planning: If more than four are nominated for the Committee on Budget and Strategic Planning, the four receiving the largest number of votes in the primary election shall be candidates on the general election ballots, provided only that any candidate who receives a majority of votes in the primary election shall be declared elected. The nominees receiving the largest number of votes in the general election shall be declared elected to the positions to be filled.~~

This section describes a process which is now an inaccurate and outdated process for selecting members of the Committee on Strategic Planning and Budget, to be replaced by a new Article V, Section 5 which reads:

The Committee on Budget and Strategic Planning shall be composed of nine members. ~~six of whom will be elected from and by the General Faculty in classes of two for staggered three year terms.~~ The Chair of the Faculty will be a member of the Committee, and the other six members will be elected from and by the General Faculty in staggered three-year terms. In addition, each year the Faculty Senate will ~~name~~ elect two of its members, so chosen as to assure breadth of representation, who will ~~serve, together with the ASIA President or his/her designee,~~ to complete the membership. The Faculty Senate members will be members of the Committee on Budget and Strategic Planning, but not members of SPBAC. The Committee on Budget and Strategic Planning will elect its own chair from among the six members elected by the General Faculty.

The next change involves revising the language on membership in the Committee of Eleven to reflect the GPSC student member and to clarify how the committee fills vacancies. The Committee recommended changing Article V, Section 1 to read:

The Committee of Eleven shall be composed as follows: ten members of the General Faculty, five of whom are elected by the General Faculty each year for a term of two years; the Chair of the Faculty shall be, ex-officio, the eleventh member, and shall call the first meeting of the committee, at which meeting the committee shall perfect its organization and elect its chair. To this number shall be added ~~two~~ one voting student delegates selected annually by the Associated Students of the University of Arizona and one voting student delegate selected annually by the

Graduate & Professional Student Council in whatever manner it ~~those student government groups~~ determines. **The two student delegates** who shall be invited to attend all regular meetings of the committee. In the event that an elected member shall vacate a position for any reason, ~~the committee shall elect~~ a successor to fill the unexpired term **shall be the unelected candidate who had the next highest number of votes in the most recent election. If there are no unelected candidates from the most recent election, then the committee shall select a successor to fill the unexpired term.**

The next change involves changing the selection/election process for the Committee on Academic Freedom and Tenure to permit the Committee on Committees a greater voice in the nominating process. The committee recommends changing Bylaws Article V Section 7. a. to read:

The Committee on Committees ~~shall provide~~ **will prepare** a list of names containing not ~~less fewer than three two~~ times the number to be elected, ~~giving due consideration to representation from the various colleges.~~ **After consultation with the Chair of the Faculty and the University President, the committee will reduce the list to a slate of twice the number to be elected, giving due consideration to diversity.** For each person listed, a brief description of relevant experience, qualifications and background will be provided. This information will also appear on the ballot submitted to the General Faculty **along with the names and colleges of continuing members.** **If the outcome of an election cannot be determined because of a tie vote, a runoff election shall take place.**

Senator Willerton asked why the President and Chair of the Faculty must vet the list of CAFT candidates and why must the list be limited to only two times the number to be elected. Secretary Mitchell responded that the number was changed from three times the number to be elected which reflects the difficulty the Committee on Committees has in recruiting faculty to stand for election to CAFT. The change in the vetting procedure actually gives more power to the Committee on Committees to be more actively involved in vetting the nominees. Previously this vetting was done by the President and Chair of the Faculty only. The reason for the President and Provost's involvement, explained Chair Hancock, is because they are sometimes privy to confidential knowledge about a candidate that might render him or her unfit to serve on this committee at this time. The list is narrowed to two times the number to be elected to ensure that at least four of the candidates receive a clear majority of the votes. Senator G. Davis asked whether the term "diversity" is intended to replace "giving due consideration to representation from the various colleges." Secretary Mitchell explained that it is meant to include diversity including different academic disciplines from the various colleges. Senator G. Davis moved [Motion 2003/04-26] to amend the proposed Bylaws Article V Section 7. a. by adding the phrase "including due consideration to representation from the various colleges" to the end of the second sentence, to read:

The Committee on Committees ~~shall provide~~ **will prepare** a list of names containing not ~~less fewer than three two~~ times the number to be elected, ~~giving due consideration to representation from the various colleges.~~ **After consultation with the Chair of the Faculty and the University President, the committee will reduce the list to a slate of twice the number to be elected, giving due consideration to diversity, including due consideration to representation from the various colleges.**

Motion was seconded and passed. The next change involves replacing vacancies on the Committee on Academic Freedom and Tenure. The proposed language reflects what has been the practice without clarifying language. The committee recommends changing Bylaws Article V Section 7. c. to read:

If an elected member of the Committee on Academic Freedom and Tenure resigns or becomes ineligible for membership, this member will be replaced for the remainder of the term of the departing member with the candidate who received the next highest number of votes in the same election, with ties broken by the Chair of the Faculty. If there is no eligible candidate, the Chair of the Faculty will fill the vacancy by appointing a member of the General Faculty who is otherwise eligible for membership on the committee.

The next change removes specific information about the composition of the Faculty Senate membership and allows this number to change according to the changing number of colleges and college apportionments without amending the Bylaws. The change also eliminates the need for the ex-officio Dean's and Vice President's representatives to be elected in alternate years. The committee recommends changing Bylaws Article VII Section 2 and 2. b. i. to read:

Membership. The ~~sixty one~~ voting members of the Faculty Senate shall be comprised of the following:

b. i. One member shall be elected by and from the Vice Presidents, and one member shall be elected by and from the Deans, ~~in alternate years~~, prior to May 1.

The last three items amend the descriptions of three of the Senate Standing Committees to more accurately reflect these committees' functions and purviews. Beginning with the Instruction and Curriculum Policy Committee, the Revisions Committee recommends changing Bylaws Article VII Section 4. c. to read:

Instruction and Curriculum Policy Committee. This committee ~~deals with reviews for academic approval matters related to curriculum, academic programs of study, and degrees, teaching effectiveness, and the Honors Program; and Commencement, it serves as the conduit of academic issues and coordinates activities with and receives reports from such groups as the Undergraduate Council; and the Graduate Council; and the Intercollegiate Writing Committee. to the Faculty Senate.~~

Senator G. Davis moved [Motion 2003/04-27] to replace the phrase "for academic approval" with "for Faculty Senate approval." Motion was seconded. Senator Jenkins clarified that the language "for academic approval" makes a distinction between academic versus administrative approval, and reinforces that curricular matters rest with the faculty. Motion passed. Parliamentarian Sankey directed the Senate's attention to an inconsistency of language relating to the other standing committee's purviews and functions and suggested revising those descriptions.

Secretary Mitchell asked the Senate to vote on Motion 2003/04-23 including all of the changes, as amended, up through Bylaws Article VII, Section 2 and 2.b.i. Motion passed. Secretary Mitchell will confer with Parliamentarian Sankey and the Committee on UHAP,

Constitution and Bylaws Revisions to rewrite the remaining sections of the Bylaws Article VII which describe the charge and function of the Senate standing committees, and bring this to the Senate in December for a vote.

11. **FIRST READING ACCEPTABLE USE OF COMPUTERS POLICY (attachment)**

Senator Cusanovich of the Research Policy Committee presented the Senate with a revised "Acceptable Use of Computers and Networks at the University of Arizona Policy" for a first reading. He said the policy has been revised and updated by CCIT to deal with all of the new computer usage regulations, laws and ethical responsibilities that can cause trouble with computers. RPC did tweak some of the language but there are really no substantive changes. He requested feedback directly to cusanovi@u.arizona.edu or pintozzic@u.library.arizona.edu.

12. **NEW BUSINESS**

Chair of the Faculty Hancock introduced the "Misuse of University Assets" policy. The Appointed Personnel Organization Council and Staff Advisory Council are considering this policy and he asked the Senate to provide feedback directly to jory@u.arizona.edu. He will bring the policy back to the Senate in December.

13. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:52 p.m.

Robert L. Mitchell, Secretary

Appendix*

1. Bylaws Article VI, Grievance Policies and Procedures for Faculty Section 1,t and alternate language.
2. Article by R.G. Spece and J. Marchalonis in Cellular and Molecular Biology June 7, 2003: *What Should the Standard of Proof be in Scientific Misconduct Proceedings Relating to Public Health Service-Funded Research?*
3. Article by Michelle M. Mello and Troyen A. Brennan in New England Journal of Medicine September 25, 2003: *Due Process in Investigations of Research Misconduct.*
4. Letter from Chair of CAFT Bruce Sales to Jory Hancock dated 10/29/03.
5. Consent Agenda items forwarded from the Instruction and Curriculum Policy Committee.
6. "University of Arizona Interim Policy on Travel to Areas of the World Affected by Infectious Disease Epidemics."
7. "Interim Policy on Disruptive Behavior in an Instructional Setting "
8. Draft revisions: September 3, 2002 to the Constitution and Bylaws of the General Faculty of the University of Arizona.
9. "Acceptable Use of Computers and Networks at the University of Arizona."
10. "University of Arizona Policy on Travel to Areas of the World Affected by Infectious Disease Epidemics."
11. "Charting the University of Arizona's Future: A Conversation About Choices 2005-2010" from SPBAC 11/3/03.
12. "Misuse of University Assets" policy from Joel Valdez dated 10/8/03.

*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 November 3, 2003

Motion 2003/04-13 Motion to replace the language contained in the proposed new Bylaws Article VI, "Grievance Policies and Procedures for Faculty," Section 2, "Grievance Principles," subsection t, which currently reads: *t. No faculty member should be disciplined unless there is clear and convincing evidence of all facts predicate to the discipline. Otherwise the standard of proof shall be by a preponderance of the evidence.* with alternate language that reads: *t. The standard of proof for all findings, conclusions, and recommendations relating to grievances shall be a preponderance of the evidence.* Motion carried.

Motion 2003/04-14 Motion to resolve that the admonition of this body is that our leaders continue to press for a change in the Arizona Board of Regents Policy Manual that would mandate a clear and convincing standard of proof before faculty would be disciplined. Motion carried.

Motion 2003/04-15 Seconded motion from the Instruction and Curriculum Policy Committee to approve Approval of Implementation of a Master of Education degree with a major in Educational Leadership. Motion carried.

Motion 2003/04-16 Seconded motion from the Instruction and Curriculum Policy Committee to approve merging of the Bachelor of Science with a major in Soil & Water Science into the Bachelor of Science in Environmental Sciences with a major in Environmental Sciences. Motion carried.

Motion 2003/04-17 Seconded motion from the Instruction and Curriculum Policy Committee to approve merging of the Master of Science degrees in the School of Renewable Natural Resources into a single Master of Science with a major in Renewable Natural Resources. Motion carried.

Motion 2003/04-18 Seconded motion from the Instruction and Curriculum Policy Committee to approve merging of the Doctor of Philosophy degrees in the School of Renewable Natural Resources into a single Doctor of Philosophy with a major in Renewable Natural Resources. Motion carried.

Motion 2003/04-19 Seconded motion from the Instruction and Curriculum Policy Committee to approve the name change of the School of Renewable Natural Resources to the School of Natural Resources and for the name of the major and minor for all degrees to be changed to Natural Resources. Motion carried.

Motion 2003/04-20 Seconded motion from the Instruction and Curriculum Policy Committee to approve the proposed Academic Calendars 2005-2010. Motion carried.

Motion 2003/04-21 Motion to endorse the University Of Arizona Policy on Travel to Areas of the World Affected by Infectious Disease. Motion carried.

Motion 2003/04-22 Seconded motion from the Student Affairs Policy Committee to approve to approve the Interim Policy on Disruptive Behavior in an Instructional Setting. Motion carried.

Motion 2003/04-23 Seconded motion from the Committee on UHAP, Constitution and Bylaws Revisions to approve multiple proposed draft revisions to the Faculty Constitution and Bylaws as detailed in the body of these minutes. Motion carried, as amended by Motions 2003/04-25 and 2003/04-26.

Motion 2003/04-24 Motion to change the word "that" in the sentence "The President's consideration shall be preceded by written analyses by University Counsel and by Board Counsel that the Amendments are consistent with Arizona Board of Regents Policies." to be "as to their view whether." Motion withdrawn.

Motion 2003/04-25 Motion to delete the sentence; "The President's consideration shall be preceded by written analyses by University Counsel and by Board Counsel that the Amendments are consistent with Arizona Board of Regents Policies." from both Sections 1 and 2 of the proposed new Constitution Article IX. Motion carried.

Motion 2003/04-26 Motion to amend the proposed Bylaws Article V Section 7. a., by adding the phrase "including due consideration to representation from the various colleges" to end of the second sentence. Motion carried.

Motion 2003/04-27 Motion to replace the phrase "for academic approval" with "for Faculty Senate approval" in the proposed revised Bylaws Article VII Section 4, c. Motion carried.

FACULTY CENTER
1400 E. Mabel
PO BOX 210473