

**MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA®
January 22, 2007**

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CORRECTED

1. CALL TO ORDER

The meeting was called to order by Chair of the Faculty Wanda H. Howell at 3:13 p.m. in the College of Law, Room 146, immediately following the Meeting of the General Faculty to discuss the revisions to the Faculty Constitution and Bylaws that will be voted on in an online election January 25-February 8, 2007. Vice Chair Mitchell is out of town today.

Present: Senators, Bruce, Christenson, Conway, Corcoran, Cronwell, Cuello, Cusanovich, Dahlgran, D. Davis, G. Davis, O. Davis, Green, Gruener, Hertzog, Howell, Jenkins, Jones, Kiefer, Marchalonis, McKee, Mitchneck, Murdaugh, Pavao-Zuckerman, Piuozzi, Ranger-Moore, Rodl, Salazar, Sarid, Schlager, Sebesta, Shelton, Spece, Sterling, Strittmatter, Tabor, Thorn, Weinand, Willerton and Witte. Robert Sankey served as Parliamentarian.

Absent: Senators Bergsma, Burd, Chandler, Estrada, Joens, Hildebrand, Mitchell, Mountford, Mutchler, Nolan, Ruiz, San Martin, Silverman, Smith, Songer, St. John, Tatman, Ulreich, and Zizza

2. OPEN SESSION

There were no speakers for the Open Session.

REPORTS

3A. ASUA President Erin Hertzog

ASUA President Hertzog announced that ASUA has just begun its Student Regent selection process. The Student Regent is an observer in the first year of office, and becomes a voting member of the Board in the second year. Names of the UA's three finalists for UA's student Regent are due in the governor's office on February 2, 2007. President Hertzog announced that, although faculty are in no way responsible for the high cost of textbooks, there is something they can do to help. If faculty submit their textbook lists on time, the BookStore is able to offer a 50% buyback rate to students, versus only 10-25% if the BookStore is unsure whether the text will be used again. The BookStore is currently only receiving about 48% of titles in time to offer buyback. Hertzog said that 60% of UA students take advantage of the buyback program. Hertzog appealed to faculty to be the heroes in this situation and help to save students money. ASUA has also opened up a textbook section in the Library for textbooks that they know will be used for more than two years. She asked faculty to inform ASUA of the titles of books that they will be using more than two years. Hertzog knows that faculty who submit late book orders sometimes have not been assigned their classes until past the deadline, but sometimes the orders are late for preventable reasons or sometimes faculty are requesting a new edition. In these cases, the BookStore may be surveying faculty to inquire why their list was late or why they are requesting the new edition.

3B. GPSC President Paul Thorn

GPSC President Thorn reported that he met with President Shelton, who is fully committed to providing 90% tuition remission for graduate assistants for the coming year, and to providing 100% tuition remission for the year after that. Tuition remission for graduate assistants is "better than money," because students are not taxed on these dollars.

3C. Faculty Officers' Report

Chair of the Faculty Wanda Howell reminded senators to please vote on the Constitution and Bylaws revisions election that will take place online via Employee Link beginning on Thursday, January 25, and continuing through February 8, 2007. Petitions for the Spring General Faculty Primary Election are now available for the office of Chair of the Faculty, twenty Senator-at-Large seats, five seats on the Committee of Eleven, two seats on SPBAC, and two seats on the Committee on Committees. Chair Howell announced that she is running for a second term as Chair of the Faculty. Petitions are due February 5 and the online election will begin February 15. Any senators-at-large who are *not* running for re-election are asked to please let the Faculty Center know. She urged senators to

take petitions back to their departments and colleges and to engender interest because this is an exciting time to become involved in the shared governance. Chair Howell also reminded Senators that, although today's meeting of the Senate is offset because of winter break and the MLK holiday, the Faculty Senate meeting schedule will return to the first Monday of the month with the February 5th meeting, in two weeks.

3D. Provost's Report

Provost Davis reported that a significant computer breach was discovered on January 2, 2007. Information Technology (IT) staff determined that international hackers broke into and embedded movies and games in UA computers and servers in the Library, Procurement, and the Student. The Center for Computing and Information Technology (CCIT) and the University of Arizona Police Department decided early on to bring the Federal Bureau of Investigation in for its forensic expertise and analysis, and the Campus Emergency Response Team was activated to deal with the crisis, which mostly involved removing, rebuilding and cleaning "dirty" servers and desktop computers. It appears that no student or staff identity thefts have occurred, nor have any data or resources been stolen. Provost Davis said it is clear that UA can do things to make it more difficult for hackers to get in, like installing more sophisticated firewall protections. He also emphasized to everyone the importance of password discipline. Turning to the budget, Provost Davis explained that President Shelton has charged him and Joel Valdez with developing a budgeting process to identify at least \$10M of permanent funding to be drawn differentially from academic as well as support units. These dollars will be reallocated into activities and programs that are currently supported by temporary funds. This is part of the plan to strategically stabilize the budget. Provost Davis has been conversing with the deans about the status of ongoing searches. On February 6, the Provost and Mr. Valdez will begin budget hearings with each of the deans and the vice presidents and associate vice presidents of academic and support units. Following these budget hearings, Provost Davis and Mr. Valdez will make recommendations to the President. At the Provost's Retreat last September, participants were asked to be clear about mission and vision, to make wise budgeting decisions with respect to those priorities, and to make data-driven decisions that follow the guiding principles of SPBAC: educational excellence, student demand and revenue generation, research, creative excellence and revenue generation, diverse academic community and interdisciplinary approach to everything. Provost Davis' team is developing data and metrics related to revenue generation by all colleges, instructional workloads for all ranks, and faculty diversity demographics by college over five years to help inform the decisions about budget cuts and reallocations.

3E. President Robert N. Shelton

President Shelton echoed ASUA President Hertzog in encouraging faculty to get textbooks lists in on time because book buyback is just as good as finding more financial aid for students. He also thanked GPSC President Thom for coining the phrase, "better than money." President Shelton commended Provost Davis, former Chief Information Officer Sally Jackson, and Michele Norin along with the entire IT team for their swift and extraordinary handling of the hackers' breach, the effects of which could have been enormous. President Shelton is extremely pleased with the openness, involvement and participation that provide collective wisdom from the deans, vice presidents, faculty leaders and SPBAC in the budget process. The governor's budget is strong on education and supports higher education as well as K-12. She has proposed a 3.5% salary increase for state employees and President Shelton is hopeful that the Universities will be given some discretion over that money so as to reward merit. The governor's budget also includes \$13.75M in funding for operating funds for the College of Medicine-Phx, the College of Pharmacy-Phx, for expanding the telemedicine program and for further development of the research and education buildings at the Biomedical campus in Phoenix. Next year the UA will begin receiving \$14.3M in recurring funding from House Bill 2529, which will provide money for research infrastructure in some Tucson buildings such as BIO5, the Medical Research Building, and the Chemistry addition as well as the Phoenix Biomedical Campus. The governor's budget also includes a \$10M component for retention of students and faculty, which will in turn improve the state's economic profile. Governor Napolitano is also proposing to add \$6.3M into the Arizona Financial Aid Trust, as well as sufficient funding to hold all state employees harmless from what is expected to be a high increase in health insurance premiums. UA's lack of enrollment growth will cause a budget reduction of about \$400,000.

4. QUESTION AND ANSWER PERIOD FOR AGENDA ITEM 3

Senator Jenkins was not aware of the textbook section in the Library and asked Senator Hertzog to think about sending an email message to the allfaculty listserv to inform faculty of this service. Senator Rodl said that her faculty members are aware of the textbook section in the Library and do refer students to it.

Senator Jenkins asked Provost Davis about the authenticity of an email that she and some UA retirees have received instructing them to encrypt their email passwords. Provost Davis said he will look into it.

Senator Tabor asked Provost Davis if there is consensus among the deans about what the metrics should be for a metric-based budget decision process. Provost Davis said he has informed the deans that his team is developing metrics regarding college-by-college performance in mission, diversity demographics, and incentives for instructional and research performance.

Senator Witte asked how much of Provost Davis' budget data will be made available to the colleges, faculty, committees or the public. Provost Davis responded that he hopes most of the data will be available through websites. He acknowledged that there are some data sensitivities, such as teaching workload or diversity data which may need to be described in the way the Promotion

and Tenure data was presented to the Senate. More specifically, he said, public data might include identifying programs in the national top twenty and how they are ranked, educational excellence, student demand, revenue generation a program-by-program evaluation of student credit hours and revenue generated, including the 22:1 funding formula. But there needs to be sensitivity in showing individual faculty members' instructional workloads and relative percentages of college faculty that are engaged in teaching undergraduate or graduate. Other data might include research excellence revenue generation, fundraising, differential tuition, program fees, summer-winter sessions, and diverse academic community. Senator Witte suggested that even some of the sensitive data might be more accurate, functional and purposeful if faculty committees are allowed to see such data to determine if it is complete.

Senator Willerton asked whether the ASUA's efforts on behalf of textbook buyback include textbooks that are used for courses that are only offered once a year, as opposed to each semester. Quite a few faculty may only teach a course once a year but they do, in fact, use the same book year after year. Senator Hertzog said that question wasn't considered and she appreciated the suggestion.

Senator Howell asked Provost Davis if he has considered the cost-savings that a buy-out for faculty and staff who are nearing retirement age might provide. Provost Davis said he has asked Human Resources to look into a "retirement incentive" for employees who might be inclined to retire were it not for the excessively high insurance premiums. This incentive would provide some sort of income to bridge the cost of higher healthcare premiums. Senator Kiefer commented that a number of faculty are not retiring out of loyalty to their students, colleagues and the institution. Although he is of retirement age, Senator Kiefer continues to work because if he retires now, the University would be without any Shakespearean scholar whatsoever. Provost Davis echoed this concern about the "graying" of the UA's faculty and the need to "reload" the faculty because so many exceptionally-valuable faculty are over the age of sixty.

Senator Howell asked Provost Davis to comment on his strategic way of looking at searches and faculty recruitment. Provost Davis would like a paperless process so that the collective data about the status of searches can be examined over several years at a time, showing who was in the pool, what offers were made and accepted or rejected and why. Part of this change is being driven by the ADVANCE grant because data is needed to trace equity, recruitment and retention.

Senator Jones asked President Shelton about his philosophy about the distribution of the potential state salary increase. President Shelton remarked that he doesn't embrace across-the-board pay increases. He believes that the key factors of merit, market and equity are all connected to merit/performance, and that whatever precious dollars we receive need to be applied to rewarding performance. He would charge the department heads, deans and Provost with the decision-making. Senator Jones remarked that sometimes, when there aren't sufficient dollars, the merit process is skewed so that everyone in the department gets a merit raise. Senator Witte reminded senators that the Senate has twice voted that any salary increases below 5% should be applied across the board. She believes it is incumbent upon the administration to put a true merit system in place. At this point, most employees would prefer to have across-the-board increases, unless a good merit system is in place.

5. **APPROVAL OF THE MINUTES OF DECEMBER 4, 2006**

The minutes of December 4, 2006 were approved.

6. **APPROVAL OF CONSENT AGENDA ITEMS FORWARDED AS A SECONDED MOTION BY THE INSTRUCTION AND CURRICULUM POLICY COMMITTEE (attachment)**

Senator Willerton questioned whether the recorded vote of the ICPC was left off this Consent Agenda deliberately or inadvertently. ICPC Chair Conway apologized and assured him the omission was not deliberate and that both items passed the ICPC with a vote of 10-0-0 at the December 13, 2006 meeting, with no members absent. The consent agenda items forwarded by the ICPC and detailed at the end of these minutes [Motions 2006/07-20 and 2006/07-21] were approved unanimously.

7. **FIRST READING AND POSSIBLE ACTION: REVISED UAHP 2.13.09 POLICY AND PROCEDURES FOR INVESTIGATIONS OF MISCONDUCT IN SCHOLARLY, CREATIVE AND RESEARCH ACTIVITIES AT THE UNIVERSITY OF ARIZONA (attachment)**

Research Policy Committee Chair Michael Cusanovich introduced the revised *University Handbook for Appointed Personnel* 2.13.09 which comes as a seconded motion [Motion 2006/07-22] from the Research Policy Committee (RPC). Chair Cusanovich explained that the changes to our existing policy were generated in part, to be consistent with the federal government requirements as well as to deal with several legal issues that have come up. The revisions were drafted by the Research Integrity Officer (RIO), Tom Lindell, the Office of the Vice President for Research, and the Office of the General Counsel. The changes were vetted by the Senate's Research Policy Committee as well as the University Committee on Ethics and Commitment. Senator Weinand inquired why Section II. C, "Anonymous Allegations" is included in this policy. RPC Chair Cusanovich said that the institution is required by the whistleblower law to allow anonymous allegations, but these are discouraged in the policy because they would greatly inhibit the RIO's ability to move forward. Senator Weinand expressed concern that in context of what is right and respectable for the spirit of our time, anonymous complaints are not a good idea. He moved [Motion 2006/07-23] to delete the language under the header of II. C and to replace it with "The University does not accept anonymous complaints about

misconduct." Motion was seconded. Senator Witte said an anonymous complaint should not be allowed to initiate investigatory proceedings. She coauthored the University's original research misconduct policy over fifteen years ago and that committee did not allow anonymous complaints. Senators and attorneys Spece and Silverman have often objected to anonymous complaints in this and other contexts. Senator Murdagh spoke against the motion, envisioning a situation in which a graduate student may want to report his or her advisor but is very vulnerable to losing a job, funding, or visa. RPC member and Senator Sterling said the Office of the General Counsel has informed the RPC that this language has to be in the policy. Senators' comments and questions included: 1) Some faculty members have had great concerns about consulting with University attorneys who typically do not have the faculty's best interests in mind. Research integrity hearings have been greatly politicized and they need to be fair and open. 2) The policy doesn't say that the University will necessarily respond to an anonymous allegation. Chair Cusanovich said the RIO has the option not to proceed, if in his/her judgment the allegation does not meet the five conditions or more generally if there is no credibility or it's a misunderstanding. One of the goals of the policy, he said, is to work with the complainant to resolve the concern or misunderstanding. Obviously an allegation of criminal intent is something that may need to be investigated. 3) It is the role of the faculty and the committee to protect a graduate student who makes a good faith allegation. Punitive action for false charges should also be a part of the policy. Chair Cusanovich assured that it is. 4) Could Senators Spece and Silverman, who are attorneys, be asked look at this language to determine whether the language is required and whether the Senate wants to exclude it? 5) What about an anonymous report like a letter versus a person who makes a direct statement to the RIO but doesn't want his/her identity disclosed. Chair Cusanovich said they would both be handed the same way by the RIO. Chair Howell called for a vote and motion 2006/07-23 failed, 7-27. Continuing the discussion, Senator Shelton noted that an anonymous letter that can be poisonous and without substance is very different from a student, graduate student, staff or junior faculty member who comes forward to the RIO and requests to remain anonymous. Senator Shelton believes the anonymous letter should not be considered. Senator Ranger-Moore clarified the difference between anonymity and confidentiality. Senator Cuello observed that the accused has a right to face his or her accuser so the issue of anonymity should be clarified. Adding more cross-references to the whistleblowing policy, which is only referenced once, could reassure graduate students and others about non-retaliation measures provided by law to protect them. Senator Green asked whether the confidentiality is protected for human subject participants whose records are secured and investigated. The policy should have a statement about honoring the confidentiality agreement in a personal information document. An investigatory committee should not be allowed to look at unredacted human subject consent forms. Perhaps the Health Insurance Portability and Accountability Act of 1996 (HIPAA), which bears on clinical research, should be added to this policy. Presiding Officer Howell asked Chair Cusanovich to take this policy back to the RPC clarify the legal issues as discussed today.

DISCUSSION OF SENATOR GRUENER'S FACULTY SENATE REFORM MANIFESTO PROPOSAL

Chair of the Faculty Howell offered her initial thoughts about restructuring the Senate meetings. She believes more substantive debate among Senators and fewer reports should be part of the change, although policy and curricular issues will always come to the Senate. Chair Howell initiated a dialogue on the critical issues facing the University that the Faculty Senate needs to address. She turned to the University's strategic priorities to guide the discussion, and suggested that several outcomes might include information and inspiration, resolutions, or even policies. She invited Senators to share what critical issues that they believe faculty must address. Senators' comments included: 1) The perceived disconnect between access to UA education by the citizens of Arizona and the UA's very public goal of being a Top Ten Research I institution. 2) How to offer education to the lower 25% of students and still be in the Top Ten. 3) Shared governance issues that have been around for 25 years such as requiring all departments to have bylaws and a structure to get elected faculty into the departmental decision-making processes. 4) Implement regular and real (360) reviews of administrators with faculty input. 5) Finances. 6) Redefining faculty: consider having two classes of faculty, those who teach and those who research. 7) Being a Top Ten institution will be achieved through faculty accomplishments and will require a top ten undergraduate body as well. 8) Increased state-based financial aid. 9) Programmatic resources. 10) Create a support committee on research to help faculty identify and focus on the most promising research opportunities. Have the Vice President for Research offer a proposal-writing clearinghouse to assist faculty. 11) In the pursuit of excellence, learn how to attract the top 10% of high school graduates in the state. 12) Lobby for a faculty vote on the Board of Regents. 13) Shed political correctness for honest discussions about core issues. Some people do not believe it is possible to be all things to all people *and* be in the Top Ten. 14) Embrace discomfort in dialogue about critical issues. 15) Student retention, graduation rates and engagement. 16) Reduce or eliminate the practice of limiting majors. 17) The change in the public's perception of UA's hospitality, access, and recruitment. This may be a faculty issue, not an auxiliary issue. 18) What is the value of a faculty member? 19) What is the definition of excellence? Spotlight some of the areas that exist all over the institution that are never mentioned. 20) Create an environment to encourage excellence among all members of the University in creativity and dedication to the academic mission. 21) The conflict between being a land-grant University versus being an RI university and why people don't feel valued here. President Shelton observed that all of these issues are tied to the faculty, so the overarching critical issue is to ensure that faculty are supported to do what they are here for. Provost Davis commented that UA's excellence stems from being unconventional; it may be necessary, however, to become more conventional to get to the Top Ten. He described the complimentary relationship between the Senate and SPBAC; the explicitness of SPBAC in the long-term budget planning helps in the Senate's considerations that impact or enhance policy, curricula and academic programs. Chair Howell will ask Faculty Center staff to poll the Senate listserv to respond about what are the most critical issues. She will analyze the list and look for areas of consensus and use the list to guide the Senate's discussions in a way that this body will have meaning and purpose.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:01 p.m.

Jennifer L. Jenkins, Secretary of the Faculty
Pamela S. Bridgmon, Recording Secretary

Appendix*

1. Consent Agenda forwarded from the Instruction and Curriculum Policy Committee
2. Revised UHAP 2.13.09 Policy and Procedures for Investigations of Misconduct in Scholarly, Creative and Research Activities at the University of Arizona dated 11-10-06.
3. W. H. Howell's overheads: *UA's Strategic Goals and Priorities, Outcomes, and President Shelton's five missions for UA.*

*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, 2007

Motion 2006/07-20 Seconded motion from the Instruction and Curriculum Policy Committee to approve the graduate certificate in Reading Instruction. Motion carried.

Motion 2006/07-21 Seconded motion from the Instruction and Curriculum Policy Committee to approve the name change of the Mel and Enid Zuckerman Arizona College of Public Health to the Mel and Enid Zuckerman College of Public Health. Motion carried.

Motion 2006/07-22 Seconded motion from the Research Policy Committee to approve revisions to the *University Handbook for Appointed Personnel* 2.13.09, Policy and Policy and Procedures for Investigations of Misconduct in Scholarly, Creative and Research Activities at the University of Arizona. Motion not acted upon.

Motion 2006/07-23 Seconded motion to delete the language under Section II C of the revised version of UHAP 2.13.09 on Anonymous Allegations which reads,

"Members of the University community may contact the Research Integrity Officer at any time to ask questions about scholarly or research misconduct or complaint procedures without disclosing their names and without filing an allegation. However, because of the inherent difficulty in investigating and resolving allegations from unknown persons, the University discourages individuals from making anonymous allegations about scholarly and research misconduct.

The University will respond reasonably to all allegations of scholarly and research misconduct. To determine the appropriate response to an anonymous allegation, the University will weigh the following factors

- The source, specificity and nature of the information provided;
- The seriousness of the alleged conduct;
- The objectivity and credibility of the source of the report;
- Whether individuals can be identified who were privy to the alleged misconduct; and
- Whether those individuals are willing to pursue the matter.

If based upon these factors it is reasonable for the University to investigate the matter, the Research Integrity Officer will proceed in the same manner as with allegations by a known Complainant."

and replace it with "The University does not accept anonymous complaints about misconduct." Motion failed.

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