

MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA®
March 1, 2004

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1. **CALL TO ORDER**

The meeting was called to order by Vice Chair Howell at 3:04p.m. in the College of Law, Room 146.

Present: Senators Baughman, Benedict, Burd, Chapman, Christenson, Conway, D. Davis, G. Davis, Green, Gruener, Hancock, Howell, Jenkins, Jones, Kiefer, Kim, Likins, Mitchell, Pintozzi, Pitt, Radebaugh, Rainer, Schlager, Silverman, Songer, Spece, Strittmatter, Tomanek, Warburton, Willerton, Witte, Wysocki, Zizza, and Zwolinski. Robert Sankey served as Parliamentarian.

Absent: Senators Arabyan, Bixby, Borden, Chandler, Cusanovich, Dahlgran, Diaz, Erickson, Garrett, Hildebrand, Impey, Joens, Larson, Lynch, Miesfeld, Powell, Swanson, Tatman, Timmermann, Vierling, Weinand, and Wright.

2. **OPEN SESSION**

Official Observer Cornelius Steelink, representing the University of Arizona Retirees' Association (UARA) submitted a report to the Faculty Senate detailing the status of the Arizona State Retirement System Investment Fund, the status of the study on self-insurance for state employees for health insurance, and membership and accomplishment statistics for the UARA. He also announced a forum discussing the recently passed federal legislation on prescription drugs and Medicare changes.

Senator Silverman expressed concern about two bills that are currently pending in the state legislature. HB 2369 directs the Arizona Board of Regents (ABOR) to adopt policies concerning the automatic termination of university employees and officers for specified felony offenses. Additionally, the bill allows university presidents to terminate employees for any other felony offense. HB 2359 requires new and current university employees to obtain fingerprint clearance cards and makes employment conditional upon the results.

3. **REPORTS**

3A. **ASUA President J. P. Benedict**

ASUA President J. P. Benedict reported that ASUA's elections would take place this week. ASUA has forwarded its recommendations for Student Regent to the governor's office. The governor will make that appointment. President Benedict apologized if anyone has been upset by ASUA's attempts to develop advising contracts to increase advisor accountability for students. ASUA will try to increase communication about the issue as it continues to work on this issue.

3B. **GPSC President Jani Radebaugh**

GPSC President Jani Radebaugh reported that the winning students took their Student Showcase research projects to the legislature. The turnout of legislators was greater than in past years, and they took the time to visit the exhibit and talk with students. The students emphasized to the legislators the importance of supporting our Universities. Graduate Student Appreciation Week will take place the week of March 29. Multiple events, including a luncheon to honor advisors, mentors and post-docs will be part of the celebration.

3C. **Secretary of the Faculty Robert Mitchell**

Secretary Mitchell, who is also Chair of the Advisory Committee on Honorary Degrees, announced that the Senate would be considering Honorary Degrees at today's Executive Session and that the Senate may wish to consider these nominations as a Consent Agenda item.

3D. **Vice Chair of the Faculty Wanda Howell**

Vice Chair Howell reminded Senators that this Friday is the last day to vote. Petitions are available from the Faculty Center for the remaining seats, which were under-subscribed on the first ballot. Annual Reports are due in April from the Senate Standing

Committees. The Senate Advisory Committees for the School of Planning or the Humanities Program may be presenting their reports to the Senate in April and in order for the Senate to have adequate time to respond appropriately, Vice Chair Howell asked Senators to reserve April 19 at 3:00 PM in Law 146 for a possible Special Session of the Senate.

3E. Chair of the Faculty Jory Hancock

Faculty Chair Hancock reported that the Senate Advisory Committee for Reorganization might be presenting reports to the Senate in April. If these reports are not ready in time for the April 5th Senate meeting, a Special Session later in April may be needed in order to consider this committee's recommendations, because the membership of the Senate will change in May. The Policy concerning Acceptable Use of Computers and Networks at the University of Arizona, which was passed by the Senate on February 9, was posted today. Regarding House Bills 2359 and 2369, which are currently being considered in the House, Chair Hancock has been in touch with legislator and faculty member Ted Downing, and with Charlene Ledet, the director of UA's legislative advocacy program. They have assured him they will ask for help if they feel they need it. He clarified that the Legislative Advocacy Committee is a group of 13 faculty members pledged to do special projects and initiatives that might attract the attention of legislators, but that this group in no way attempts to replace any individual faculty member's voice or right to contact legislators. Chair Hancock noted that additional information about the Intercollegiate Athletics Coalition is included in today's packet. Because athletics should be the business of faculty, he would like to invite President Likins and Professor Woodard to address the Senate about the significant reforms that are taking shape in the NCAA.

3F. Provost George Davis

Provost Davis presented overhead charts and graphs that summarized the important aspects of the January 2004 salary package distribution with breakouts by college, gender, ethnicity and type. Eligible employees included those who were on board by January 2003 and were benefits eligible. Fifty-five percent of employees received some level of adjustment. Over \$7M were distributed to 5210 employees, with increases ranging from 1.2% to 7.4% and averaging 2.7%. Among voting faculty, 32.6% of those eligible were female and 67.4% were male and 35.9% of female and 64.1% male faculty received adjustments. Shared governance participation by college varied tremendously, as did the distributions, ranging from 17% to 94% for voting faculty receiving increases. To improve the shared governance part of this process, the Provost hopes to call in the Deans, some representative department heads, the chair of shared governance and the chairs of the Millennium Report Oversight Committee (MROC), to try to determine how best to create an environment in which deans and directors become informed through department heads and shared governance mechanisms, and to achieve the kind of policy principles on which to base decisions.

3G. President Peter Likins

President Likins spoke regarding the Framework for Intercollegiate Athletics Reform from the Coalition on Intercollegiate Athletics that is on today's agenda. He related that, as the PAC-10 Division 1 representative to the NCAA, he is in a position to know that substantial academic reforms in intercollegiate athletics are now taking place, as well as some student-athlete welfare reforms, although very little progress is being made on financial reforms. He suggested that he and the UA's Faculty Athletics Representative, Professor Dudley Woodard, address the Senate to describe the reforms that are already underway. Turning to the state legislature, the University has concerns about House Bills 2359 and 2369, which are currently being considered in the House. HB 2359 requires new and current university employees to obtain fingerprint clearance cards and makes employment conditional upon the results. HB 2369 directs the Arizona Board of Regents (ABOR) to adopt policies concerning the automatic termination of university employees and officers for specified felony offenses. Additionally, the bill allows university presidents to terminate employees for any other felony offense. ABOR regularly reviews bills that are in process and makes decisions on which to support, not support, or stand neutral, and whether to publicly oppose them or let them die quietly. The fingerprinting bill is particularly onerous and the University would prefer that the legislature not engage in the universities' employment practices. It is hoped that these two bills will simply die in process. In the attempts to secure support for the University's budget, it is extremely valuable for the legislators to see a collection of students, not just lobbyists, and President Likins thanked the student leaders and their constituents for their involvement and participation and encouraged them to persist. The President believes there is a likelihood of some sort of salary increment for state employees as a high priority for both houses as well as the governor this year. UA is attempting to make its case for special funding for key personnel retention. Although the President and Provost do not perceive of the UA's key personnel as being only those that bring in contract (research) dollars, they tend to cast their rhetoric in that direction because the legislature is finally beginning to understand the economic benefits that come from research. The Regents have asked the Presidents to structure a discussion on how the state allocates general fund monies to the universities. The current 22:1 funding formula rewards enrollment growth and retention and while that model helps ASU, whose mission is growth, it actually harms the UA's differentiated mission in research. It is most important that the universities' budgets follow the differentiated missions.

4. QUESTION AND ANSWER PERIOD FOR AGENDA ITEM 3

Senator Burd asked whether faculty should be writing their legislators regarding House bills 2359 and 2369. President Likins responded that he believes the fingerprinting bill will die quietly in process. The felony bill may be more problematic and he asked Jory Hancock to confer with the University's lobbyist, Greg Fahey, and advise the faculty accordingly. Senator Silverman

added that the felony bill allows people to be dismissed from the universities without any due process, which affects tenure, benefits and employment. This would allow the legislature to get involved in setting standards that affect employment and tenure or continuing status at the universities. The House Education Committee did remove two of the least major felonies, burglary and domestic assault. President Likins added that if the bill does not die in process, one strategy that might be employed would be to get this bill amended to include a due process clause.

5. APPROVAL OF THE MINUTES OF FEBRUARY 9, 2004

The minutes of February 9, 2004 were approved.

6. APPROVAL OF CONSENT AGENDA ITEM 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 2003/04-42 and 2003/04-43] were approved.

7. THIRD READING AND POSSIBLE ACTION: POLICY ON MISUSE OF UNIVERSITY ASSETS (attachment)

Senator Pintozzi explained that Senators' packets include two versions of the Misuse policy, one version that shows changes and a clean version with the changes applied. This policy comes as a seconded motion [Motion 2003/04-44] from the RPC, which is in agreement with Julius Parker, and attorney Vicki Gotkin on this version. The RPC has addressed all of the questions that came forward. One question that the RPC received was, "Is this policy needed?" Apart from ABOR requesting that UA implement a policy similar to those at ASU and NAU, the UA has no process to guide administrators for investigating misuse. The committee also addressed how students were inconsistently addressed in this policy. Now this policy will apply to all students, staff and faculty. The University Committee on Ethics and Commitment's (UCEC) charge includes facilities misuse, but this policy does not include a reference to UCEC. Should a facilities misuse question arise, the UCEC may be involved in the investigation. The RPC also defined misuse as illegal or prohibited activity. A final question involved who should assign a more extensive audit. The policy now clarifies that the Senior Vice President for Business Affairs, or his designee, will determine this assignment. Senators' questions and concerns included the following: 1) Have the Staff Advisory Council and the ASUA considered this policy? Chair Pintozzi replied that the policy has been seen by SAC and by the Appointed Personnel Organization Council, but does not know if ASUA has considered it. President Likins told the Senate that before a policy comes to the Cabinet, all the stakeholders should have vetted it. Senator Spece moved [Motion 2003/04-45] to amend Article VII, C, to add a number 6, (on page 6) to read: "All investigations and every step thereof shall be conducted consistent with the Constitutional rights of those persons being investigated." Motion was seconded and passed. The Senate voted to approve the Policy on Misuse of University Assets as amended (Motion 2003/04-44).

8. DISCUSSION AND ACTION: COALITION ON INTERCOLLEGIATE ATHLETICS FRAMEWORK (attachment)

Vice Chair Howell clarified for the Senate that for the past eighteen months, she has been the contact person for the Coalition On Intercollegiate Athletics (COLA), a group advocating for reform in intercollegiate athletics, created by and representative of faculty senate leaders at Bowl Championship Series conference schools. Because she was out of town during last month's meeting, she asked Senator Silverman to introduce the "Framework for Intercollegiate Athletics Reform." Although a motion [Motion 2003/04-40] that this Faculty Senate endorse the Framework for Intercollegiate Athletics Reform in principle was tabled at last month's meeting, the Senate Executive Committee has placed the item on this month's agenda, thereby removing it from the table. Senators' packets contain additional background information as requested, including the Charter and a list of Coalition Steering Committee members, and a February 9, 2004 article from the New York Times about the Coalition, which includes a quote from Ohio State Athletics Director Andy Geiger: "this group can go farther toward making real, genuine change than any other group I know of." Senator Silverman reported that a joint sub-committee of the Coalition and the Faculty Athletics Representatives Association (FARA) are currently working on guidelines dealing with the FARA, faculty athletics committees, and Faculty Senate responsibilities for athletics governance. A proposal from this subcommittee will go forward to the NCAA in May. A second subcommittee involves Coalition members and the National Association of Academic Advisors for Athletes and is working on issues concerning academic integrity. Since last month, the faculty senates of Rutgers, South Carolina, Oregon and Washington State have endorsed the framework, bringing that total to 21. Senator Silverman concluded by saying that, although he would like to hear from President Likins and D. Woodard on a regular basis, and specifically about changes in the NCAA, he hopes the Senate will go ahead and vote to endorse the framework today, because the Coalition's faculty senate voice can compliment the NCAA's efforts at reform. Senators' questions and comments include the following: 1) Does the UA become a member of the Coalition by endorsing this framework? The Coalition would consider faculty senates that endorse the framework to be members, in the sense that they would be kept informed of and asked for their opinion on things that are happening with the Coalition. 2) Are we trying to reform athletics here or elsewhere? Neither. Our endorsement supports to role of faculty senates all over the country in intercollegiate athletics reform. 3) It is difficult to endorse something that is not concrete. It makes the endorsement less meaningful. 4) Some of these issues might not seem controversial, but our own FAR might have information that indicates otherwise. 5) Just because UA may not have experienced all of the concerns that are included in the framework, endorsing it allows us to be part of a nationwide opportunity to reflect faculty concerns about intercollegiate athletics reform. 6)

The NCAA is an organization that is slow to change and it is helpful to have external stimuli and pressures such as the Knight Commission Report. 7) More extensive conversation is always helpful. 8) Is there any parallel in the Senate's history for this unique approach in which the Senate adopts a framework that pays special attention to a particular group of students, as reflected in the statement, "Colleges should admit only students with realistic prospects of graduation." Under the current ABOR guidelines, UA admits a great many students that have no realistic prospect of graduation. Vice Chair Howell clarified that the Coalition's communications from its inception expressed a desire to get university governance bodies to endorse the concept of a faculty coalition, because it is the faculty's business to be concerned with athletics. It would be unrealistic to expect every faculty member or even every faculty senate to agree with every single word in this framework. 9) If we endorse this framework, are we then associated with whatever things the Coalition might do? Senator Silverman believes we could remove our endorsement if we disagree with anything the Coalition does. Whether we endorse and be part of the dialogue, or choose to sit on the sidelines, it is clear that this Coalition is going to go forward. 10) Is this a Coalition of faculty senates? It began as a coalition of faculty leaders, but has now gone beyond that to faculty senates. 11) Is Mr. Livengood supportive of this framework? President Likins said Mr. Livengood is aware of it, believes it is better to have faculty talking about the issues, and is not opposed to it. 12) It would be valuable to join, even if some of the problems do not exist on this campus, because there is a tendency to sentence all of ICA for the sins of a few, and furthermore, the Charter indicates that due diligence will be done here and elsewhere. Senator Mitchell called for the question [Motion 2003/04-46] to stop debate. Motion was seconded and passed with one abstention. Motion 2003/04-40 passed with 24 in favor and seven opposed.

9. **INFORMATION ITEM: REPORT FORM SENATE REPRESENTATIVE TO UNIVERSITY COMPENSATION ADVISORY TEAM (UCAT)**

University Compensation Advisory Team (UCAT) representative Doug Jones reported that this committee consists of 12 appointed and 9 ex-officio members, is advisory to SPBAC, the President, the Provost, and others in the administration, meets 6-8 times a year, and is co-chaired by the Provost and Vice President Saunie Taylor. The UCAT recently received a report from the Provost detailing the shared governance participation and the outcomes of the merit/market salary adjustments of January 2004. Shared governance varied considerably by unit. The committee also clarified with the Provost that the merit/market funds are not to be used to fund promotions. The UCAT is also considering the linkage of performance appraisal/feedback and merit awards and is exploring alternatives that decouple merit and feedback. The committee plans to continue this discussion at its next meeting. In December 2003, UCAT received the Annual Report on Faculty Retention and Loss, which indicated that the number of retention cases increased for the third consecutive year, that outside institutions are offering an average of 34% higher salaries, and that the total number of retention/loss cases considered represented 134 tenure/continuing track faculty, of which 74 were retained and 60 left the University. Finally, UCAT received a report on the healthcare/self-insurance initiative, which the university group is still pursuing with the assistance of a care management/insurance consulting firm.

10. **EXECUTIVE SESSION**

The Senate recessed at 4:55 to go into Executive Session.

11. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:03 p.m.

Robert L. Mitchell, Secretary

Appendix*

1. UARA Report to the UA Faculty Senate dated March 1, 2004.
2. Consent Agenda item forwarded from the Instruction and Curriculum Policy Committee.
3. 2/19/04 Revision of Draft "Misuse of University Assets" policy with changes noted.
4. 2/19/04 Revision of Draft "Misuse of University Assets" policy with changes applied.
5. Charter of the Coalition on Intercollegiate Athletics, March 2003.
6. COLA Steering Committee.
7. Coalition on Intercollegiate Athletics Framework for Intercollegiate Athletics, Reform.
8. NYT article dated 2/9/04, "Athletic Directors and Professors Find More to Agree on Than Expected."
9. Provost Davis' Overheads on Merit Market Competitiveness Fund Salary Adjustment Program, Classified Staff Re-Grade - Salary Structure Change Analysis, Merit and Market Average Increase vs. Participation by College/Division, and Market/Merit Adjustment Results.

*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, 2004

Motion 2003/04-42 Seconded motion from the Instruction and Curriculum Policy Committee to approve the name change of the Eller College of Business and Public Administration to the Eller College of Management. Motion carried.

Motion 2003/04-43 Seconded motion from the Instruction and Curriculum Policy Committee to approve the transfer of the Nutritional Sciences Graduate Interdisciplinary Program with options to the Department of Nutritional Sciences in the College of Agriculture and Life Sciences. Motion carried.

Motion 2003/03/44 Seconded motion from the Research Policy Committee to approve the Policy on Misuse of University Assets. Motion passed as amended.

Motion 2003/04-45 Motion to amend Article VII, C, of the Policy on Misuse of University Assets to add a number 6 to read: "All investigations and every step thereof shall be conducted consistent with the Constitutional rights of those persons being investigated." Motion carried.

Motion 2003/04-46 Motion to stop debate on Motion 2003/04-40, that this Faculty Senate endorse the Coalition for Intercollegiate Athletics' Framework for Comprehensive Athletics Reform in principle. Motion carried.

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