

**MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA®
December 6, 2004**

These minutes may be accessed electronically at:
<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 Chair Hancock at 3:08 p.m. in the Duval Auditorium of the Arizona Health Sciences Center. Chair Hancock announced that agenda item 9, the Intellectual Property policy is being removed from today's agenda for further clarifications.

Present: Senators Baca, Bui, Burd, Chandler, Christenson, Conway, Cromwell, Cusanovich, D. Davis, G. Davis, Eddy, Garcia, Garrett, Gruener, Hancock, Hildebrand, Jenkins, Jones, Kiefer, Kinney, Likins, Mountford, Pintozzi, Powell, Silverman, Songer, St. John, Swanson, Willerton, Witte, and Zwolinski. Robert Sankey served as Parliamentarian.

Absent: Senators Bixby, Brobbel, Chapman, Dahlgran, Howell, Joens, Larson, Marchalonis, Mitchell, Mitchneck, Patterson, Pitt, San Martin, Smith, Spece, Sterling, Strittmatter, Tatman, Timmermann, Tomanek, Ulreich, Vierling, Weinand, Worle, and Zizza.

2. OPEN SESSION

There were no speakers for the Open Session.

3. REPORTS

ASUA

Senator K. Bui, ASUA director of the Arizona Students Association (ASA), reported for ASUA President Alistair Chapman, that the ASA's central office is seeking 2:1 on the Arizona Students Financial Aid Trust (ASFAT). ASUA is also working on the proposed mandatory meal plan with the Residence Hall Association, which has expressed opposition. Two new "Arizona Zoo Keepers" were introduced at the last game, and ASUA continues its efforts to implement published on-line notes to increase advisor accountability and continues efforts in the issue of childcare for student-parents. On behalf of the students, Senator Bui thanked the general faculty for its support this past term.

3B. GPSC

Senator J. Eddy, GPSC External Vice President reported for GPSC President Amanda Brobbel, that GPSC is working closely with Residence Life to be sure that the graduate student housing facility, La Aldea, will meet all students' needs and services including affordability, parking, and presence of undergraduate students. GPSC would also like a resource center to include cooperative childcare. "Graduate Student Appreciation Week" will take place April 4-8, 2005, in conjunction with "National Graduate Student Appreciation Week." GPSC is working with its counterpart at ASU to encourage the governor to name that week "Arizona Graduate Student Appreciation Week" to recognize all that graduate students do for universities, for communities, and for state and local governments.

3C. Chair of the Faculty Jory Hancock

Chair Hancock reported that he has been working with Vice President E. Auslander and a group of people who began about six months ago working on the process of creating policy at the UA. Chair Hancock had suggested that anytime a new policy is being contemplated, an email should be sent to various units and groups within the campus community including Risk Management, Campus Life, Human Resources, Strategic Planning and Budget Advisory Committee (SPBAC) and the Faculty Senate and Faculty officers. This message is an effort to involve all constituencies that may have an interest in the policy. The final recommendations of this committee will come to the Senate Executive Committee and then to the Senate. UA's College of Medicine Dean, Keith Joiner, recently gave a forceful, insightful report to the Arizona Board of Regents. He called for honesty and complete transparency in the process of developing the Medical College in Phoenix. Dr. Joiner placed the UA clearly at the helm, particularly with respect to curriculum and his assertiveness helped to remove ambiguities about this undertaking. Phoenix Mayor Phil Gordon was in Tucson last week meeting with faculty from the College of Medicine and other units to express his

firm commitment and unwavering support for the Phoenix expansion of the College of Medicine initiative. Chair Hancock encouraged the mayor to communicate directly with the UA campus about his determination and support for this project. Chair Hancock also reported that he and State Representative Ted Downing had decided that it would be helpful to provide an opportunity for the Faculty Senate to hear from state legislators, particularly those involved in higher education. Senator Toni Hellon and Repr. Downing are in attendance today for that purpose. Chair Hancock also asked the legislators to address what the legislature might do if there is a surplus this year as well as what the state might do regarding future University budgets. Chair Hancock noted that this has been a particularly difficult semester for him and the School of Dance, having lost its new, nationally-regarded faculty member, David Berkey, to liver cancer.

3D. Provost George Davis

Provost Davis acknowledged Chair Hancock's amazing professional and personal support for Professor David Berkey and his family in the struggle of the past five months. A new faculty award, the University Distinguished Outreach Award, will be presented by President Likins at the December 2004 Commencement. This award recognizes faculty who have excelled in connecting their intellectual reach, scholarship, and creative efforts with the University's outreach in the state and nation. This year's recipients are Corky Poster of the College of Architecture and Landscape Architecture, and Jeannette Conover McCray of the Arizona Health Sciences Center Library. The Provost acknowledged the Phoenix biomedical campus will help to fulfill both the UA's and the College of Medicine's fundamental missions and he noted the resounding efforts to accept the challenge and the opportunity to expand both the College of Medicine and the College of Pharmacy in ways that will impact Phoenix, Maricopa County and beyond. One of the proposed decision packages is designed to help strengthen the four health sciences colleges which could tighten the synergies and increase effectiveness and relationships, statewide and particularly in rural Arizona. The other proposed decision package is in hydrology. Governor Napolitano is interested in Arizona's water sustainability and has expressed an interest in establishing a "virtual water university." Dean Sander is working to establish the UA as the leader of this effort. The Provost expects that next semester the UA will be called upon to develop the concepts and details about what the state will gain by supporting the water and health sciences decision packages and to present them to the state legislature. In response to a question about "What is focused excellence now?" from November's Faculty Senate meeting, Provost Davis said he has had conversations with SPBAC, Academic Council, the Cabinet and others. He wants central administration to describe early in January 2005 what financial reallocations or cuts can be expected for FY06, because units are engaged right now in recruiting and planning. He has scheduled two half day meetings with President Likins, Joel Valdez, and three staff members to consider the suggestions for reallocations that have come from various sources including SPBAC, the Focused Excellence Task Force, and the Academic Council. More than half the deans sweep 80-100% of vacant lines and probably couldn't function without some reallocations. The Provost said he and the President expect that the campus won't like any strategy of reallocation, but he hopes they will emerge with the best possible ways to advance the institution's strategic goals. Provost Davis also pointed out that a mid-year rescission affirms the UA's decentralized budgeting works best to minimize damage to programs. He would also like units to have some flexibility for how units find funds for reallocation.

3E. President Peter Likins

President Likins clarified that the Arizona Students Association is advocating for the legislature to increase the state matching funds for the Arizona Students Financial Aid Trust. Annually, 1% of tuition dollars goes into this trust, and the state is supposed to match it. The universities are then allowed to spend 25% of this money for financial aid. Historically, however, the state has funded the trust with 1:1 matching with a one-year time lag. This trust is a very small amount; most states have much more substantial mechanisms by which to support students and graduate students. We have all learned that the state's philosophy of having the cheapest tuition in the country does not work for affordability, so the administrations and the ASA from all the campuses are all working to convince the legislature to increase the match to 2:1 and to allow the universities to spend 50%. President Likins explained that, in addition to the state financial aid trust, there is a Regentally-mandated set-aside of 14% for need-based financial aid. Some legislators perceive this practice as "taxing" student tuition to generate funds for financially needy students. This is simply a matter of differential subsidies, however, because in essence, every resident student who pays full tuition of about \$4K/year receives a substantial subsidy of about twice that amount from the state because of the remarkably low tuition rates. Turning to shared governance, the President reported that there is an existing Shared Governance Memorandum of Understanding which he signed in October 1997 and which was previously signed by President Pacheco. In an effort to improve that agreement, he is crafting an alternative document and will be consulting with Chair Hancock and the University attorneys as well as with ABOR's executive director, to get concurrence before he asks the Senate's approval. The November ABOR meeting brought an array of people to testify about the College of Medicine's expansion to Phoenix, making clear that the leadership responsibility will lie with the UA COM faculty. Developing relationships with our colleagues at ASU, with multiple Phoenix hospitals, with the mayor and Phoenix City Council and with the governor and legislature is a complex exercise but is proceeding very well. Mayor Gordon's visit was intended to alleviate the fears and anxieties about displaced resources at UA and in Tucson. This expansion will improve the supporting sciences and related professional, education, and research programs. Regarding UA's financial management practices, President Likins stated that three continuing problems are not enough funding, not enough unrestricted funds to support the increasing activities ordered by the restricted funds, and inadequate mechanisms to keep sufficient money flowing back to the Provost as needed to reallocate or respond to University-wide demands. The institution needs to establish other mechanisms for reallocation and not simply wait for the state legislature to provide the resources needed

to meet the institution's obligations. A process is now underway with the financial planning working groups and others to develop a plan to change the way the UA manages money in order to avoid last-minute crises.

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

There were no questions on the reports.

5. **APPROVAL OF THE MINUTES OF NOVEMBER 1, 2004**

The minutes of November 1, 2004 were approved.

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

ICPC Chair Jenkins explained that Item 3 came onto the ICPC Consent Agenda after the Senate's agenda was set. The revised consent agenda items detailed at the end of these minutes [Motions 2004/05-19, 2004/05-20 and 2004/05-21] were approved.

7. **REPORT FROM STATE HOUSE REPRESENTATIVE TED DOWNING, STATE SENATOR TONI HELLON AND ASSOCIATE VICE PRESIDENT FOR GOVERNMENT RELATIONS, GREG FAHEY**

Chair Hancock welcomed State House Representative Ted Downing and State Senator Toni Hellon, and the UA's Associate Vice President for Government Relations, J. Greg Fahey. Representative Kopernicki of Safford was unable to attend due to a family member's illness. Repr. Downing began by saying he has been a faculty member at the UA for 33 years, and there has been a long tradition of having one university faculty member in the Arizona legislature. The universities' represent a major special line item (\$787M) in the state's \$7.3B budget in that area. It is competing with the Department of Corrections' budget with is currently at \$620M and growing rapidly. In fact, the growth curve of the corrections' budget is starting to overtake the universities' budget. Education represents 55% of the entire state budget. The universities' budget growth over the past 10 years, however, has been small. Repr. Downing has joined an alternative sentencing group, because he discovered the inter-relatedness of these two entities, and unless the legislature gets the Department of Corrections budget under control there won't be enough funds for K-12. Another concern is that a widely-held presupposition is that the portion of state funding that is designated for higher education will drop which isn't necessarily true. Downing is pleased with the University's \$20M decision packages for strengthening the foundation for health sciences and health care delivery, and the tri-university decision package integrating science, engineering, and outreach to meet Arizona's water challenges. He said this package shows an attempt to reach out with a system-wide item in the University budget. Perhaps more importantly, however, is the fact that the governor brought this issue to the universities for help. Downing suggested that faculty can reach out to policy makers in the legislature to give them a hand on the major problems of drug addiction, violence, health care and poverty which are reducing the funds available to higher education. Downing will strongly support the ASFAT program, and noted that the state funding of this financial aid package is only .2%, but without it, enrollments will drop, particularly among the economically disadvantaged student population. Sen. Hellon chairs the legislature's Education Committee, which has recently split into two parts: K-12 and higher education. Sen. Hellon will continue to chair the K-12 group. Significant changes for higher education over the past four years have gone through the Appropriations Committee, and she expects this will continue. She explained how constituents and stakeholders can best impact the legislature. Initially, the joint projects with large stakeholder groups have greater success. One of the best examples of this is how the universities and community colleges have come together to study restructuring higher education. With these groups working together instead of arguing over budget cuts, there is greater potential for positive change. She encouraged the educational community to continue working together because education is a huge part of the state's budget. The College of Medicine expansion to Phoenix is going to help overall, because both Pima and Maricopa County legislators will now work together for improvements in medicine and research. Although these two counties are growing at the same rate, Pima County lost a district with the redistricting, so it is even more important to work together. Regarding individuals contacting legislators, Sen. Hellon said that individual contacts are most effective if they are organized but don't appear that way. She cautioned against making legislators upset. Individually-written letters or emails about how issues affect faculty or students will be more effective than a group of people signing or sending the same form letter or email communication or a letter that is copied to 80 or 90 legislators simultaneously. Senators' questions and comments included: 1) Because Arizona chose not to invest in education when the economy was strong in the 1990's, education was hard hit by the recent rescissions. Is there any way to avoid a recurrence? Repr. Downing responded that the anticipated extra funds due to the recovering economy are not materializing. He believes that we must be proactive, clear and forceful about what we need and want. He also suggests that if we can offer solutions to other problems such as drug abuse or corrections, this could free up more funds for education. He also would like to see the education committees to be engaged in real problems rather than highly debatable concerns about evolution, stem cell research or other academic freedom issues. Sen. Hellon noted that the upcoming legislature will not be as favorable toward higher education or Pima County/Southern Arizona issues. 2) What will be the political implications of a committee focusing on higher education? Sen. Hellon said that in the past four years, very few bills dealt with higher education and she worries that bills might be manufactured to come to this committee. Downing said that there are always efforts to limit the eligibility of people to participate in higher education such as the fingerprinting bill, bills about previously incarcerated felons or sexual predators, and

now immigration concerns, whereby which attempts will be made to catch the children born in the United States to undocumented immigrants when they apply for Pell grants or admission to the University. This legislature session will also be dealing with the federal government's request to invade every faculty member and student's privacy, by maintaining a list of all students, courses, instructors and grades in the Department of Education. Repr. Downing urged the University community to respond to this issue. 3) Will there be a movement to engage in course content? Sen. Hellon said she hasn't seen this come forward, but that she wouldn't be surprised. 4) Is there a fear or resentment of faculty in the state legislature? How can faculty members create a better environment for faculty? Sen. Hellon said everyone is always welcome to visit the legislature and with some advance notice, legislators can guide and suggest times and areas to observe. She doesn't believe there is any fear or resentment, but suggests faculty focus on issues they know and use their time wisely. If people are passionate about an issue or can share personal experience about an issue, then it is easy for a person to come and testify about the concern. 5) Organizing an on-campus outreach to legislators is another way to show lawmakers what faculty and the University is about. Mr. Fahey explained how his office tries to bring the University community into contact with the legislature in appropriate ways that are of real value. One effort is "Legislators' Day," which is typically at the UA-ASU game. Legislators and others from the governor's office are invited to attend a program about the Universities for several hours prior to the game. Wildcat "Pride Night" in Phoenix is sponsored by the Alumni Association and is coupled with the UA's students exhibiting their research projects to legislators. As individual citizens or citizen-groups, the faculty can operate effectively without violating lobbying laws. Mr. Fahey does update the campus community with email bulletins about upcoming legislations and Charlene Ledet keeps the non-University people such as alums and parents informed. 6) What percent of the University budgets can we expect to come from the state? Downing indicated that technology companies are interested in recruiting scientists and engineers from south and west Phoenix and from south and west Tucson. This model places the University as a growth engine for the economy and the source of workplace involvement. Alternately, the Regents' are discussing differential fees among colleges. This concept is a concern because the poor and minority students will probably make a market decision to go to the cheaper colleges such as social sciences or humanities, rather than science or engineering. This model, then, makes the University just a place to continue K-12 education. Whichever model works its way down to the finance committee will determine what kind of budget the University will receive. 7) The contrast between the outstanding recognition that the University of Arizona can offer to the state through the recruitment of outstanding faculty, graduate students and post-doctoral candidates may not be fully understood by the legislative leadership or not viewed directly as a significant accomplishment. Downing responded that "selling oneself" has come down to selling salary increases by argument of the "brain drain," which he doesn't believe is working. To him and to other legislators, he said, a brain drain is not really demonstrated by the departure of a superstar, but rather by the net loss of the full capacity of an academic institution. Some legislators have questions about how much faculty teach, whether they are all curing cancer, whether Universities are cost-effective. Sen. Hellon concurred that the qualities that faculty embody may not be fully appreciated because two-thirds of the legislature members do not have college degrees and may need to be educated about higher education.

8. APPROVAL OF CONSENT AGENDA ITEM FORWARDED AS A SECONDED MOTION FROM THE STUDENT AFFAIRS POLICY COMMITTEE (attachment)

Senator Likins requested to pull the approval of the Public Art Funding Policy off of consent agenda in order to modify the language of the policy to avoid differentiating "main campus" from the Arizona Health Sciences Center. He will ask the committee to make this correction. Senator Conway questioned the word, "requires" in the first sentence of the consent agenda's description; "The changed policy pools the ABOR requires public art funding. . ." SAPC Chair D. Davis responded that this is a typographical error and the phrase should read "ABOR required." Senator G. Davis suggested adding a hyphen between "ABOR" and "required," to read "ABOR-required." Because student members were not previously included on the public art committee, Senator Conway asked about the actual composition of this committee. Senator D. Davis replied that the membership is composed of the Director of the Museum of Art, deans or designees from the Colleges of Agriculture and Life Sciences, Fine Arts, and Architecture and Landscape Architecture, the director or designee of Facilities Design and Construction, the director or designee of Facilities Planning, the director or designee of the Tucson/Pima Arts Council, the director or designee of the Arizona Health Sciences Facilities Group, a Tucson community member, and now, an undergraduate and a graduate student from a related discipline who would benefit from a one-year appointment to the committee. Senator Chandler moved [Motion 2004/05-22] to approve the Public Art Funding Policy as modified in today's discussion. Motion was seconded and passed unanimously.

9. DISCUSSION AND POSSIBLE ACTION: COMMITTEE OF ELEVEN PATRIOT ACT RESOLUTION (attachment)

Senator Garcia introduced the issue of misuse of the ideas and authority associated with protecting the United States from terrorism. Many institutions in academia have offered ideas and expertise to help governments and legislatures think about these issues. Berkeley and about half of the University of California system have passed similar resolutions. The Committee of Eleven's version follows the model of the Stanford resolution which was passed in the Stanford Faculty Senate. Senator Garcia moved [Motion 2004/05-23] to adopt the Committee of Eleven's Patriot Act Resolution with one modification, adding the word "Constitutional" to the last sentence of the second paragraph, to read, ". . . that governmental actions against terrorism do not erode our fundamental Constitutional rights. . ." Motion was seconded. Senator Garcia invited official University of Arizona Retirees Association observer and Professor Emeritus Dr. Cornelius Steelink to speak about the proposed resolution. Dr. Steelink brought the Stanford resolution to the Committee of Eleven's attention Dr. Steelink has been head of the ACLU here for a number of years, was Chair of the Faculty and chaired the Committee of Eleven for many years. Dr. Steelink said he has been working for the past two years with elected and political leaders in our community to correct the defects in the Patriot Act,

specifically Section 507, "Disclosure of educational records," and Section 215, "Access to records and other items under the Foreign Intelligence Surveillance Act." These sections give federal agents access to personal, financial, medical, library, email, and meeting records with no judicial oversight or necessity to provide probable cause. This violates the First and Fourth Amendments of the Constitution. Universities are particularly vulnerable to these types of surveillance, since they maintain student, faculty, and intellectual property research records. Under the Patriot Act, federal agents can also monitor religious and political clubs on campus and demand the university records of the students in these clubs. This action was attempted at Drake University in February 2004, when a judge subpoenaed the records of students attending an anti-war forum and also issued a gag order on the university's administration. The Attorney General later withdrew the subpoena after the outrage expressed by the Iowa community. Dr. Steelink urged the Faculty Senate to adopt this Patriot Act Resolution. President Likins spoke in support of the resolution, which is part of a national movement and he is anxious for the University to adopt the resolution. President Likins said that in his conversations with Secretary of Homeland Security Tom Ridge, he found him receptive to treading lightly in the application of some of the Patriot Act provisions. In the face of the changing leadership in Homeland Security, however, President Likins feels we need to broadly and publicly declare our concerns about the dangers of the Patriot Act and he endorses this resolution. Senators' comments and concerns included: 1) There seems to be a disconnect between the two paragraphs because Paragraph 1 says we should be careful about that the Patriot Act can do in limiting or trampling individual rights. Paragraph 2 offers intellectual leadership in helping to solve the problems but then only warns against what could happen without offering solutions. It would be preferable to create a committee to study the policy and offer solutions. Senator Garcia agreed that a committee could be created to offer solutions and he believes this resolution is, nevertheless, an appropriate first step. Senator Witte called for the question. Motion passed with one opposed and one abstention, but Chair Hancock questioned whether a quorum was present at this time. Because this matter is time-sensitive due to the upcoming legislative session that will be considering this issue, Chair Hancock told the Senate that an electronic vote would be conducted over the Senate's email listserv. *NOTE: On December 10-16, the Faculty Center conducted an electronic vote on the Patriot Act Resolution over the Faculty Senate listserv. The results of this vote were 36 in favor, 3 opposed, and no abstentions.*

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:55 p.m.

Robert L. Mitchell, Secretary

Appendix*

1. REVISED Consent Agenda item forwarded from the Instruction and Curriculum Policy Committee.
2. Consent Agenda item forwarded from the Student Affairs Policy Committee.
3. Committee of Eleven "Patriot Act Resolution" dated November 2004.

**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 December 6, 2004

Motion 2004/05-19 Seconded motion from the Instruction and Curriculum Policy Committee to approve the name change of the College of Architecture, Planning and Landscape Architecture to the College of Architecture and Landscape Architecture. Motion carried

Motion 2004/05-20 Seconded motion from the Instruction and Curriculum Policy Committee to approve the name change of the Department of Ophthalmology to the Department of Ophthalmology and Vision Sciences. Motion carried.

Motion 2004/05-21 Seconded motion from the Instruction and Curriculum Policy Committee to approve implementation authorization for the Bachelor of Sciences with a major in Crop Production in the College of Agriculture and Life Sciences. Motion carried.

Motion 2004/05-22 to approve the Public Art Funding Policy as modified in today's discussion. Motion was seconded and carried.

Motion 2004/05-23 to adopt the Committee of Eleven's Patriot Act Resolution as with the addition of the word, "Constitutional" in the last sentence, to read, "... that governmental actions against terrorism do not erode our fundamental Constitutional rights..." Motion was seconded and passed, but the vote is non-binding because of the lack of a quorum, so email vote was conducted on December 10-16, 2004. The results of this vote were 36 in favor, 3 opposed, and no abstentions. Motion carried.