

**MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA®
April 2, 2001**

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1. CALL TO ORDER

The meeting was called to order by Vice Chair and Presiding Officer Jory Hancock at 3:11 p.m. in the College of Law, Room 146.

Present: Senators Aleamoni, Auxier, Bickel, Caldwell, D. Davis, Eribes, Grant, Gruener, Hancock, Hogle, Houtkooper, Howell, Hurt, Larson, Medine, Mishra, Mitchell, O'Brien, Pitt, Quinn, Romer, Schooley, Silverman, Smith, Songer, Spece, Tal, Walsh, Warburton, Warnock, Weinand, Witte, and Zwolinski. Thomas Volgy served as Parliamentarian.

Absent: Senators Armstrong, Becker, Benson, Dahlgran, G. Davis, T. Davis, DeYoung, Graff, Hartman, Impey, Ivey, Jenkins, Joens, Kidd, Kosta, Kurzer, Likins, Marchalonis, Merkle, Parsons, Pepper, Perches, Regan, Richardson, Rimsza, Sheridan, Szilagyi, Taren, and Zilm.

2. OPEN SESSION

Senator William Bickel – Senator Bickel asserted that the ongoing CAFT investigatory hearing for Dr. Marguerite Kay is in violation of Dr. Kay's due process rights because she is unable to attend due to legitimate medical reasons. He also expressed concerns over 1) a conflict of interest based on the Administration paying for an outside attorney to advise the CAFT panel, 2) the amount of University funds being spent on the case, and 3) why the CAFT panelists' names are not being made public.

3. REPORTS

3A. ASUA President Benjamin Graff

No report.

3B. GPSC President Jason Auxier

Senator Auxier reported that the graduate student turnout at the March Board of Regents meeting was positively received and that the students were able to present the concept for registration fee waivers which would increase UA's competitiveness for graduate students and would increase TA's take home pay significantly and bring the UA to within the 80th percentile of peer institutions. The funding for such waivers may require salary freezes or even a partial salary decrease. Graduate Student Appreciation Week begins April 9, and the awards banquet is April 11. Nomination forms for a variety of awards for excellence including outstanding thesis, outstanding dissertation, outstanding student advocate, and outstanding faculty advocate are available at www.gpsc.arizona.edu. These awards are very prestigious and meaningful to graduate students because they are awarded by their peers. Graduate students are planning a legislative "day of action" on April 8 lobby in Phoenix for the UA budget which includes the TA workload issue.

3C. Vice Chair of the Faculty Jory Hancock

Vice Chair Hancock expressed gratitude for the process, the discussion, and the civility of the Senate even when difficult issues are presented. He thanked Parliamentarian Volgy and the two most recent presiding officers, Larry Schooley and Jeff Warburton, for their assistance. He awarded certificates of appreciation for outstanding service to departing faculty Senators Aleamoni, DrYoung, Gruener, Houtkooper, Ivey, Kosta, Parsons, Pepper, Perches, Pitt, and Sheridan, and to student Senators Auxier, Becker, Dalton, Graff, Hartman, Kidd, Rimsza, and Zilm.

3D. Secretary of the Faculty Wanda Howell

No report.

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

Chair Hogle distributed the press release announcing the results of the first faculty election as well as a second release, which declared Wanda Howell the new Vice Chair for a special one-year term and the election of four more Senators-at-Large who

submitted unopposed petitions. A third election for Secretary of the Faculty for a special one-year term is currently under way, and as of the deadline, the Committee on Elections had received only one petition, from Senator Robert Mitchell. Chair Hogle thanked Senators Howell and Mitchell for their willingness to run for and serve in these faculty offices, as well as all the new and returning Senators-at Large. Concerning the under-subscribed seats on the Committee on Committees and in the Senate, since the Constitution and Bylaws are silent on the subject, Chair Hogle explained that the six remaining unfilled Senate seats will be filled according to a process devised in consultation with the Committee on Elections and the Committee on Committees, which is similar to a procedure described in the Bylaws for filling a Senate seat with less than a year left in the term. The Committee on Committees will nominate six members of the General Faculty to be ratified by the Senate as Senators-at-Large. The Committee on Committees will also nominate two members of the General Faculty to be appointed by the new Chair of the Faculty to serve on the Committee on Committees. He thanked the Committee on Elections for all of its efforts. The revised faculty grievance policy amendments to the Constitution and Bylaws which were passed by the Faculty Senate in March will not be going to a general faculty vote at this time because, in the spirit of shared governance, President Likins has asked for additional time to review them. A special election will be held in the fall for these amendments. All standing committees' annual reports are due to the Faculty Center April 23rd, so as to be included in the Senate packets for the May 7 meeting. The Joint Legislative Budget Committee, Governor, House and Senate are still disagreeing about state revenue projections, but the JLBC budget plus the salary package and the \$6M which includes \$1.5M for TA's appear to be still in play as the best possible University budget package. The Board of Regents will consider tuition increases at its April 11 meeting at NAU. Again in the spirit of shared governance, the President's Cabinet and SPBAC will attend a budget retreat on April 13 to consider total income factors and work out budget possibilities. Chair Hogle thanked all of the Senators, committee chairs, and faculty officers over the past years of his term as Chair of the Faculty. He also honored and presented plaques to two long-time Senators, Roger Caldwell and Andy Silverman, the latter of whom he called "the Conscience of the Senate," for extraordinary and extensive service to the General Faculty.

3F. Provost George Davis

No report.

3G. President Peter Likins

No report.

4. QUESTION AND ANSWER PERIOD

Senator Witte inquired about the process of the grievance policy revisions to the Constitution and Bylaws, which are supposed to go from the Senate to a vote of the General Faculty, and then on to the Administration. She considers the reverse process of sending a document that has passed the Senate to the President for review or veto before it goes to the General Faculty for a vote as a dangerous extension of shared governance, because it diminishes the faculty's power by sharing the Senate's decisions with the Administration prior to sharing them with the General Faculty. Senator Hogle explained the two sections for which the President has requested further dialogue and clarification in the spirit of shared governance; 1) that the Grievance Clearinghouse Committee only *advises* the grievant about what committee should handle the grievance, and 2) the lack of any time limit for a faculty member to grieve a situation. Senator Spece remarked that he hopes President Likins limits his review to these two sections.

Senator Medine inquired about the salary proposals before the legislature. Chair Hogle explained that the current proposal contains 5% increases designated as merit raises for each of two years. Classified Salary Adjustments may not be funded or may be funded minimally.

Senator Walsh speculated that the lack of faculty participation in running for the Senate and committee elections may indicate that some faculty members view the Senate as a closed community. While acknowledging that the collective memory of long-time Senators is an important contribution, term limits for senators could counter the tendency of a long-standing organization to develop a view that is not the consensus of the constituents. Senator Walsh suggested the Committee on Committees consider recruiting faculty who have not been previously involved in the Senate when making appointments for Senate and committee vacancies.

Senator D. Davis requested and Chair Hogle agreed that the election vote tallies be made available. Senators D. Davis noted that there is no authorization in the Bylaws for the new procedure to fill the Senator-at-Large vacancies, and he believes the seats should remain vacant and thereby reduce the size of the Senate to increase interest and competitiveness.

Senator Witte stated her beliefs that this lowest point in Senate vacancies represents voter apathy and that genuinely interested and experienced members are needed in the Senate and on the committees.

Senator Medine echoed Senator D. Davis about the inadvisability of the Committee on Committees nominating faculty members to fill the Senator-at-Large vacancies given the absence of any such provision in the Bylaws.

5. **APPROVAL OF THE MINUTES OF MARCH 5, 2001.**

The minutes of March 5, 2001 were approved as distributed.

6. **DISCUSSION AND ACTION ON POLICY ON SCHOLARLY AND RESEARCH INTEGRITY (attachment)**

Research Policy Committee Chair Hurt recommended discussion but no action be taken on the policy today. He explained the process and the extensive amount of input that has gone into developing this policy to date. The RPC examined other universities' policies, consulted with Professor Spece and the UA General Counsel, brought the draft before the Senate Executive Committee twice, forwarded the draft with a request for input to the Vice President for Research, the Provost, and the Research Integrity Officer, and posted several versions of the draft on the faculty governance website for general faculty input. The policy is before the Senate today for still more input. Senator Spece offered printed suggestions for modification of wording and language (attachment). Senator Witte expressed that she has serious philosophical questions with this draft of the new policy and questioned why the current policy isn't adequate. She believes the policy should protect the faculty and that the federal regulation requiring a research integrity officer doesn't have to usurp the faculty's power in a faculty procedure. Senator Spece explained that a new policy is needed because of recent and upcoming changes in federal regulations that are not addressed by our current policy. Senator Davis inquired and Senator Spece explained that the rights of researchers include the First Amendment right of freedom of speech including academic freedom and the Fourteenth Amendment right of due process. Senator Walsh suggested that, since Senator Spece's recommendations and rationales are so clearly stated and if the Senate is comfortable with them, Senator Hurt should simply take them back to the RPC for consideration. Senator Spece summarized several other changes, including "clear and convincing proof" standards for sanctions involving fines, suspensions, or dismissals; avoiding a conflict of interest by having the President select the Research Integrity Officer instead of the Vice President for Research; a presumption that research can continue, barring imminent threats of serious harm; tape-recording oral reports; and eliminating anonymous allegations. Senator Hogle moved [Motion 2000/01-39] to postpone further discussion and recess for the Executive Session while a quorum still exists. Motion was seconded and passed. Senator Hurt asked the Senators to submit written changes to him at cdh@u.arizona.edu for the RPC's consideration and further discussion.

7. **RECESS**

The Senate meeting recessed at 4:10 to go into Executive Session.

DISCUSSION AND POSSIBLE ACTION ON POLICY ON SECONDED MOTION TO ENDORSE PROPOSED RESOLUTION BY SENATOR JOHN WARNOCK (attachment)

Vice Chair Hancock read a seconded motion [Motion 2000/01-40] to endorse a resolution proposed by Senator Warnock to recognize and express the Senate's gratitude for the academic and athletic achievements of Coach Dick Tomey. Senator Gruener offered an amendment to the motion, [Motion 2000/01-41] recognizing and thanking every faculty and staff member who has completed service at the University and has served in the best interests of the University by reading their names during the Faculty Senate meeting nearest the time of these individuals' separation from the University. Motion was seconded. Senator Walsh spoke for the original motion, acknowledging that the pressures on faculty members associated with University sporting events are far different than the pressures on rank and file faculty, and that some recognition is appropriate for those individuals who resist those pressures. Senator Mitchell spoke against the amendment because he does not believe there is any reason to insult Coach Tomey. Senator Medine spoke against the resolution, citing the blurring focus of a student-centered research university which is overlooking and undermining the faculty's efforts in teaching and research, the two facets which are and should be central to the primary mission of the University. Repeated publicity about the abuse and misuse of varsity athletics in the University continues to show little or no connection to education. He cautioned against elevating athletic personnel above the faculty. Senator Witte spoke in favor of the amendment and against the motion, noting that all faculty are faced with pressures and deserve acknowledgment. Senator Spece spoke against the amendment and added that he believes Coach Tomey is a confident individual who doesn't need the Senate's gratitude. Senator Hogle read a statement from Senator Warnock expressing his belief that faculty should treat student athletes as students first and should recognize actions that speak to academic values such as Tomey's achievement of the highest graduation rate in the PAC-10. Senator Hogle agreed with Senator Warnock's statement and spoke in favor of the resolution. Senator Silverman said that the graduate rate of other athletic teams concerns him more and that he would like to have a report from Intercollegiate Athletics. He spoke against the motion because many faculty members have equal or greater influence on graduation rates and because of the problematic precedent of recognizing a football coach above other faculty. Senator Warburton spoke against the motion to recognize an individual, comparing the student artist to the student athlete and citing all of the people involved in these students' advancement and accomplishments. Senator Witte cited the women's teams' good graduation rates and the disadvantaged students who have no coaches to work with them. She moved [Motion 2000/01-42] to table this item and all related ones indefinitely. Motion was seconded and passed with one opposed.

9. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:30 p.m.

Wanda H. Howell, Secretary

Appendix*

1. "Late Material: Amendment to Faculty Senate Agenda"
2. Open session statement by Senator William Bickel
3. Chair of the Faculty's Report, April 2, 2001
4. Press Release from Committee on Elections, March 14, 2001
5. Memorandum re: Second Faculty Election to All Members of the General Faculty, March 14, 2001
6. Memorandum re: Revision of the Scholarly and Scientific Integrity Policy and March 16, 2001 draft
7. Professor Spece's suggested modifications to the Scholarly and Scientific Integrity Policy
8. Proposed resolution from Senator John Warnock
9. Amendment to the Warnock Resolution

*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 April 2, 2001

- 2000/01-39 Motion to postpone discussion of the Scholarly and Research Integrity Policy. Motion carried.
- 2000/01-40 Motion to endorse Senator Warnock's proposal to recognize and thank departed Coach Dick Tomey for his academic and athletic achievements.
- 2000/01-41 Motion to endorse Senator Gruener's amendment to Senator Warnock's proposal to recognize and thank all departing faculty and staff for their service to the University by reading their names during the Faculty Senate meeting nearest the time of these individuals' separation from the University.
- 2000/01-42 Motion to table motions 2000/01-40 and 2000/01-41 indefinitely. Motion carried.

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