

**MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA
January 22, 2001**

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<http://w3fp.arizona.edu/senate/minutes.htm>
Visit the faculty governance webpage at:
<http://w3fp.arizona.edu/senate>

1. CALL TO ORDER

The meeting was called to order by Vice Chair and Presiding Officer Jory Hancock at 3:05 p.m. in the College of Law, Room 146.

Present: Senators Aleamoni, Auxier, Benson, Bickel, Caldwell, Dahlgran, D. Davis, T. Davis, Eribes, Graff, Grant, Gruener, Hancock, Hogle, Hurt, Ivey, Kidd, Kosta, Larson, Marchalonis, Merkle, Mishra, Mitchell, O'Brien, Parsons, Pepper, Quinn, Richardson, Romer, Schooley, Silverman, Smith, Spece, Szilagyi, Tal, Warburton, Warnock, and Zwolinski. Thomas Volgy served as Parliamentarian.

Absent: Senators Armstrong, Becker, Dalton, G. Davis, DeYoung, Hartman, Houtkooper, Howell, Impey, Jenkins, Joens, Kurzer, Likins, Medine, Perches, Pitt, Regan, Sheridan, Songer, Taren, Walsh, Weinand, Witte, and Zilm.

2. OPEN SESSION

Senator William Bickel – Senator Bickel requested that President Likins and Chair Hogle provide an accounting of all monetary transactions and cost equivalents in time spent so far by the University personnel on the Marguerite Kay case.

APOC Representative A. J. Timothy Jull – Dr. Jull reminded the Senate that the rights of a number of research and teaching academic professionals who are neither tenured/tenure eligible nor continuing/continuing eligible will be affected by any revisions to the faculty grievance policy and procedures, because academic professionals lack a grievance procedure and policy of their own. Furthermore, because academic professionals lack voting faculty status, they are not permitted to vote on these revisions.

Senator Roy Spece – Senator Spece refuted an accusation that he breached confidentiality at the December Senate meeting in distributing and discussing certain documents relating to the Marguerite Kay case. He noted that they had been presented and discussed in the Senate on several previous occasions.

3. REPORTS

3A. ASUA President Benjamin Graff

Senator Graff described a \$1000.00 ASUA/DM Federal Credit Union Fundraising Grant to encourage student clubs and organizations to learn how to raise funds with an on campus event that is educational or entertaining and that is open to the entire student body. Applications are due January 29. One grant will be awarded every semester for the next five years. Although the Arizona Students Association (ASA) has traditionally recommended tuition increases of no more than CPI+1%, it recognizes that this increase does not match the need this year. At this weekend's retreat, ASA members will discuss tuition needs. It considers faculty, teaching assistants and graduate assistant salaries to be one of its top five priorities this year. ASUA plans to provide more student representation and input into committee discussions about the proposed plus-minus grading scale change. He also announced that ASUA Special Events Director Jenny Rimza will replace ASUA Senator Kelly Dalton for the spring semester.

3B. GPSC President Jason Auxier

GPSC will be participating in the Phoenix Showcase, exhibiting the first and second place Student Showcase winners to the legislators. Senator Auxier is also promoting the \$2M tuition/workload decision package to increase the funding for an additional 140 TA's. GPSC is also attempting to determine childcare needs for all graduate assistants.

3C. Vice Chair of the Faculty Jory Hancock

Vice Chair Hancock acknowledged student leaders Ben Graff and Jason Auxier for their hard work, positive attitudes and innovative ideas. The Senate Executive Committee has decided to post its minutes to the Faculty Governance website at <http://w3fp.arizona.edu/senate/exminutes.html>. Senators may also call the Faculty Center to request a hard copy to be mailed to them. In spite of short notice, the Naming Advisory Committee (NAC) was able to follow all of its procedures to approve the renaming of the Lute and Bobbi Olson Court.

3D. Secretary of the Faculty Wanda Howell

No report.

3E. Chair of the Faculty Jerrold Hogle (attachments)

Chair Hogle explained that President Likins and Provost Davis are attending the legislative budget hearings today and tomorrow. Now is the time for anyone to offer input about the two-year budget proposals to individual legislators. Referring to the Governor's and the Joint Legislative Budget Committee's (JLBC) budget proposals placed on Senators' desk, Chair Hogle explained that the legislature considers these two initial proposals based on revenue projections at the beginning of its session. Both proposals are far more favorable to the universities than they have been in recent years, recommending higher percentages of salary increases and building renewal and also budgeting for KUAT's digital television conversion. The JLBC's biennial recommendations are slightly higher than the Governor's with a 5% salary package for all state employees with satisfactory performance reviews, a \$1M University Classification Maintenance salary adjustment to prevent the loss of key university personnel in July 2001, followed by \$2M in July 2002, 100% building renewal funding for two years, \$3.7M to repair the calculation error that led to underfunding of UA debt service on the current biennial budget, restoration of the \$466,100 Eminent Scholars Matching Grant Fund effective FY 2003, and a one time capital appropriation for KUAT's conversion to digital television. In addition, two bills have been proposed that hold particular interest for faculty and staff. HB 2048 and 2049 would increase the State Retirement multiplier from 2.1 to 2.5, and HB2093 would appropriate the \$5.2M to build a joint campus on the Northwest side with Pima Community College and UA to provide a possible permanent home for AIC and to handle increasing enrollments. It is expected that health insurance costs will increase for the next year, and the state bidding process is currently underway with staff and faculty representation by Marcia Chatalas of Human Resources and Professor Jacqueline Sharkey of Journalism. The Arizona Board of Regents will have sole authority over the \$45.5M distribution of the Proposition 301 monies. The funds must go towards initiatives that address workforce development and the new economy. The SPBAC finance committee is carefully looking at the secondary effects benefits, that is, funds that may be freed up for other expenditures due to increased funding from Prop 301. At its meeting this week, ABOR will receive proposals in the areas of access, infrastructure and teacher training, two academic areas common to all three campuses, and two areas unique to each campus: optics and water sustainability for UA. Regarding the public records request for Pickaprof.com for faculty evaluations to be posted on a website, Chair Hogle reported that since Pickaprof.com is not a commercial organization, the University will not be able to charge for the labor expended in gathering the information, but it may charge for the copying. The site lists course-specific grade distributions by professors, as well as course evaluations and anonymous students' reviews of professors. Chair Hogle still feels that the costs may be too high for Pickaprof.com to pursue this idea.

3F. Provost George Davis

No report.

3G. President Peter Likins

No report.

4. QUESTION AND ANSWER PERIOD

Senator T. Davis asked Senator Graff for a sense of the students' awareness and opinions about UA's low tuition rates. Senator Graff replied that students are better informed about the University's needs and that they understand and agree with tuition increases to fund faculty salaries or technology, but not building renewal.

Senator T. Davis asked Senator Auxier whether the below-poverty level graduate assistant salaries that range from \$12,000-\$19,000 are being addressed by GPSC. Senator Auxier responded that the Governor's Task Force has recommended salary increases for teaching and research assistants. He also hopes the TA workload decision package will be approved by the legislature. If GPSC were able to convince administrators to fund more tuition waivers for graduate assistants, it would help the University to be competitive for attracting and retaining graduate students.

Senator T. Davis inquired whether the Naming Advisory Committee's responsibilities extend to interior signage. Vice Chair Hancock and former Vice Chair Schooley explained that a recent change in ABOR policy requires all internal and external namings be approved by the NAC.

Senator Szilagyi asked Chair Hogle how "satisfactory" is defined, and whether it is uniformly applied for salary adjustments. Chair Hogle responded that this language came from the JLBC budget recommendation and refers to all state employees. Almost all UA colleges use a 5-4-3-2-1 scale with a 3 equal to satisfactory. Senator Szilagyi also reiterated his request that course evaluations should be removed from the UA's secured website permanently, and he strongly protested the Pickaprof.com public records request.

Senator Aleamoni inquired if the money for salary increases would be applied through a merit system. Senator Hogle replied that the JLBC's recommendation ties the increases to a satisfactory rating, but there are no other defining statements as yet. Senator Aleamoni expressed serious concerns about the Pickaprof.com site and suggested the Senate revisit its April 1997 decision to allow ASUA to publish faculty evaluations on-line.

Senator Gruener commented that issues such as Pickaprof.com could easily balloon out of proportion and urged the Senate to turn its attention to more important issues.

Senator Graff advocated maintaining the access to the UA course evaluation website for UA students only.

5. **APPROVAL OF THE MINUTES OF December 4, 2000**

The minutes of the Faculty Senate meeting on December 4, 2000 were approved as distributed.

6. **REPORT ON TEMPE PRINCIPLES (attachment)**

Research Policy Chair C. Hurt reported that the RPC recommends endorsing the Tempe Principles for Emerging Systems of Scholarly Publishing [Motion 2000/01-24] as a means to bring together authors, publishers and users of intellectual property protected under copyright to consider new models for scholarly publishing. APOC Representative Jull inquired about support and protection for small academic publications and diverse findings against multi-national corporations monopolizing the scientific market. Senator Hurt expressed some reservations with the amount of attention given large multi-national conglomerates, but he believes the Principles will engender a healthy discussion underlying intellectual property and scholarly publication issues. Motion passed unanimously.

7. **DISCUSSION OF ARIZONA UNIVERSITY SYSTEM WHISTLEBLOWER PROTECTION POLICY (attachment)**

Chair Hogle referred Senators to a revised draft of the Board of Regents systemwide Whistleblower Protection Policy on their desks today. UA presently has an interim whistleblower policy in effect, pending the President's approval of the Senate-approved policy of March 22, 1999. The President has previously expressed concern with the lack of time limits and the problem that anyone claiming to be a whistleblower can request a hearing without any formal review of the case. This proposed Regents' policy deals with those issues. Chair Hogle urged the Regents to allow the Arizona Faculties Council, in consultation with the academic senates, the appointed personnel councils, and the staff advisory councils, to have extensive input into the drafting process for this statewide policy. This draft is scheduled for a first reading at the January 25 ABOR meeting. Chair Hogle indicated that the underlined segments are recent additions reflecting the recommendations offered by Tom Devine, Legal Director of the Government Accountability Project (GAP). Arizona Revised Statute (ARS) §38-531, the current state whistleblowing protection law, does not apply to university employees because all university employees come under the Board of Regents, so ARS §38-533 states that universities must have their own policies. Chair Hogle solicited Senators' suggestions for this draft and said he may ask for the sense of the Senate at some point. Senators' questions and comments included the following: 1) certain terms need tighter definitions, such as "gross," "substantial" "lawful disclosure," and "knowingly," 2) federal constraints preclude a 365-day time limit for making disclosures, 3) the University, Regents, and state cannot define things that are not in congruence with the federal policies, 4) the policy should be reorganized, 5) the policy is large, detailed, and complex and should be delivered in sections for the most meaningful feedback, 6) the hoped-for deadline for this policy's completion is the end of this academic year, 7) ASU, NAU, numerous attorneys, and HR persons with experience in whistleblowing cases are all contributors to this policy, 8) people will not come forward if they are not protected, 9) there must be a penalty for false accusation, 10) students who are not employees need to be protected, 11) what defines and who decides a conflict of interest? 12) Carol Bernstein, who has spent considerable time researching whistleblowing, should be involved in this process. Chair Hogle asked the Senate to continue to offer input to him via e-mail and promised further discussion.

8. **DISCUSSION (FIRST READING) OF GRIEVANCE POLICIES AND PROCEDURES FOR FACULTY DRAFT 1/8/01 (attachment)**

Reviewing the 1998 origin of the grievance policy and procedure revisions, APPC Chair Mitchell explained that the Committee of Eleven recognized that existing faculty grievance procedures were confusing due to inconsistencies and conflicts among the following sources: the Arizona Board of Regents Policy Manual (ABOR-PM), the University Handbook for Appointed Personnel (UHAP), and the Faculty Constitution and Bylaws. Additionally, various portions of the procedures and policies were often difficult to follow because they were scattered across these documents. The Committee of Eleven researched various other institutions' policies and found that ASU's policy was clear and comparable to UA's. Given the objective of drafting a clear and concise policy in which all the specific steps to file a grievance are contained in one policy, a writing team composed of R. Caldwell, E. Ervin, D. Larson, J. Leonard, R. Sankey and A. Silverman then adapted ASU's policy into the first version that was presented to the APPC and the Senate last spring. CAFT, Conciliation and other campus groups were then given an opportunity to examine this draft and offer additional input. CAFT rejected the split into two 6-person committees: a governance grievance committee and CAFT. Today's *Draft 1/8/01* removes that split and retains the Clearinghouse Committee, chaired by the chair of CAFT and composed of the chairs of Conciliation, CAFT, and the University Committee on Ethics and Commitment, and a representative of EO/AA. APOC Representative T. Jull elaborated on his objection to the University's failure to initiate a grievance policy for appointed personnel separate from faculty grievance procedures, because appointed personnel lack voting rights to approve the new policy, even though it directly affects their rights. R. Caldwell acknowledged that problem and noted that ASU has a separate policy for appointed personnel and that the writing team's intent was to address the faculty grievance policies and procedures first, to be followed closely by a separate document on appointed personnel's grievance policy and procedures. Senator O'Brien cautioned the Senate that the same intent was once stated regarding post-continuing review that was to follow closely on post-tenure review. Representative Jull suggested adding a statement to the policy to say, "This doesn't affect the rights of appointed personnel to appeal to CAFT and the Committee on Conciliation." Senator Marchalonis noted that clinical and research faculty in the College of Medicine also lack voting faculty status. Senator Hogle agreed that he would like to see voting faculty redefined to include appointed personnel and has asked Secretary Howell, chair of the Committee on Faculty Membership, to consider this concern with that group. Senator Mitchell asked Senators to e-mail any further comments to him at mitchellr@u.library.arizona.edu, explaining that his strategy is to receive Senate approval of the revised Grievance Policies and Procedures for Faculty at the February 5th Senate meeting, so that the Committee on UHAP, Constitution and Bylaws Revisions might have the wording ready in time for this Spring's faculty elections.

9. **ADJOURNMENT**

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

Wanda H. Howell, Secretary

Appendix*

1. "Legal Fees and Court Costs for the Marguerite Kay Case" statement to the Faculty Senate of the University of Arizona, January 22, 2001, by Senator W. S. Bickel
2. Statement of Roy Spece, January 22, 2001
3. "Chair of the Faculty's Report, January 22, 2001 outline"
4. "State Government Update "
5. "State Government Update as of January 12, 2001"
6. "Pickaprof.com" webpage samples
7. "[Tempe] Principles for Emerging Systems of Scholarly Publishing"
8. Statement from the Chair (C. Hurt) of the Research Policy Committee recommending endorsement of the Tempe Principles
9. "Proposed ABOR Whistleblower Policy draft 4a, dated January 10, 2001"
10. "ABOR Executive Summary, Protection for Employees from Reprisal for Whistleblowing" dated January 25 & 26, 2001
11. "Grievance Policies and Procedures for Faculty, *draft 01/08/01*"

*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 January 22, 2001

2000/01-24 Seconded motion from the Research Policy Committee to endorse the Tempe Principles for Emerging Systems of Scholarly Publishing. Motion carried.

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