

**MINUTES
FACULTY SENATE
October 2, 2017**

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1. CALL TO ORDER

The meeting was called to order by Vice Chair of the Faculty, Michael Brewer at 3:14 p.m. in the Old Main Silver and Sage Room.

Present: Senators Abraham, Bourget, Brewer, Colina, Comrie, Conway, Cook, Cuillier, Driscoll, Duran, Eden, Field, Fink, Fountain, Frey, Goldberg, Hammer (livestream), Hingle, Hurh, Hymel, Johnson, Labate, Leafgren, Le Hir, Lin, Lubisich, Meixner, Nadel, Neumann, Ohala, Oxnam, Paiewonsky, Provencher, Ray, Richardson, Ritter, Robbins, Russell, Schon, Schwartz, Slepian, Stock, Vaillancourt, M. Witte, and R. Witte.

Absent: Senators Baxter, Bell, Benson, Dahlgran, Dunlap, Ghosh, Hildebrand, Martin, McGarey, Myrdal, Pau, Pietz, Pollard, Romagnolo, Ruggill, Spece, Story, Thiyagarajaperumal, Woolridge, Yeager and Ylimaki.

2. APPROVAL OF THE MINUTES OF AUGUST 28, 2017

The minutes of August 28, 2017 were approved with one correction and two abstentions.

Senator M. Witte called attention to the Appendix, Items 4 and 5, the Addendum by Senior Vice President for Research, Discovery and Innovation (RDI), Dr. Kimberly Espy, and the Committee of Eleven White Paper, *"The Organization, Administration, Allocation of Resources, and Faculty Prerogatives and the University of Arizona."*

3. REPORT FROM THE FACULTY OFFICERS – VICE CHAIR OF THE FACULTY, MICHAEL BREWER, AND SECRETARY OF THE FACULTY, AMY FOUNTAIN

Brewer reported that General Faculty Special Election ended on Tuesday, September 26, 2017, and the three bylaws changes that were voted on passed. The final approval goes to the President, in which he has ninety days to respond. Brewer also mentioned that the Faculty Survey had the highest response rate in history with 509 responses. Fountain reported that Brewer and Nadel attended the most recent ABOR meeting in Flagstaff, Arizona, held September 27-29, 2017. Nadel is currently Chair of the Arizona Faculties Council (AFC), and the AFC is in the process of planning next ABOR breakfast theme. Fountain said that Brewer has been working with UITS to update and manage the dynamic listserv systems for the University, and has successfully isolated four different faculty groups for targeted email announcements. The Intellectual Property (IP) Policy is being revised by ABOR, which will in turn affect the UA's internal policies.

4. REPORT FROM APAC – APAC REPRESENTATIVE SUSANNA EDEN

Brewer announced that once each semester, APAC, GPSC and ASUA will give oral updates to Senate in addition to the written report. We will hear from APAC representative, Susanna Eden. Eden reported that the Appointed Professionals Advisory Council has been working to clarify and inform the UA community about what defines the Appointed Professionals (AP). AP's are University personnel who are on year-to-year contracts, and are neither faculty nor classified staff. There are approximately 3800 AP's, as opposed to 3100 General Faculty. Many AP's have unique job titles and duties, and include Cooperative Extension Personnel, clinicians, researchers, advisors, analysts, Directors, coaches, software engineers/specialists, Assistant and Associate Deans, among others. APAC is the voice of and advocate for all AP's in shared governance. APAC strives to advance the career path for AP's, and to contribute to the UA community as a whole. In the next two years, major change will occur in the form of the University Career Architecture Project (UCAP), which will be designing and implementing a new career structure for AP's and classified staff. The intention is to create a structure that will allow the University to benchmark compensation annually to the market. To do this, some order will have to imposed on how jobs are defined across the University. When UCAP is implemented, classified staff and AP's will no longer be separate categories of employment. They will be consolidated into a framework of job functions and families. Annual contracts will no longer exist, and the provisions of UHAP relating to AP's and classified staff will change. APAC, on behalf of Appointed Professionals, has been monitoring the UHAP process and providing input to the UCAP team in Human Resources. An *ad hoc* committee meets regularly, and acts

as a conduit for communication between UCAP and APAC. APAC believes that the devil is in the details, and that high-level oversight of UCAP by the advisory committee needs to be augmented. Human Resources has been very accommodating, and has placed an APAC representative on the operational team, along with Human Resources personnel and consultants. Faculty should be interested in the UCAP process for a number of reasons. First, faculty who supervise AP and staff will play an important role in the process. Every job incumbent will have to be mapped to a UCAP job category, and supervisors will be responsible for this mapping. Although there are plans for training, it will be up to the supervisors to understand the implications of the mapping for the employee and the work of the unit. At a minimum, the supervisor should know what the employee does, and how those activities contribute to the unit mission. Secondly, while efforts are being made to smooth the transitions to the new architecture, the change will inevitably affect faculty and could be disruptive in terms of budgets, support functions, and morale. It could be a priority of the Faculty Senate to stay informed, and keeping the faculty apprised of UCAP and its ramifications. APAC believes that a sense of the Faculty Senate as to what is fair, and what reflects the values of the University, is important input to the UCAP process. APAC may come back and ask for support of the Faculty Senate in advocating for certain positions.

5. QUESTION AND ANSWER FOR ASUA, GPSC AND APAC

Nadel asked what the time-frame for completion was on this project. Eden responded that the changes will be implemented in July 2019. Nadel asked when it would be appropriate for faculty to weigh-in on its perspective of the process. Eden responded that it would be useful for faculty to help with decision-making with job titles, and where people's titles fall within a certain sector. This aspect of designating job titles will be happening within the next nine months. Also, since very few faculty were aware of UPAC's charge, getting the word out about the redesign process would be helpful. Vaillancourt said that out of the 2800 job titles, 2100 are single incumbent roles. M. Witte asked what impact the new titles will have on salaries, scope of activities, mobility within a category, and career progression. Vaillancourt said that the goal is to create a structure so people can see where they might be going in the future. One frustration with the project is that people want to know what the outcome is going to be, and that is uncertain. Organizing needs to be done first before market pricing is looked at. There will be no salary decreases associated with this project.

6. REPORT FROM THE PROVOST – PROVOST ANDREW COMRIE

Comrie reported that the campus visits for the College of Education Dean finalists took place over the last two weeks. The advisory committee for the search will be making recommendations shortly. ABOR approved the new Department of Political Economy and Moral Sciences, which had been forwarded by the UA under the title 'Department of Moral Sciences', as well as the next step for building the new Honors College complex. Regular reminder messages will be sent out with regard to timely textbook ordering. On-time orders help keep the costs of textbooks at a minimum. The five-year review committees are being assembled, and Vice Provost, Tom Miller is putting together a comprehensive guide to the process for those being reviewed, as well as for committees and chairs.

7. REPORT FROM THE PRESIDENT – PRESIDENT ROBERT C. ROBBINS

Robbins said that steps toward the building of the new Honors College complex are progressing. The City Council and the Mayor both advanced the plans, and at the last minute, the item was put on the agenda for consideration by the State Legislature. The item was approved. The next agenda item submitted by the UA for the Legislature to consider was the Building 90 bonding package and that item passed unanimously. Construction of the Honors College complex shall begin in November 2017 and will be ready for students in September 2019. The Building 90 package is the first building allocated by state funding for infrastructure improvements, and is considered a major accomplishment. Robbins reported on the FBI investigation of alleged misconduct by one of the assistant coaches of the men's basketball team. Robbins noted that the UA is cooperating with the FBI investigation, as well as several additional independent investigations. The process of investigation is expected to be lengthy. All findings will be shared openly. The upcoming ABOR meeting in November 2017 will be held at the UA and we will present the UA's annual operational and financial review. One active search is progressing for the Senior Vice President for Health Affairs, and an executive senior search firm has been secured in the search for the Senior Vice President for Marketing and Communications. The final stages of selecting a search firm to help navigate the strategic planning process shall start in November 2017 and continue into the following year.

8. QUESTION AND ANSWER FOR THE PRESIDENT, PROVOST AND FACULTY OFFICERS' REPORTS

There were no questions.

9. OPEN SESSION: STATEMENTS AT THE PODIUM ON ANY TOPIC, LIMITED TO TWO MINUTES. MAXIMUM NUMBER OF SPEAKERS IS FOUR. NO DISCUSSION IS PERMITTED, AND NO VOTES WILL BE TAKEN. 8 MINUTES OR LESS.

Senator Bourget addressed the Senate about her objection to the representation of the "pros" and "cons" on the ballot in the most recent special election. She noted that the "pros" and "cons" were not balanced, and did not accurately represent objections raised by Senators in discussion of these items at Senate. For example, in the item presenting a change to the Bylaws to add a representative of the Classified Staff Council as an *ex officio* member, Bourget noticed a long list of "pros" versus only one "con." Bourget mentioned that at the previous Senate meeting held on August 28, 2017, she voiced her opinion that the function of the Senate was to consider and vote on primarily academic and curricular matters at the UA, and that these matters do not generally affect classified staff. She argued that including a voting seat for classified staff on Faculty Senate would undermine faculty governance. Bourget supports adding constituencies across campus to include other groups to participate in shared governance, but doesn't believe it should come at the expense of the Faculty Senate. These objections were not included as "cons" on the ballot. Bourget requests that the Faculty Officers consider some sort of safety net in place for people with dissenting opinions, and a way to make sure that their views are included accurately in the "pros" and "cons" on future ballots so the General Faculty can cast a fully-informed vote. Bourget wanted to take this time to thank Chair Nadel who has been the most active Chair in the seventeen years she's been at the UA. He visits with the colleges, sat on the Presidential Search Committee while on sabbatical, and is most engaged on a continuous basis. In one of his Chair Talks, Nadel urged the faculty to vote, and Bourget wonders if renaming the Faculty Senate to the University Senate is going to encourage faculty to get engaged. Bourget urges Nadel to use the twilight years of his highly distinguished career to keep the faculty voice strong, and to create a culture of regular engagement, which will ultimately benefit us all.

10. ACTION ITEM: BACHELOR OF SCIENCE IN FOOD SAFETY – CHAIR OF THE UNDERGRADUATE COUNCIL, DENNIS RAY

The Bachelor of Science in Food Safety comes to Senate as a seconded **[Motion 2017/18-07]** from Undergraduate Council. There was no discussion and **[Motion 2017/18-07]** passed unanimously and is detailed at the end of these minutes.

11. ACTION ITEM: CONSENT AGENDA: APPROVAL OF THE MASTER OF SCIENCE IN ECONOMETRICS AND QUANTITATIVE ECONOMICS – CHAIR OF THE GRADUATE COUNCIL, JIM FIELD

This item comes before Senate as a seconded **[Motion 2017/18-08]** from Graduate Council. There was no discussion, and **[Motion 2017/18-08]** passed unanimously and is detailed at the end of these minutes.

12. OPEN DISCUSSION: POLITICAL ENGAGEMENT – VICE PRESIDENT FOR BUSINESS AFFAIRS AND HUMAN RESOURCES, ALLISON VAILLANCOURT, SENIOR ASSOCIATE GENERAL COUNSEL, STEPHANIE ROSENBERG, AND ASSOCIATE GENERAL COUNSEL, ELIZABETH MILLER

Vaillancourt opened the discussion by distributing a handout of different scenarios that might arise in the daily lives of faculty at the University. Each topic has generated questions in the past, and was discussed as to whether or not it is acceptable for faculty to engage in such situations, as outlined below.

1. *A tenured communication professor with expertise in negotiation strategy wants to give a public presentation about principled negotiation concepts. She will cite President Trump's use of "Rocket Man" as an example of a behavior to avoid. She will identify her UA affiliation and give this presentation during her regular workday.*

Miller responded that because the Professor has expertise in this area in the class she teaches, it is acceptable behavior.

2. *A hydrology professor with expertise in farming irrigation writes a letter to the editor call on readers to support a pending bill on water rights. He signs his name and UA affiliation.*

Senators' consensus was that this example was not appropriate. Rosenberg said that faculty and staff speaking in the political arena, on electoral positions, and pending legislation, using one's UA affiliation to influence outcomes, is not acceptable. A faculty or staff member may speak on their own behalf, without any UA reference/affiliation.

3. *A sociology professor with expertise in border issues writes a letter to the editor condemning UA colleagues who have spoken out against the border wall. He invites those who stand with him to attend a Trump for Reelection fundraiser. He identifies himself as a member of the "Keep America Safe Coalition," but does not use his UA affiliation when he uses his Gmail account to send this message.*

Senators' consensus was that this example is acceptable. General Counsel confirmed.

4. *A chemistry professor uses Facebook to call for her friends to vote for a candidate who is likely to support more lenient immigration legislation. Her Facebook profile identifies her as a UA faculty member.*

Senators' interpretations were divided. The Office of General Counsel responded that the example is ambiguous as to whether it violates University policy. Vice President for Communications, Chris Sigurdson, offered that the UA has allowed its employees to identify their affiliation, and if someone uses Facebook to say something as a private citizen, there is no violation of UA policy, although employees should use good judgment when posting comments in public venues. The UA affiliation is located on the "About" section on Facebook. Miller said that faculty have expertise on several matters, and speaking to those can fall within the scope of the First Amendment.

5. *A law professor with expertise in border issues will be in Phoenix for a work-related professional meeting there and will attend a political fundraiser at the end of the day. He will drive to Phoenix in a UA vehicle.*

Miller said it is a violation of UA policy to use a University vehicle for personal purposes.

6. *A UA physicist has been asked to sign a letter of endorsement for a county sheriff candidate. Signers are expected to provide their name and their professional affiliation.*

Miller said this example is contextual, and the content of the letter would play a major role in its acceptance. In instances of this type, please contact the Office of General Counsel for specifics in this kind of scenario.

7. *A UA physicist donates \$100 to a county sheriff candidate. When asked to complete the "Employer" section on a donation website, she lists the University of Arizona.*

Senators agreed that this example was acceptable, The Office of General Counsel confirmed, noting that there may be a legal obligation for such information to be collected in the context of political contributions.

8. *A UA pediatrician with expertise in teen sleep habits plans to meet with a state legislator to ask for support for an existing bill that would prohibit high schools from starting earlier than 9:00 a.m. He plans to take a vacation day to deliver a letter written on his department's letterhead.*

Senators weighed in that this was a lobbying issue, and the key words in this example are "existing bill." Political activity and lobbying are separate issues, and the UA employs registered lobbyists. It is important that any activity that might be construed as 'lobbying' be vetted, and likely handled, by Government and Community Relations.

9. *A UA pediatrician with expertise in teen sleep habits is asked to testify before a legislative committee that is considering a bill that would prohibit high schools from starting earlier than 9:00 a.m.*

The Office of General Counsel advised that it is mandatory to consult with the Government and Community Relations Office prior to testifying as an expert before any legislative body.

10. *A political science faculty member with expertise in political communication agrees to design a suite of campaign materials for a friend who is running for the Phoenix City Council. He uses his UA computer to do this work on the weekend.*

Senators agreed that this was not acceptable due to the use of a UA computer.

11. *A political science faculty member with expertise in political communication agrees to design a suite of campaign materials for a friend who is running for the Phoenix City Council. He uses his personal computer to do this work.*

Senators agreed that this was acceptable due to the use of a personal computer.

12. *UA immunologist wants to host a cocktail party at his home to support a political candidate. Several UA colleagues will be on the guest list.*

This is acceptable, however, using a private or confidential UA listserv to invite attendees is not acceptable. Use of publicly accessible email addresses or listservs is acceptable. Use of a personal email account is acceptable for invitations, and consideration should be given to inviting subordinates who may feel they are obligated to attend.

13. *A history professor plans to run for an Arizona State House seat. She has secured support from her department head to reduce her FTE to .50 so she can focus on work at the Capitol during the spring.*

Miller said that the UA Policy allows for this, but certain arrangements in advance need to be secured.

14. *A research analyst wants to run for an Arizona State Senate seat. He has secured support from his department to work remotely when the legislature is in session.*

This example is not acceptable, because The Arizona State Constitution, Article 4, Section 5, Part 2, states: No member of the legislature, during the term for which he shall have been elected or appointed shall be eligible to hold any other office or be otherwise employed by the state of Arizona or, any county or incorporated city or town thereof. This prohibition shall not extend to the office of school trustee, nor to employment as a teacher or instructor in the public-school system.

15. *A research analyst wants to run for the Oro Valley Town Council. He has secured support from his department head to reduce his FTE to .50 so he can balance UA and Town of Oro Valley responsibilities.*

Considered a Town Council, this is acceptable by Arizona State Law.

13. **OTHER BUSINESS**

There was no other business.

14. **ADJOURNMENT**

There being no further business, the meeting adjourned at 4:43 p.m.

Amy Fountain, 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.*

1. Senate Minutes of August 28, 2017
2. Report from the Faculty Officers
3. Report from APAC
4. Report from ASUA
5. Report from the Provost
6. Report from the President
7. New Academic Program – Bachelor of Science in Food Safety
8. Consent Agenda – Master of Science in Econometrics and Quantitative Economics
9. Power Point Discussion: Political Engagement

Motions of the Meeting of October 2, 2017

[Motion 2017/18-07] Seconded motion from the Undergraduate Council for the new academic program Bachelor of Science in Food Safety. Motion passed.

[Motion 2017/18-08] Seconded Motion from Graduate Council to approve the Master of Science in Econometrics and Quantitative Economics. Motion passed.

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