

MINUTES  
FACULTY SENATE  
THE UNIVERSITY OF ARIZONA®  
September 8, 2003

CORRECTED

1. **CALL TO ORDER**

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

Present: Senators Benedict, Bixby, Bui, Burd, Chandler, Christenson, Conway, Cusanovich, Erickson, Garrett, Green, Hancock, Hildebrand, Howell, Impey, Jenkins, Joens, Jones, Kiefer, Larson, Likins, Miesfeld, Mitchell, Radebaugh, Rainer, Silverman, Songer, Strittmatter, Swanson, Tatman, Tomanek, Vierling, Warburton, Willerton, S. Wright, Wysocki, Zizza, and Zwolinski. Robert Sankey served as Parliamentarian.

Absent: Senators Bales, Borden, Dahlgran, D. Davis, G. Davis, Diaz, Esparza, Gruener, Lynch, Pintozzi, Pitt, Powell, Schlager, Spece, Timmermann, Weinand, and Witte.

2. **OPEN SESSION**

(Please note that speakers at the Open Session are expressing their personal opinion, which may not reflect the position of the Faculty Senate. Written statements submitted during Open Session are available in full at the Faculty Center.)

**Senator Pat Willerton** – Senator Willerton of the College of Social and Behavioral Sciences expressed concern about an inherent dilemma in the changes to the annual merit review process as it relates to the promotion and tenure process for tenure-track junior faculty.

**Dr. Jerry Hogle** – Dr. Hogle spoke in his role as the UA Coordinator of the Arizona Board of Regents (ABOR) Learner-Centered Education Grants, which were created in 2000 to provide support for innovations that involve students in active learning. A total of \$500K is again available this year from Proposition 301. The deadline for the Requests for Proposals is September 22<sup>nd</sup>, and the form is available on the ABOR website: [www.abor.asu.edu](http://www.abor.asu.edu) under “For Faculty.”

**REPORTS**

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

President Benedict introduced the ASUA senators, Kim Bui, Nick Green, and Melanie Rainer. ASUA’s first concern will be grade notification before the drop deadline.

3B. **GPSC President Jani Radebaugh**

President Radebaugh reported that almost all GPSC slots are filled. Graduate students are concerned mostly about admission and retention of graduate students, particularly following the tuition increase, although the current numbers of students appear to be about equal to last year. Other GPSC concerns include: helping international students overcome visa problems, protecting all graduate assistants from the tuition increase, obtaining financial aid for needy graduate students, and improving advisor-student relationships, which may be a reason for high attrition rates.

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

Vice Chair Howell welcomed the new student senators and noted that the Student Affairs Policy Committee (SAPC) and the Academic Personnel Policy Committee both still need one more faculty Senator, and the SAPC and the Research Policy Committee both still need one more general faculty member.

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

Secretary Mitchell reported that the Committee on UHAP, Constitution and Bylaws Changes has met and approved another series of changes to the Faculty Constitution and Bylaws, which will come to the Senate in October. The Senate Executive Committee and the Faculty Center staff are working on a model for reporting to the Senate about what happens after a policy is approved in the Senate. President Likins has approved the changes to the Honorary Degrees Policy that the Senate passed last Spring.

3E. **Chair of the Faculty Jory Hancock**

Chair Hancock reported that, under Vice Chair Howell’s assertive leadership during the past year, the Arizona Faculties Council is playing a greater role in ABOR meetings and is taking on more relevant topics. This is a significant change and he believes that the AFC may begin being included on important ABOR conference calls and in executive and brainstorming sessions. For faculty

grievance cases, the AFC discussed whether there are any precedents in Arizona for the “clear and convincing” standard of proof, rather than the preponderance of the evidence. Since no one has been able to find a precedent, the standard passed by the Senate last April 2003 is higher than the state of Arizona’s standard. If a case from the University were to go into the courts, the lower standard would be observed. ABOR conceptually considered UA South’s request for curricular autonomy. UA has recommended that UA South course proposals be reviewed by an affiliate faculty group from UA Main that includes a member of ICPC and the Senate, with additional faculty specific to the discipline of the course proposal. Chair Hancock reported that he has appointed Julie Erickson to serve on the University Compensation Advisory Team, as well as on an advocacy group of faculty he is assembling to help with the legislature. He invited Senators who are interested in advocacy to contact him. It appears that only two of the focused excellence proposals, elimination of the Humanities Program and of the School of Planning will require review by a Senate advisory committee. A SPBAC subcommittee is addressing the governor’s request for a UA 2006-2010 strategic plan with more details, more measures, and more anecdotal data. He asked the Senate to recognize the value of and celebrate the achievement of the NASA Mars Lander grant.

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

Official observer Rochlin asked President Likins to comment on the two newly appointed Regents. President Likins said that his principal liaison to the Regents, Edie Auslander, knows both of them and says they are both well-prepared and deeply involved in higher education in Arizona and elsewhere. Lorraine Frank has previously served on the Board of Trustees for Vassar College and Ernie Calderon is a graduate of NAU and UA’s Law School and was president of the State Bar of Arizona.

**5. SPECIAL REPORT FROM THE PRESIDENT OF THE UNIVERSITY ON ADMINISTRATIVE REORGANIZATION**

President Likins explained his decision to raise central administrators’ salaries, his decision to restructure top administration, and the timing of those decisions. He explained that because the press reported the salary increases and the administrative restructuring in opposite sequence, some faculty may have coupled those actions in their minds. In fact, these two issues are separate. The salary increases were a result of ABOR intervention and would have been made even without the restructuring. Historically, ABOR has only made decisions about salaries for the chief executive officers, for individuals with multi-year contracts such as coaches, or for a change in title or a creation of a new position. During the past year, however, the Board became concerned about some ASU administrative salary increases reported in the newspaper and so it created an oversight committee for assessment and compensation. That committee requested a report from all three presidents on administrators’ salaries and has been studying when the Board ought to exercise its authority with regard to such salaries. For this year, it decided to limit its reach to the vice-presidents and others reporting directly to the President, although for next year, it may extend to the deans. The data from NAU, ASU, and UA were shared and compared with 29 peer institutions, and UA’s executive salaries were found to be below the 90<sup>th</sup> percentile of peers, and well below ASU’s administrative salaries, which are above the 110<sup>th</sup> percentile. The Regents requested that UA bring its administrative salaries to within the 90<sup>th</sup> to 110<sup>th</sup> percentile, which resulted in the 6.9% increase for top level administrators. The data also showed that faculty salaries between ASU and UA are roughly comparable within the system, although both are severely under-compensated when compared with peer institutions. The University Compensation Advisory Team (UCAT) has recommended setting aside some money through reallocation from the All Funds Budget process for annual salary increases. For this year, a total of \$4M has been set aside with several designations: \$2.6M for UCAT to recommend distribution, \$250K for equity cases, \$550K to the Provost for retention cases as they arise, and \$500K to increase the base for nursing faculty salaries to augment the faculty to meet the requirements of Senate Bill 1260 which requires the College of Nursing to double its number of graduates in the next five years. President Likins noted that, because of the additional contributions to the retirement system, the least well-paid of our staff are receiving a \$17 less per pay period and he would like to see these people protected from this 2.6% pay cut. President Likins’ administrative restructuring eliminated the Vice President for Undergraduate Education while creating a Vice Presidency for Enrollment Management. He made these decisions without shared governance faculty consultation. The restructuring was necessary, he said, to ensure that the focused excellence recruiting and admissions goals of a maximum enrollment of about 40,000, increased diversity, increased quality, and increased retention and graduate rates for the class of 2006 are met. He noted that the restructuring is entirely consistent with SPBAC recommendations and focused excellence emphasis on recruiting a different kind of class for 2006. The President noted that his attention during the past year, and especially during the spring legislative season, was focused on getting legislative approval for funding research facilities, and he was unable to turn his attention to enrollment management issues until the summer. At that point, he felt that waiting to consult with faculty or SPBAC when the academic year resumed could have delayed these decisions by at least a year and he did not believe he could wait that long. In consultation with the Provost, he created a new vice-presidency for enrollment management, and eliminated the vice-president for undergraduate education. Dr. Patti Ota has managed this kind of activity in a private university and so President Likins asked her to become the Vice-President for Enrollment Management, and he recruited Edie Auslander to be his Vice President and Senior Associate to the President and liaison to the Regents, and to oversee and advance the University-wide diversity agenda. He did not conduct an open search through Human Resources for this position because Ms. Auslander is a former Regent who is uniquely qualified with strong ties to the Hispanic community.

**6. QUESTION AND ANSWER PERIOD FOR AGENDA ITEM 5**

Senator Willerton is troubled that the University’s mid-level personnel have paid too great a price for the budget cuts and executive salary increases because the burden-sharing has simply not been equal. President Likins agreed the burden-sharing is not equal, and that universities are peculiar in that a small percentage of the workforce, the faculty, are protected by tenure, but his responsibility is to protect and advance the interests of the institution, and in the past three years, this has meant reduced jobs.

Senator Silverman observed that democracy takes time and is troubled by the President's decision not to follow shared governance procedures and consult widely about these recent actions. He hopes this will not set a precedent for the President to circumvent or supercede shared governance for his remaining three years because the process takes time. President Likins said that, although the University is not a democracy, he needs to reaffirm his commitment to the principles of shared governance. He reiterated that the shared governance principles state that he has an obligation to consult in advance of decision-making, to decide, and to explain. Since he chose not to consult about this summer's administrative restructuring, some may view this as stretching the limits of shared governance, but he believes that he was making personnel appointments to put people in place to implement the policies that have been discussed in the last twelve months.

Senator Cusanovich asked whether an appropriate Senate committee might be charged with drawing up recommendations and a timeframe for elevating academic qualifications for new students applying to this University. President Likins responded that the Senate may wish to create such an advisory committee because the Regents have agreed to permit the University to make its own decisions about the second quartile of students beginning with the class entering in the fall of 2006. Deciding to admit only the first quartile is not sufficient to balance academic expectations against financial reality. President Likins would welcome advice or a process from the Senate that will simultaneously increase graduation rates and maintain diversity.

Senator Burd expressed disappointment that no faculty input was requested for the reorganization. She said the decision to eliminate the Vice-President for Undergraduate Education has resulted in chaos and uncertainty all over campus. She recommended that now would be an appropriate time to seek faculty input. Provost Davis is currently drawing up models for how to redistribute the responsibilities that Libbie Ervin and Randy Richardson previously handled.

Senator Hildebrand asked about the timeframe for becoming a Hispanic Serving Institution (HSI) and how this might correlate with elevating academic requirements for admission. President Likins said the recommendation for becoming an HSI within ten years was one of 80+ recommendations in the Diversity Action Plan which the University adopted last Fall. The federal definition of an HSI is 25% Hispanic enrollment, of which 50% must be of low income. The press reported the President's announcement of retiring in three years and the HSI goal as linked stories. He said to become an HSI in three years is impossible, and at the current rate of Hispanic enrollment growth of 3.3% per year, it would take twenty-four years to become an HSI. He believes the ten-year plan is an ambitious and appropriate escalation and not inconsistent with elevating standards. He hopes to tap into a Texas-based leadership institute, which identifies, trains and follows Hispanic high school freshman youth through eight years of high school and college with astonishing graduation rates. This institute enables universities to identify talented young people for admission, but they may not be sufficiently low income because there does exist a correlation between economic status and preparation for college.

Senator Jones applauds the \$2.6M set aside for employee salary increases this year and asked if there is a time frame for this issue to come to UCAT. President Likins said George Davis and Saunie Taylor are the co-chairs of UCAT and the issues they are considering include whether to award increases in July, October, or January, the many different ways in which money can be awarded, such as classified staff receiving increases now, while faculty receive increases in January, whether to award across-the-board percentages or merit-based increases, and whether to restructure pay-grades, lifting the bottom levels.

President Likins said the Regents continue to support the changing directions that will allow the three universities to exercise greater control over admissions and tuition. In view of the state's exploding population and demographic pressure, the regents requested growth plans from each of the presidents. ASU is prepared to grow to 90K by 2010, while UA will only grow to 40K with additional growth demands handled by NAU and the community colleges.

**7. APPROVAL OF THE MINUTES OF MAY 5, 2003**

The minutes of May 5, 2003 were approved.

**8. FIRST READING, DRAFT 2: INTERIM POLICY ON THREATENING BEHAVIOR (attachment)**

Senator Jenkins reviewed the background for this policy, which began as a response to the College of Nursing murders. Referring to the "talking points" generated by the Senate Executive Committee, she led the Senate in a continued discussion on a new version, "Draft 2: Interim Policy on Threatening Behavior." In cases where a faculty member is uncertain about the degree of threat, the Senate Executive committee would like to see a cover letter sent to all faculty when the policy is implemented, identifying a range of responders who could clarify appropriate responses. The Senate Executive committee also noted that there is still no clear mechanism for faculty to receive information about a student's potential for acting on threatening behavior, nor whether that student has prior instances, and was not in full agreement about what constitutes a reasonable need to know in view of student confidentiality. With respect to expulsion in the disciplinary process, Senator Jenkins noted that, after discussion with Saunie Taylor about a specific confidential case in which latitude was appropriate, she is comfortable with the wording, "may" be expelled, instead of "shall." The Senate Executive Committee requested clarification about whether expulsion may occur after two documented instances or three. The Senate Executive Committee also recommended a core group of no fewer than four members for a Student Behavior Assessment Committee, including a member of the Student Affairs Policy Committee, and clarified that students may be expelled for first offenses depending on the severity and risk of the behavior. Senators' questions and comments included: 1) Policy language throughout describes that the person who is the object of the threat may not directly observe or receive the threat, yet the policy requires that person to complete the Student Code of Conduct Complaint form. The language should be changed to, "the person observing the threatening behavior by a student." 2) How is this policy related to the Student Code of Conduct? S. Taylor responded that this policy is a road map of how to use the Code of Conduct, which

stands alone as an ABOR policy. 3) Two suspensions are quite serious and should be enough for expulsion. What is a real world example of two suspensions yet the student is still retained? V. Kowalski responded that in a recent case where a student was suspended, the appeal committee concluded that what was perceived as threatening behavior was found not to be threatening, because of how it was reported. She added that expulsion for a first offense can be imposed, depending on the severity and risk to the community. 4) The language, “. . . any student who has received two documented suspensions . . . may be expelled . . .” may have unintended consequences that suggest two suspensions are required for expulsion. The word “two” should be removed from the policy, so that it reads, “If a student has received documented suspensions for threatening behavior, that student may be expelled from the University.” 5) Because there is such a tiny percentage of students with aberrant behavior, an actual mechanism to inform faculty members about prior instances is necessary, even at the risk of being prejudicial. 6) What is the timeline for activating a student behavior assessment committee? V. Kowalski responded that this is a crisis team and that for imminent danger, the response would be immediate. 7) Where is the Student Code of Conduct Complaint Form, does “send” mean electronically or by campus mail, and is there a specific individual to whom the complaint form should be sent, rather than just “Dean of Students Office?” 8) To eliminate any doubt about the legitimacy of communicating with faculty if there is any reason to think they may be in harm’s way, the phrase, “faculty members or” should be inserted into the policy under “Disciplinary Process,” so that it reads, “Such records are subject to the Family Educational Rights and Privacy Act and may be shared with **faculty members or** other University officials. . . .” 9) A student from ASUA or GPSC should be seated on the Student Behavior Assessment Committee. V. Kowalski noted that this committee is composed of individuals with expertise dealing with another student’s confidentiality, so a student member would be inappropriate. Student representatives are, however, seated on a Crisis Team with a broader scope that that meets for particular crises. 10) The last sentence of the second paragraph of the Disciplinary Process may not even be needed, because receiving a suspension and expulsion may be double punishment. The policy could simply read that there is a range of various sanctions that include suspension and expulsion. Additional comments may be directed to Vice President Taylor or Senator Jenkins.

9. **INFORMATION ITEM: EMPLOYEE EMAIL POLICY (attachment) – MARCIA CHATALAS**

Marcia Chatalas presented the Information Technology Policy Group’s recommendation for an Employee Email Policy that would require all employees be given official University email accounts to enable timely campus-wide distribution of official business, important information, and announcements. This will permit the President’s Office to provide a quick and direct way to communicate with everyone on campus as the need arises. Senators’ questions and comments included: 1) What constitutes a mass mailing within a unit? If a person is not a dean or department head, can that individual send a message to all of one’s colleagues within a unit? M. Chatalas responded that this policy does not authorize such actions, but these could occur if one’s department or college listserv is set up to allow for that.

1 **INFORMATION ITEM: SPBAC REPORT (attachment) – SPBAC CHAIR JERRY HOGLE.**

The Senate received the Strategic Planning and Budget Committee (SPBAC) Annual Report for 2002-03 report from SPBAC Chair Jerry Hogle. The report details the changes to the current Strategic Plan as it was expanded from last September. This plan has now been accepted by ABOR. The report also discusses the \$45M in budget reductions over 2001-2003 and SPBAC’s consistent involvement in consulting and advising the President, Provost, and Cabinet through these challenges, in a true shared governance process. The report further describes the “All Funds” budget for 2003-04, which is the annual allocation of marginal new dollars and which is still being finalized (Appendix “F”), but at least some of this money will be set aside centrally to systematically deal with faculty and staff salary increases based on UCAT recommendations. The Provost will present a report on the All Funds Budget at the next Senate meeting. The report describes SPBAC’s role to date in the Focused Excellence approach to planning and budgeting, and its emerging role in discussions about altering admissions processes to increase excellence of the student body. Dr. Hogle acknowledged the assistance and support of Ed Frisch and staff in the Provost’s office, the office of Institutional Planning, Analysis and Support Services (IPASS), and the Office of Decisions and Planning Support (DAPS). Dr. Hogle directed the Senate’s attention to pages 8-9 of the report, which describes SPBAC’s role and responses to programmatic and enrollment management elements of Focused Excellence and notes that SPBAC was neither consulted nor informed in advance about the recent central administrative restructuring. Senators’ questions or comments may be directed to Dr. Hogle.

11. **APPROVAL OF CONSENT AGENDA ITEM FORWARDED AS A SECONDED MOTION FROM THE INSTRUCTION AND CURRICULUM POLICY COMMITTEE**

Parliamentarian Sankey explained to the Senate that the purpose of a consent agenda is to expedite voting without debate on individual or multiple items that are considered to be simple and straightforward, non-controversial, and have been previously approved by a Senate committee as well as the Senate Executive Committee, which sets the agenda. A consent agenda item is never an effort to push something through the Senate without discussion, so any single member of the Senate can request that an item be removed from the consent agenda, where it can be debated fully.

This item has been withdrawn.

12. **ACADEMIC PERSONNEL POLICY COMMITTEE (attachment)**

The consent agenda item detailed at the end of these minutes was approved [Motion 2003/04-9].

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:54 p.m.

Robert L. Mitchell, Secretary

**Appendix\***

1. September 8, 2003 Secretary of the Faculty's report.
2. Discussion Points on Interim Policy on Threatening Behavior and (Draft 2 Revision #3) Interim Policy on Threatening Behavior.
3. August 8, 2003 memo and Employee Email Policy from Marcia Chatalas.
4. August 28, 2003 Annual Report to the Senate for 2002-03 from Jerry Hogle, Chair of the Strategic Planning and Budget Advisory Committee.
5. Consent Agenda item forwarded from the Academic Personnel Policy Committee: July 16, 2003 memo and background information requesting Faculty Senate review of Official University Retirement Status Policy from Allison Vaillancourt.
6. 2003-2004 Faculty Senate Roster.
7. 2003-2004 Faculty Senate Schedule.

\*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 September 8, 2003**

**Motion 2003/04-9** Seconded Motion from the Academic Personnel Policy Committee to approve the proposed revisions to University Handbook on Appointed Personnel's "Retirement Status" section 2.14 regarding eligibility criteria for the Senate's review and comment. The proposed changes reduce the age requirement for retirement age from 62 to 50 and modify the existing requirement of five years continuous employment at an institution to be five years within the state university system. Motion passed.

FACULTY CENTER  
1400 E. Mabel  
PO BOX 210473