

**MINUTES
FACULTY SENATE
February 3, 2014**

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1. CALL TO ORDER

The meeting was called to order by Vice Chair of the Faculty Robert Mitchell at 3:03 p.m. in the College of Law, Room 164.

Present: Senators Abraham, Aleamoni, Armstrong, Ayoun, Brewer, Cervelli, Colina, Comrie, Conway, Dahlgran, Dai, Daryaei, Duran, Fountain, Guertin, Hildebrand, Howell, Johnson, Labate, Lee, Martin, McCammon, McKean, Mitchell, Moreno, Nadel, Pau, Reed, Secomb, Silverman, Smith, Spece, Ulreich, Vaillancourt, Visscher, Watchman, and M. Witte. M. Polakowski substituted for P. Willerton.

Absent: Senators Ashton, Blanche, Brooks, R. Brown, Camenisch, Castro, Cuello, Douglas, Franklin, Fregosi, Ganapol, Gehrels, Hamilton, Hart, Higgins, Jones, Joseph, Lysecky, Mazzella, Nfonsam, Reynolds, Rychlik, Sokoloff, St. John, Tabor, R. Witte, Zedeno and Zwinger.

2. OPEN SESSION

There were no speakers for Open Session.

Presiding Officer Mitchell announced that agenda item #6, an information item on the Interim Policy on Interactions with Non-Enrolled Minors, was canceled due to a request by the Office of the General Counsel.

3. REPORTS

3A. ASUA President Morgan Abraham

Abraham reported that ASUA is progressing on its restructuring of the student Senate. Key constituents have provided positive feedback on the changes that ASUA would like to implement in its Senate structure. Election packets for the student elections are due today and elections will be held March 11 and 12, 2014. The tuition freeze proposal implemented by Governor Brewer is generating a push from students and a resolution is expected at the next ASUA Senate meeting. ASUA is in the process of creating an infrastructure for lobbying legislators due to a weakening stance of the Arizona Students' Association. ASUA will be meeting with legislators to lobby for the tuition freeze and financial aid issues. The State of the Student Address will be held on April 30, 2014. ASUA is working on more signage for gender-neutral bathrooms and is in the process of creating a diversity coalition.

3B. GPSC President Zachary Brooks

Senator I. Daryaei reported that he will be reporting for President Brooks for the remainder of the semester due to a class conflict for President Brooks. On Wednesday, February 5, 2014, Brooks will report on the findings on two GPSC surveys to the ABOR Academic Affairs Committee and on Friday, February 7, 2014, Brooks and two GPSC representatives will attend the Tri-University Student Health Insurance Advisory Committee to recommend a 31-41% increase in healthcare insurance benefits for graduate students. Next week, GPSC will meet with President Hart and Provost Comrie to talk about graduate student tuition proposals, and GPSC will be meeting the final candidates for the Chief of Police position. GPSC's election packet will be available later in February. GPSC will participate in the National Association of Graduate and Professional Students' campaign to alert Congress to the growing problem with graduate student debt. GPSC is working with Dan Lee from the library on open access and has organized two presentations in the Department of Chemistry and Biochemistry on April 3, 2014 from 4:00-5:00 p.m. and May 1, 2014 from 12:30-1:30 p.m.

3C. Faculty Officers' Report

Mitchell reminded Senators that the deadline for petition submission for the upcoming Primary Election is February 7, 2014 at 5:00 p.m.

3D. Provost Andrew Comrie

Provost Comrie thanked everyone who made Independent Consultant Candace Corvey's visit the previous week a success. Last Friday, a forum on iSchools (Schools of Information) was well-attended in the Kiva Room. Discussions have begun on brainstorming new configurations for the College of Humanities and College of Social and Behavioral Sciences. A number of independent discussions have resulted over the last year, and two meetings have already been scheduled with the heads and directors groups of both colleges. Members of both colleges will receive email notifications inviting everyone to an upcoming workshop facilitated by Vice President for Human Resources Allison Vaillancourt and Chair of SPBAC Lynn Nadel.

3E. President Ann Weaver Hart

President Hart was absent.

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

1) Senator Fountain asked Comrie about the reason behind a possible merger between the Colleges of Humanities (COH) and Social and Behavioral Sciences (SBS). Comrie responded that talk about possible collaboration between both colleges has existed off and on for the better part of ten years, and questions arose recently amongst members of both colleges. An open discussion has been established to explore the possibility of available opportunities. 2) Senator Duran asked if only the college structure of Humanities and SBS would be affected or if a restructure of the Colleges of Letters, Arts and Science (CLAS) was part of the possible collaboration. Comrie responded that CLAS would be affected, but was not going to be the primary focus of the collaboration. Finding the right combination of future configurations is the main focus of the collaboration. 3) Senator Howell said the conversation will probably expand University-wide so all colleges and departments can work better together to accomplish greater goals. Comrie added that other colleges currently are looking to restructure in order to become more efficient.

5. **APPROVAL OF THE MINUTES OF JANUARY 27, 2014**

The minutes of January 27, 2014 were approved with three corrections and two abstentions.

6. **DISCUSSION AND ACTION ITEM: GRIEVANCE POLICY REVISIONS – ROBERT MITCHELL, VICE CHAIR OF THE FACULTY AND PAT HOYER, FORMER CHAIR OF CAFT**

Mitchell introduced Pat Hoyer, former Chair of CAFT to talk about the Grievance Policy Revisions [**Motion 2013/14-9**], the policy is detailed at the end of these minutes. Hoyer stated that CAFT does not make decisions in any case, but rather makes recommendations on hearings which are then forwarded to the President. The President makes the final decision based on the recommendation from the CAFT hearing. CAFT hearings employ a court reporter to facilitate a transcript of the hearing. Costs associated with hearings can be high, and the proposed revisions employ gatekeeping steps in an effort to limit the number of grievances heard by CAFT. Hoyer showed data on past CAFT hearing decisions, and how findings for the grievant and respondent were distributed between CAFT and the President. From years 1987 to 2002, a majority of the findings were for the grievant, whereas from 2003-2013, the majority of findings were for the respondent. Generally, both CAFT and the President are in agreement about the outcome of a hearing, but not always. One speculation that the decisions are changing is that units are paying better attention to its procedures pertaining to promotion and tenure and the dismissal processes. The Grievance Clearinghouse Committee (GCC) is made up of the chairs of the UA's grievance committees; CAFT (plus the vice chair as a non-voting member), Committee on Conciliation, University Committee on Ethics and Commitment, the Director of the Office of Institutional Equity and a faculty representative elected by the Faculty Senate at its May meeting. The GCC reviews all incoming grievances other than denial of tenure or dismissals, or grievances that do not involve potential discrepancies with Arizona Board of Regents policy. Grievances of this nature are designated to go directly to CAFT for a hearing under ABOR Policy 6-201(N). The revisions to the Faculty Grievance Policy specify the implementation of a preliminary review of certain kinds of grievances by the CAFT committee members to determine whether individual grievances fall under CAFT's purview. A benefit would be that not only six members of the GCC but also twelve faculty members of CAFT would review the grievance. This would focus the maximum amount of faculty attention on the case and allow for the broadest possible input on whether individual grievances fell within the CAFT guidelines for a full hearing.

Questions and comments included: 1) Senator Witte said that the reason she had specifically asked for CAFT hearing data previously was to see if a trend in hearings has increased. The data clearly shows that CAFT hearing activity has remained somewhat constant over the time shown. Witte said that the Grievance Policy revisions show more influence from the Office of General Counsel with committee consultation and recommendations of outside counsel. 2) Senator Spece asked who is responsible for drafting the revisions. Hoyer responded that several former CAFT chairs and Vice President for Human Resources, Allison Vaillancourt, assisted with the revisions. Spece said the data does not show any significant increase. Secondly, the number of hearings per year is minimal. The revisions appear to be creating more hurdles to make it more difficult to grant a grievant a hearing. 3) Presiding Officer Mitchell asked if someone would speak to the Senate about the time involved on the part of the participants for CAFT cases. Faculty Center support staff responded that most cases require weeks of work on the part of everyone involved. 4) Senator Silverman asked Mitchell if he was for or against the policy revisions. 5) Witte said that the vice chair should not be speaking in favor or against items brought before Senate. 6) Silverman said that the data doesn't show that there is a need to decrease the amount of hearings at the University. Granted, hearings are time consuming, and added resources may be needed for the Faculty Center to support CAFT, but this is not the issue brought before Senate. 7) Hoyer said that President Likins established the requirement for a transcription of each hearing by a court reporter. Hoyer asked Faculty Center support staff about the cost for transcription services for each hearing, and the reply was \$2500 to \$8000 per hearing. 8) Senator Nadel said the statistic that appears to be driving the policy revisions is the significant change of the findings in favor of grievant to respondent. A reasonable explanation could be the change in the nature of the cases, and this change costs the University time, money and credibility. Nadel said that he trusts his colleagues and previous chairs on CAFT, and the impression is that some cases should not have risen to the level of CAFT. The Grievance Policy revisions suggest a triage to review and analyze cases brought forward to CAFT in an effort to conserve resources. 9) Senator Colina asked if the current chair of CAFT had worked on the revisions. Hoyer said no. Colina said the nature of CAFT is to look at discrimination or violation of due process, and many grievants may view CAFT as an avenue to air grievances of a different nature. 10) Senator McCammon said she has served on CAFT cases where CAFT found for the grievant but the University's findings differed. Because CAFT is restricted to looking at due process matters for certain kinds of cases, other avenues such as the Committee on Conciliation or Ombuds could better serve a grievant whose issues are not procedural in nature. Faculty rights should have priority instead of monetary issues. 11) Senator Ulreich asked if there was a committee where a faculty member could grieve unfair treatment. Hoyer responded that the Committee on Conciliation usually hears matters of that nature. 12) Senator Martin asked if a grievant submits all documentation to be considered prior to a hearing. Hoyer responded that usually additional documentation is submitted once a grievant is granted a formal hearing. 13) Witte said that the Office of General Counsel began to have undue influence on CAFT hearings by picking the attorney to advise the CAFT panel. A procedure should be changed based on evidence and not on a lack of evidence. 14) Hoyer said that the Office of General Counsel does not involve itself in a CAFT hearing unless the grievant hires an attorney for representation. At that point, an outside attorney advises the CAFT panel, and a member of the Office of the General Counsel represents

the University. 15) Senator Spece said that CAFT has authority to hear cases other than those involving procedural issues. A special subcommittee of CAFT was formed to define Academic Freedom and Tenure and the definition was approved by the Faculty Senate. CAFT decides issues of infringement of academic freedom and tenure. 16) Senator McKean said that the faculty grievance revisions are not changing the CAFT hearing process, but offering other alternatives before requesting a CAFT hearing. 17) Senator Silverman said the major issue is that the Grievance Clearinghouse Committee can stop a grievance from being forwarded to CAFT. 18) Mitchell asked for clarification if the Grievance Clearinghouse Committee can stop any case from proceeding to CAFT. Faculty Center staff confirmed that any dismissal or tenure denial case always goes to CAFT, but any other case that is filed with the Faculty Center is always reviewed by the Grievance Clearinghouse Committee. Hoyer said many faculty demand that they receive a CAFT hearing. 20) Senator Ayoun asked if an informal, preliminary meeting between the grievant and the chair of CAFT is scheduled to determine the validity of the grievance. Hoyer answered that in her experience, it is never solely the decision of the chair of CAFT to determine the validity of a grievance. The chair of CAFT will meet with a grievant prior to a hearing to discuss hearing guidelines, submission of documentation and witness lists. 21) Senator Spece said it is egregious to think that two cases a year heard by CAFT out of thousands of faculty members is too many.

Senator Witte moved to table the motion to approve revisions to the Faculty Grievance Policy [**Motion 2013/14-10**], and is detailed at the end of these minutes. Motion passed with a majority 18-12 vote.

7. **DISCUSSION AND POSSIBLE ACTION ITEM: DRAFT GUIDELINES FOR REORGANIZATIONS AND MERGERS OF ACADEMIC UNITS AT THE UNIVERSITY OF ARIZONA – MICHAEL BREWER, CHAIR APPC AND ROBERT MITCHELL, VICE CHAIR OF THE FACULTY**

Vice Chair Mitchell reintroduced the *Draft Guidelines for Reorganizations and Mergers of Academic Units at the University of Arizona* [**Motion 2013/14-11**], and outlined changes applied to the document stemming from the discussion at the January 27, 2014 Senate meeting.

Questions and comments included: 1) Senator Ulreich suggested grammatical changes in the first line and third bullet point of Definitions, changing “which” to “that.” 2) Senator Nadel moved [**Motion 2013/14-12**] to amend the wording in 6b from “a proposal that has strong opposition from faculty” to “a proposal that does not have majority support in the affected units.” [**Motion 2013/14-12**] is detailed at the end of these minutes. Motion passed unanimously. [**Motion 2013/14-11**] passed unanimously as amended. Senator Ulreich requested a final version of the document for circulation in his college.

8. **INFORMATION ITEM: NON-TENURE TRACK/NON-CONTINUING STATUS TASK FORCE REPORT – MICHAEL BREWER, CHAIR, NON TENURE TRACK/NON-CONTINUING STATUS TASK FORCE**

Brewer explained to Senate that a little over a year ago, Chair of the Faculty Howell employed a Non-tenure Track/Continuing Status Task Force to look at issues surrounding Non-tenure Track/Continuing Status faculty members (NTT faculty) at the UA. The majority of the action items listed would be handled by other groups in a shared governance approach. The Task Force conferred with and obtained solicited feedback from Faculty Senate, Senate Executive Committee, Faculty Officers, Heads Up/Dept Heads, Academic Personnel Policy Committee [APPC], The Council of Academic Business Officers [CABO], Division of Human Resources, Associate Provost for Faculty Affairs, and the Office of Institutional Research and Planning Support. NTT faculty are mission-critical to the UA, contributing in a variety of significant ways to the teaching, research/innovation, and outreach/impact goals of the institution. Goals and expectations for this group of faculty need to be clearly identified and guidelines concerning appointments will vary by unit.

The first action item is to standardize the use and meaning of “adjunct” across campus so that it is used solely as a modifier to describe Non-Tenure Track appointments that are 1) any appointment for less than a fiscal or academic year; 2) fiscal or academic year to year appointments at less than .75 FTE. The new definition should be in place and used on contracts across campus beginning July 1, 2014. The second action item is to standardize the use and meaning of the title modifier “visiting,” so that there is greater clarity and consistency in how it is used across campus. The new definition should be in place and used on contracts beginning July 1, 2014. The third action item is to provide greater clarity at the campus level for how units should approach defining and differentiating between Non-Tenure Track Titles, based on the nature of the assigned work and on the distribution of effort. The Associate Provost for Faculty Affairs will begin working with units to use the broad campus definitions and framework to inform local practice for applying NTT titles. By 2015, all units are expected to have codified their local practice for applying NTT titles and file a description of that practice centrally (with their college and with the office of the Associate Provost for Faculty Affairs or other appropriate unit). Principal Lecturer is a title that is described in ABOR (and is referenced in official UA documents, including the Faculty Constitution) but is not in use at the UA. The Task Force recommends that this title be made available for use by units, as appropriate. Currently, language is added to contracts that waives the rights found in UHAP to notice of nonrenewal or review for employees with appointments of less than six months or for any appointments with “adjunct” in their title. The Task Force recommends that the University curtail the practice of adding language to faculty contracts that waives rights given to them by UHAP (or ABOR). The Task Force recommends that UHAP be modified so that Non-Tenure Track faculty members with the adjunct or visiting modifiers in their title (under the revised definition) are not afforded the same right to notice of non-renewal or to notice of eligibility for review as are other NTT faculty appointments. The Task Force also recommends that units be prompted 100 days prior to the renewal date for each of their Non-Tenure Track faculty appointments (other than those with the adjunct or visiting modifiers in their titles), so that notices of non-renewal may be sent out, if necessary. The Task Force recommends that “renewal date” be clearly defined in UHAP (and/or elsewhere in UA policy, as appropriate), so that it is clear when a 90 day notice of nonrenewal must be received in order to comply with policy. The timing of all of these actions are interrelated and also depend on the implementation of the recommended changes in the use of adjunct and visiting modifiers. As such, they should be put into practice no later than FY2015/16. The Task Force recommends that UHAP be modified to require that all NTT faculty receive reviews (as is current policy), but that reviews with a peer element only be required for NTT faculty without adjunct or visiting modifiers. As a result, units would only be required to provide adjunct and visiting NTT faculty with a supervisory review. As is current policy, the type and extent of the peer element of the review should be at the discretion of each department. Changes should go into effect when the rewrite of UHAP goes into effect, preferably prior to FY 2014/15.

The Task Force recommends establishing a set of required/core elements for annual reviews for NTT faculty; the quality and extent of annual reviews of faculty conducted in a unit should be formally included as a data point in the annual and five-year evaluations of unit heads. As the new processes and competencies for administrative reviews (for both five-year and annual reviews) are developed and then implemented across campus, this data point should be included as part of those reviews. Gather and make available to campus how some units have established criteria, expectations, and processes/career paths for the awarding of multiple year contracts for NTT faculty. Action Item 15: Gather and make available to campus how some units have established career paths that include a move into continuing status for some of their long term NTT faculty. This work should be undertaken by the Associate Provost for Faculty Affairs beginning in FY 2014/15. Information on how units have accomplished the above should be made easily available to other units.

Orientations allow new faculty to better understand campus culture and values, develop a sense of belonging and buy-in, and situate their particular contributions within the broader goals of the University. From a practical perspective, orientations help create a successful transition to the UA, and can make an often-steep learning curve much more manageable. All incoming NTT faculty should have access to an orientation to the institution to help them succeed in the positions they've accepted. Colleges should ensure delivery of orientations to their NTT faculty, but Faculty Affairs should coordinate with colleges, campus HR, and other units to ensure a baseline of information about university policies, procedures and services are communicated to all incoming NTT faculty.

Units and colleges currently provide varying kinds (and amounts) of instructional support for faculty. The Task Force recommends the creation of an Instructional Portal to ensure that all faculty have centralized access to the full range of institutional resources, and that all instructional support units have a venue through which to expose their services directly to teaching faculty. An instructional portal should be in place and available to all faculty, no later than the beginning of FY 2015/16. Instructional forms (e.g., Change of Schedule Form, Report of Incomplete Grade, Code of Academic Integrity, Record of Faculty/Student Conference, TCE request forms); Instructional policies, procedures and guidelines (e.g., FERPA, Grading Policy Manual, UA Undergraduate Course Syllabus Policy, Summary of Course Evaluation Rubric for Tier 1 and Tier 2 General Education Courses, University General Petitions); Instructional resources for course improvement, classroom management, and other resources to maximize teaching and learning effectiveness (e.g., Office of Instruction and Assessment; D2L course site request/support; DRC resources and recommendations for Universal Design; Dean of Students office; Think Tank; University Libraries content & services; UA BookStores' order forms and calendar; TCE calendar, forms and information; etc.); "Where Am I Teaching?" with a link to UITS's classroom information (note: hundreds of requests are made by instructors to change rooms after classes have started. Not only does this present a burden to Room and Course Scheduling, but it also seriously impacts students who may have crafted their schedules with attention to the amount of time needed to travel from one class to another); and providing (or requiring) online training (FERPA, Sexual Harassment, Information Security, etc.) through the portal would also be a possibility.

The Task Force recommends the campus invest in the development of a campus policy portal or other mechanism through which campus (and ABOR) policies could be more easily (and exclusively) browsed or searched. While we have mandatory online modules that cover policy and best practice surrounding things such as preventing sexual harassment; understanding IRB/Human Subjects, FERPA, computer security; or even training required for use of campus vehicles or electric carts, we do not require faculty to be trained (or to elect to opt out of such training) in the policies and bylaws that govern their own employment. Likewise, the new heads' lunches and seminars, while useful for networking and information sharing, are not sufficient for preparing those new to (or returning to) administrative duties on our campus. A mandatory core curriculum (online modules, workshops, assessments, etc.) should be developed for new department heads or other administrators, in order to familiarize them with their responsibilities, campus (and ABOR) policies and bylaws, avenues for support or mentorship, etc. The Task Force recommends that we consider iteratively asking our faculty to validate their understanding of a core set of UA policies, bylaws and campus practices (concerning employment, governance, etc.), much as we do the areas listed above. The Task Force recommends a faculty group be charged with providing support for individual faculty who have questions about policy (or the implementation of policy) that would fall under the purview of faculty governance. Currently, the Academic Personnel Policy Committee's (APPC) primary role is to review policy changes or proposals that would affect faculty and forward appropriate action items to Senate. APPC receives reports and considers and forwards action items to the Faculty Senate relating to promotion and tenure/continuing status (policy and procedures; statistical report on decisions from the previous year, sabbatical and leave of absence policy, performance evaluation policy and procedures and their relationship to salaries, definition of faculty membership and governance). Charging APPC to take on this additional function would not only offer faculty a point of contact for these questions, it would also provide the members of APPC with a better understanding of any nagging issues with or misconceptions about policy among the faculty at large.

The Task Force recommends that The Constitution & Bylaws Committee investigate unifying all faculty under common policies and governance structures, as appropriate, by modifying the definition of "General Faculty" in the Faculty Constitution and bring potential model(s) to the Faculty Senate and APAC for discussion and/or vote. The Constitution & Bylaws Committee should investigate the options and bring their findings to the Senate and APAC for discussion and/or vote within twelve months. One approach would be to include Non-Tenure Track faculty who are not on multiple-year contracts as "Non-Voting Members" of the General Faculty. These non-voting members would have full, elected representation in Faculty Senate (number to be determined) and, if appropriate, could be appointed to serve on Faculty Senate committees. They would not, however, be allowed to hold other elected office or vote on other matters. This change would not directly affect faculty governance decisions or practice at the college or departmental levels.

Questions and comments included: 1) Senator Martin asked if the report and recommendations include Non-continuing track faculty. Brewer replied no. 2) Ulreich asked why a faculty member does not have a reasonable expectation of employment after six months. Brewer explained that forecasting the need for faculty far in advance is difficult. Associate Provost for Faculty Affairs, Tom Miller, explained that the challenge is that what is proposed would reduce the number of people denied rights by limiting the use of the adjunct title. The English Department cannot predict how many faculty they will need in February/March before summer orientation or having access to enrollment targets for first year courses. Ninety-day deadlines prior to August fall in May, which is far in advance of August orientation numbers. 3) Howell acknowledged the hard work that the Task Force, under Brewer's lead, undertook to present such detailed and much needed information. Howell would like Brewer to come back to Senate at the March meeting to review highlights of the report and ask for a Senate vote to move the recommendations and timelines forward.

9. **EXECUTIVE SESSION**

Non-senators were asked to leave so that the candidates for Honorary Degrees could be discussed and voted on.

10. **OLD BUSINESS**

11. **NEW BUSINESS**

12. **ADJOURNMENT**

There being no further business, the meeting adjourned at 5:06 p.m.

Barbara McKean, Secretary of the Faculty
Jane Cherry, Recording Secretary

Appendix*

**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 February 3, 2014

Motion 2013/14-9 Motion to approve the Faculty Grievance Policy revisions. Motion not acted upon.

Motion 2013/14-10 Motion to table the motion to approve revisions to the Faculty Grievance Policy. Motion carried 18-12.

Motion 2013/14-11 Motion to approve *Draft Guidelines for Reorganizations and Mergers of Academic Units at the University of Arizona*. Motion carried as amended.

Motion 2013/14-12 Motion to amend the wording in 6b from “a proposal that has strong opposition from faculty” to “a proposal that does not have majority support in the affected units.” Motion carried.

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