

BYLAWS OF THE GENERAL FACULTY OF THE UNIVERSITY OF ARIZONA
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ARTICLE I
Membership

- Section 1. Membership in the General Faculty is as defined in Article II, Section 1 of the Constitution.
- Section 2. Each year the Committee on Faculty Membership shall conduct and publish a census of the General Faculty to maintain accurate voting rolls.

ARTICLE II
Officers

- Section 1. The officers of the General Faculty shall consist of the Chair, Vice Chair, and Secretary as provided for under Article III of the Constitution of the General Faculty.
- Section 2. The Parliamentarian, who shall be appointed by and serve at the pleasure of the Chair of the Faculty, shall serve the needs of the General Faculty and the Faculty Senate.
- Section 3. The representatives to the Arizona Faculties Council shall be the Chair, Vice Chair, and Secretary.

ARTICLE III
Meetings

- Section 1. Written petitions of five percent (5%) or one hundred (100) members of the General Faculty, whichever is smaller, shall be sufficient to call a Meeting of the General Faculty. Such petition, presented to the Chair of the Faculty, shall state the purpose(s) of the intended meeting.
- Section 2. Notice of Meetings. Notice shall be given at least one week in advance of any meeting, and shall contain a copy of any substantive proposal to be presented.
- Section 3. Meetings of the General Faculty shall be open to the public except when that body decides to meet in executive session.
- Section 4. Methods of Voting.
- a. At meetings of the General Faculty, voting shall be by *viva voce*, by a show of hands, by a rising vote, or by ballot, as decided by the presiding officer, provided, however, that it shall always be in order to move for a vote by ballot.
 - b. By a majority vote at a meeting of the General Faculty the pending action may be subject to a mail or electronic ballot by the General Faculty.

ARTICLE IV
Committee on Elections and Election Procedures

The General Faculty Standing Committee on Elections shall consist of three members of the General Faculty appointed by the Chair of the Faculty, after consultation with the Faculty Senate Executive Committee, from among candidates recommended by the Committee on Committees, for three-year staggered terms. The committee shall elect its chair from those of its members who have served at least one year on the committee, and shall follow these procedures: Candidates for any positions elected by the General Faculty or the Faculty Senate shall provide a biographical statement.

- Section 1. Nomination of candidates. Candidates for elective office shall be nominated by petitions issued and accepted by the committee as follows:
- a. Candidates for Chair of the Faculty, Vice Chair of the Faculty, and Secretary of the Faculty shall have signatures of not fewer than forty members of the General Faculty on their petitions.
 - b. Candidates for the Committee of Eleven, Senator-at-Large, the Committee on Committees or the Senate Committee on Budget and Strategic Planning/Strategic

Planning and Budget Advisory Committee shall have signatures of not fewer than twenty members of the General Faculty on their petitions.

- c. Candidates for Senator representing a College Faculty shall have the signatures of not less than ten percent (10%) of the members of their College Faculty on their petitions, except that a minimum number shall be the signatures of three College Faculty members, and the maximum need be no more than twenty.
- d. Candidates shall affirm in writing their willingness to hold office.
- e. The Committee on Elections shall verify the eligibility of each nominee.

Section 2. Conduct of elections:

- a. The Committee on Elections shall notify the General Faculty, no later than January 15 each year, of elective offices to be filled that year.
- b. The committee shall issue nominating petitions no later than January 15. The nominating petitions for appropriate offices will be available until ten (10) class days prior to the election.
- c. The committee shall accept completed nominating petitions no later than the close of business ten (10) class days prior to the election.
- d. The committee shall conduct primary elections for elective offices no later than March 1, allowing ten class days from the date of mailing or emailing the ballots for members of the General Faculty to mark and return their primary election ballots.
- e. The committee shall notify members of the General Faculty of the results of primary elections no later than March 22.
- f. The committee shall conduct general elections for faculty offices no later than April 1, allowing ten class days from the date of mailing or emailing the ballots for members of the General Faculty to mark and return their election ballots.
- g. The committee shall notify the General Faculty of the results of the general election no later than April 25.
- h. In the event of a tie vote, the decision shall be made by lot. Lots are cast by the Committee on Elections. The candidates or their designated witnesses are invited to observe the casting of lots.

Section 3. Election of candidates:

- a. Chair of the Faculty, Vice Chair of the Faculty, or Secretary of the Faculty: A candidate who receives a majority of the votes cast in the primary election shall be declared elected. When no one receives a majority of the votes in the primary election, the two candidates receiving more votes than anyone else will be nominated for the general election ballot. That candidate receiving the majority of general election votes shall be declared elected.
- b. Faculty Senate, at-Large: If forty or fewer, but more than twenty are nominated, the twenty nominees receiving the largest number of votes in the primary election

shall be declared elected. If more than forty are nominated, the forty receiving the largest number of votes in the primary election shall be candidates on the general election ballot provided only that anyone who receives a majority of votes in the primary election shall be declared elected. The candidates receiving the largest number of votes in the general election shall be declared elected to the positions to be filled.

- c. Faculty Senate, College Representatives: If the number of nominees from a College is not more than twice the number to be elected, those candidates equal in number to the number of positions to be filled who receive the largest number of votes in the primary election shall be declared elected. If more than twice the number are nominated, those receiving the largest number of votes in the primary election, totaling twice the number of positions to be filled, shall be candidates on the general election ballot, provided only that any candidate who receives a majority of votes in the primary election shall be declared elected. Nominees receiving the largest number of votes in the general election shall be declared elected to the positions to be filled.
- d. Committee of Eleven: If more than ten are nominated for the Committee of Eleven, the ten nominees receiving the largest number of votes in the primary election shall be candidates on the general election ballot, provided only that any candidate who receives a majority of votes in the primary election shall be declared elected. Nominees receiving the largest number of votes in the general election shall be declared elected to the positions to be filled.
- e. Senate Committee on Budget and Strategic Planning/Strategic Planning and Budget Advisory Committee: If more than four are nominated for the Committee on Budget and Strategic Planning/Strategic Planning and Budget Advisory Committee, the four receiving the largest number of votes in the primary election shall be candidates on the general election ballot, provided only that any candidate who receives a majority of votes in the primary election shall be declared elected. The nominees receiving the largest number of votes in the general election shall be declared elected to the positions to be filled.
- f. Committee on Academic Freedom and Tenure: Names of members of the General Faculty who have been nominated in accord with the provisions set forth in Article V, Section 9, of these Bylaws for membership on the Committee on Academic Freedom and Tenure shall be included on the ballot for primary election each year.

ARTICLE V

General Faculty Standing Committees: Memberships and Terms

- Section 1. The Committee of Eleven shall be composed as follows: ten members of the General Faculty, five of whom are elected by the General Faculty each year for a term of two years; the Chair of the Faculty shall be, *ex officio*, the eleventh voting member, and shall call the first meeting of the committee, at which meeting the committee shall elect its chair. To this number shall be added one voting student delegate selected annually by the Associated Students of the University of Arizona and one voting student delegate selected annually by the Graduate and Professional Student Council in whatever manner those bodies determine. The two student delegates shall be invited to attend all regular meetings of the committee. In the event that an elected member shall vacate a position for any reason, a successor to fill the unexpired term shall be the unelected candidate who had the next higher number of votes in the most recent election. If there are no unelected candidates from the most recent election, then the committee shall select a successor to fill the unexpired term.

- Section 2. The Committee on Faculty Membership shall be composed of the Secretary of the Faculty who shall serve as chair, and three members of the General Faculty appointed by the Chair of the Faculty after consultation with the Faculty Senate Executive Committee from among candidates nominated by the Committee on Committees for two-year staggered terms.
- Section 3. The Committee on Committees shall be composed of six members of the General Faculty elected by the General Faculty for three-year staggered terms. No more than two members shall be elected from any one College faculty and no member shall serve consecutive terms. The committee shall elect its chair from those of its members who have served one year or more on the committee.
- Section 4. The Senate Committee on Budget and Strategic Planning shall be composed of nine members; the Chair of the Faculty and six members who will be elected from and by the General Faculty in classes of two for staggered three-year terms. In addition, each year the Faculty Senate will elect two of its members to the committee, chosen so as to encourage breadth of representation. The Faculty Senate members will be members of the Senate Committee on Budget and Strategic Planning, but will not be members of the Strategic Planning and Budget Advisory Committee (SPBAC). The Senate Committee on Budget and Strategic Planning will elect its own chair from among the six members elected by the General Faculty.
- Section 5. The University Committee on Ethics and Commitment shall be composed of six members of the General Faculty elected by the Faculty Senate to serve staggered three-year terms, from nominations by the Committee on Committees. The Research Integrity Officer serves as an *ex officio* non-voting member. The committee may, in consideration of individual cases or issues, expand itself by no more than three additional General Faculty members having expertise in the subject matter of the case(s) being investigated.
- Section 6. The Constitution and Bylaws Committee is composed of the Secretary of the Faculty (committee chair) and four General Faculty members appointed by the Chair of the Faculty. The Provost or Provost's designee serves as an *ex officio* non-voting member.
- Section 7. The Grievance Clearinghouse Committee consists of the current chairs of the Committee on Academic Freedom and Tenure, the Committee on Conciliation and the University Committee on Ethics and Commitment, a representative of the Office of Institutional Equity, and a faculty representative elected by the Faculty Senate at its May meeting. The Vice chair of CAFT shall also serve on the Grievance Clearinghouse Committee as a non-voting member. The chair of the Committee on Academic Freedom and Tenure will function as the *ex officio* voting chair of the Grievance Clearinghouse Committee.
- Section 8. The Committee on Conciliation shall be composed of six members who are tenured or continuing members of the General Faculty other than deans of any rank, elected by the Faculty Senate by secret ballot upon nomination by the Committee on Committees, which shall furnish twice as many names as persons to be elected. Not more than one member of any College Faculty shall be on the committee at any one time. The term of membership shall be two years. Three persons shall be elected each year. The chair of the committee shall be elected by the committee from among those in at least their second year on the committee. Members may be re-elected to this committee. At the request of the President of the University or of a College Faculty or of any member of the General Faculty who has a grievance and has failed to resolve the matter through discussing the same with the appropriate department head or dean, the committee shall act expeditiously. In the event that the committee is of the opinion that the case load is so great that undue delay will be experienced, the committee may direct that temporary members be selected by the chair from a pool of names provided by the Committee on Committees, which shall contain not

less than twice the number of names as there are temporary members to be selected. The Committee on Conciliation shall conduct its business in meetings rather than hearings, and participation by legal counsel will generally be discouraged.

Section 9. The Committee on Academic Freedom and Tenure shall be composed of twelve tenured or continuing members of the General Faculty other than deans of any rank, four of whom shall be elected each year by the General Faculty for a term of three years. The slate of candidates presented to the General Faculty shall be selected in the following manner:

- a. The Committee on Committees will prepare a list of names containing not fewer than two times the number to be elected. After consultation with the Chair of the Faculty and the President, the committee will reduce the list to a slate of twice the number to be elected, giving due consideration to diversity. For each person listed, a brief description of relevant academic experience, qualifications and background will be provided. This information will also appear on the ballot submitted to the General Faculty along with the names and colleges of continuing members. If the outcome of an election cannot be determined because of a tie vote, a runoff election shall take place.
- b. The Committee on Academic Freedom and Tenure shall elect its chair and vice chair from among those of its regular members who have served at least one year. In the event that the committee is of the opinion that the case load is so great that undue delay will be experienced in the hearing and disposition of all cases before it, the committee may direct that temporary members be installed to hear specific cases. Temporary members shall be selected by the presiding officer of the committee by whatever means he or she deems appropriate from a pool of names provided by the Committee on Committees. Such a pool shall contain not less than twice the number of names as there are temporary members to be selected. The Committee on Academic Freedom and Tenure shall select one of its regular members to serve as panel presiding officer in each case. In all cases the tenure of temporary members of the committee shall be limited to the hearing and disposition of the specific case which occasioned their selection.
- c. If an elected member of the Committee on Academic Freedom and Tenure resigns or becomes ineligible for membership, this member will be replaced for the remainder of the term of the departing member with the candidate who received the next highest number of votes in the same election, with ties broken by the Chair of the Faculty. If there is no eligible candidate, the Chair of the Faculty will fill the vacancy by appointing a member of the General Faculty who is otherwise eligible for membership on the committee.

Section 10. The University Committee for Monitoring Labor and Human Rights Issues is composed of seven faculty members nominated by the Committee on Committees and approved by the Faculty Senate Executive Committee, two student representatives appointed by the Associated Students of the University of Arizona and the Graduate and Professional Student Council, respectively, and one community member selected by the committee itself. Appointees shall have demonstrated interests and/or areas of expertise in labor and human rights issues. Members shall serve for three-year renewable terms. The Committee will elect a chair and vice chair within the committee who shall serve one-year renewable terms.

Article VI.
University-wide Committees with Shared Governance Participation

- Section 1. The Shared Governance Review Committee is composed of the Chair of the Faculty, the Chair of the Strategic Planning and Budget Advisory Committee (SPBAC), the Presiding Officer of the Senate (committee chair), two Senators (elected by the Senate), one additional member of SPBAC (chosen by the chair of SPBAC), the Provost, and two other members of the administration chosen by the President. These members serve two-year staggered terms, and in addition, there shall be one representative each from Appointed Professionals Advisory Council (APAC), Staff Advisory Council (SAC), Associated Students of the University of Arizona (ASUA), and Graduate and Professional Student Council (GPSC), who will be appointed in the terms determined as these organizational bodies see fit.
- Section 2. The University Committee on Corporate Relations (UCCR) is a University-wide committee with shared governance participation. The committee will elect a chair annually who shall be a committee member and a member of the General Faculty. The regular voting membership of the committee shall consist of five members of the General Faculty appointed by the Chair of the Faculty and the remaining voting membership as indicated in the bylaws of the UCCR. If the Chair of the Faculty chooses to attend meetings and is not the committee chair, he or she may attend as an advisor as well. General Faculty members are appointed for two-year renewable terms.
- Section 3. The Naming Advisory Committee consists of the Vice Chair of the Faculty (committee chair), President of the UA Foundation, President of the Arizona Alumni Association, Vice President for External Relations, President of the Associated Students (ASUA), President of the Graduate and Professional Student Council (GPSC), Provost of the University, President of the Staff Advisory Council (SAC), chair of the Appointed Professionals Advisory Council (APAC), a representative of the Dean's Council (elected by the Deans), and a representative from the Faculty Senate (appointed by the Chair of the Faculty). Members serve annual terms.
- Section 4. The Undergraduate Council shall be composed as follows:
- a. The Undergraduate Council (UGC) voting membership shall consist of: the chair; one member of the General Faculty from each college that offers undergraduate degrees; one member from UA South; one member from the Library; and one member from the Honors College; each chosen by election in the college OR the appointment by the Dean, after consultation with that college's version of an advisory council in accordance with the shared governance guidelines and agreements. College representatives serve for three-year terms. In addition, one to two student representatives from the Associated Students of the University of Arizona (ASUA) appointed to Undergraduate Council by the president of ASUA, shall serve as voting members of the UGC. ASUA members serve one-year terms that may be renewed. The chair shall be appointed by the Chair of the Faculty, on advice of the Committee on Committees and in consultation with the Vice Provost for Academic Affairs, in accordance with the principles detailed in the shared governance guidelines and agreements.
 - b. Non-voting members may include others as needed, by invitation of the chair.
 - c. The Vice Provost for Academic Affairs and Curriculum specialist from the Office of Academic Affairs are *ex officio* non-voting members.

Section 5. The University-wide General Education Committee shall be composed as follows:

- a. The committee is composed of faculty representatives from each of these colleges: Agriculture and Life Sciences (two voting members); Architecture and Landscape Architecture, Education, Nursing and Pharmacy (one shared voting member); Eller College of Management (two voting members); Engineering (one voting member); Fine Arts (two voting members); Honors College (one voting member); Humanities (two voting members); Science (two voting members); Social and Behavioral Sciences (two voting members); two student representatives, one undergraduate junior or senior, and one graduate, each have one voting member (two voting members); Pima Community College Office of Transfer Curriculum (*ex officio* non-voting); and the Vice Provost for Academic Affairs (*ex officio* non-voting). There is additional non-voting representation from three Foundations programs: English, Mathematics, and Second Language. Each faculty member serves a three-year term; each student will serve a one-year term. Colleges are advised that at least part of the membership should be elected by their faculty, but in order to ensure that certain minority interests are heard, it is reasonable that part of the membership be appointed.
- b. In addition, there is invited, non-voting representation from areas directly involved in general education.
- c. Support for the committee is provided by the Office of the Vice Provost for Academic Affairs.
- d. The chair is chosen in consultation between the Chair of the Faculty and Vice Provost for Academic Affairs, and serves a three-year, renewable term. The chair of UWGEC is an *ex officio* non-voting a member of the Undergraduate Council, and reports to the Senate through or in concert with the UGC chair.

Section 6. The Graduate Council and its officers shall be composed as follows:

- a. Faculty. Faculty members of the Graduate Council shall be chosen by the faculty in each academic college, according to a process approved by the faculty in each college. Faculty representation on the Graduate Council is based on the number of students enrolled in graduate programs within each academic college and the Graduate Interdisciplinary Programs. The number of representatives per college is determined by rank ordering colleges by graduate enrollment. Those colleges whose graduate enrollment is in the upper half will have two members; those in the lower half will have one representative. The term is four years.
- b. Graduate Coordinators. Graduate Coordinators shall elect two members of the Graduate Council. Terms are two years, renewable; and the terms are staggered.
- c. Graduate students. The Graduate and Professional Student Council shall select, according to its own procedures, three members for the Graduate Council. Terms are one year, renewable.
- d. The Dean and the Associate Deans of the Graduate College are *ex officio* voting members of the Graduate Council.
- e. The chair shall be appointed by the Chair of the Faculty, on advice of the Committee on Committees and in consultation with the Dean of the Graduate

College, in accordance with the principles detailed in the shared governance guidelines and agreements.

- Section 7. The Strategic Planning and Budget Advisory Committee's (SPBAC) membership is comprised of twenty-one voting members and ten *ex officio* non-voting members.
- a. Eleven of the voting members are faculty: the Chair of the Faculty; six faculty elected by the general faculty for staggered, three-year terms; three faculty selected by the Chair of the Faculty in consultation with the President for three-year rotating terms; and the SPBAC chair. The SPBAC chair is appointed by the President in consultation with the Chair of the Faculty for a two-year term. The SPBAC chair must have served at least one year on the committee prior to appointment as chair. The SPBAC chair may be re-appointed for one additional term, with the consent of a majority of SPBAC voting members.
 - b. The remaining ten voting members are appointed: two deans, two representatives from the President's cabinet, and two non-faculty staff are appointed by the President for three-year rotating terms. Representatives of the following governing organizations, Staff Advisory Council, Appointed Professionals Advisory Council, Graduate and Professional Student Council and the President of the Associated Students of the University of Arizona (who automatically sits on SPBAC) serve at the will of their governing organizations.
 - c. The ten *ex officio* (non-voting) members are comprised of: Associate Vice President of Academic Resources, Planning and Management; Budget Director; Associate Dean of Medicine Administration and Finance; Dean of the Outreach College, Special Advisor to the President for Diversity and Inclusion; Alumni Office Executive Director; Senior Vice President for Business Affairs; Assistant Vice President of Finance and Administration; President of the University of Arizona Foundation; and Executive Vice President and Provost.

Article VII

Grievance Policies and Procedures for Faculty

- Section 1. Purpose: To provide for hearing procedures for members of the General Faculty implementing 6-201(N) (See *Arizona Board of Regents Policy Manual* at 6-201(L) and 6-201(M) for hearing procedures applicable to dismissal, suspension without pay or adverse actions concerning promotion, tenure or nonrenewal allegedly based on discrimination or unconstitutional action, and 6-301 (K) for hearing procedures applicable to dismissal or suspension of Academic Professionals.
Source: *Arizona Board of Regents Policy Manual* - 6-201
Arizona Board of Regents Policy Manual - 6-301
University Handbook for Appointed Personnel (UHAP)

- Section 2. Grievance Principles
- a. The Board of Regents and the President, administrators and faculty of the University of Arizona (UA) recognize the importance of providing a prompt and efficient procedure for fair and equitable resolution of grievances without fear of prejudice or retaliation for initiating a grievance or participating in the grievance process. Faculty members should have a reasonable amount of time to file grievances to seek redress for perceived harm they have suffered.

- b. Each individual's attempt to rectify a perceived wrong is considered consistent with UA's role as an upholder of individual rights and the integrity of the University.
- c. The existence of a grievance process in no way diminishes the responsibility of faculty and administrators for the exercise of sound academic judgment.
- d. All grievants shall have clearly defined avenues of appeal and redress that may include mediation and/or a hearing before a faculty committee that reports to the President or his or her designee. The President decides the matter and his or her decision is the final agency decision. The grievant's rights to relief in the courts shall not be affected by this policy.
- e. Faculty grievance procedures apply to general faculty as defined in the Constitution of the General Faculty, Article II.
- f. The preferred option is to resolve grievances internally at the level closest to the grievant. By using internal conciliation and hearing procedures first, the grievant should ordinarily be able to obtain acceptable results without escalation to a formal charge with an outside agency.
- g. At each level of the grievance process, the committee or decision maker will advise the grievant of the options available for redress and appeal as part of his or her decision if the grievance is not resolved at that level.
- h. In cases involving dismissal of tenured faculty or continuing-status professionals, suspension without pay, violation of due process and academic freedom, the Arizona Board of Regents Policy Manual 6-201 and 6-301 takes priority. In other cases, a grievant may request either a conciliation route that may then be followed by a grievance hearing or may directly choose a grievance hearing.
- i. Faculty may choose to have a hearing on a grievance before a panel of their peers without counsel present. Alternatively, faculty may choose to be represented by legal counsel at his or her own expense in all hearings.
- j. Each grievant has the right to a fair and reasonably speedy investigation and judgment by members of the appropriate committee or office.
- k. Two or more faculty members with the same grievance have the right to seek redress jointly or individually.
- l. Grievance committees shall keep written records, as appropriate, which shall be equally available to all parties in the case, except privileged communications or documents that are confidential pursuant to state or federal laws or regulations. Committees are not required to keep records of deliberations.
- m. All parties to a grievance are entitled to notification within three business days of changes in the status of their grievance.
- n. Grievances involving faculty members who work off the main UA campus generally shall be handled by grievance procedures prescribed herein.

- o. Grievants and witnesses are assured freedom from reprisals related to their testimony. A separate whistleblower policy describes whistleblower protections and when those protections are applicable.
- p. Allegations of sexual harassment will be referred to the University Office of Institutional Equity for investigation following the procedures developed by that office.
- q. Allegations of discrimination on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identity will be referred to the Office of Institutional Equity for investigation. Separate documents describe the policies and procedures. However, if a faculty member alleges that an adverse decision was based on unlawful discrimination other than that covered by ABOR 6-201(M) or 6-301(L), the faculty member may proceed to a CAFT hearing under this policy and these procedures following an investigation by the Office of Institutional Equity and appeal.
- r. Issues of misconduct in research, scholarship, or creative endeavor; conflict of commitment, and facilities misuse are handled by the University Committee on Ethics and Commitment (UCEC) or other committees designated under a separate policy. In conducting inquiries on those matters, UCEC or other appropriate committees follow the applicable University policies on research integrity, professional commitment and proper facilities use.
- s. Generally, if a conflict cannot be settled through the Ombuds or Conciliation process, a member of the faculty is best served by filing his or her grievance with the single and most appropriate committee or office. The Grievance Clearinghouse Committee will inform the parties which committee (Conciliation or CAFT) or process (Office of Institutional Equity) will handle the grievance.
- t. The standard of proof for all findings, conclusions and recommendations relating to grievances shall be a preponderance of the evidence.
- u. No faculty member or administrator can be a decision maker in a dispute in which he or she is a party or in which he or she has a conflict of interest.
- v. No faculty member shall forfeit the right to grieve a matter unless he or she is aware that s/he has been harmed, has a right to grieve the matter, and is specifically apprised of any time limits regarding contesting the matter.

Section 3. Grievance Resolution Procedures

The Grievance Clearinghouse Committee shall be composed of the chairs of the Committee on Academic Freedom and Tenure (CAFT), the Committee on Conciliation, the Committee on Ethics and Commitment, a representative of the Office of Institutional Equity, and a faculty representative selected by the Faculty Senate. The Vice chair of CAFT shall also serve on the Grievance Clearinghouse Committee as a non-voting member. The chair of CAFT will function as the *ex officio* voting chair of the Grievance Clearinghouse Committee.

- a. The recommended starting point for resolving grievances is at the head or dean level, whichever is applicable. If, however, the grievant does not wish to follow this route, or this route has not provided acceptable resolution, a grievant has the

option of using an ombudsperson, conciliation or a more formal grievance hearing process.

- b. In most cases, faculty may choose an informal route, (ombuds or conciliation), which may be followed (if necessary) by the grievance hearing route or the grievance hearing route alone. Grievances alleging discrimination (including sexual harassment) may be filed with either the Grievance Clearinghouse Committee (see Article V, Section 7, for composition of Grievance Clearinghouse Committee) or directly with the Office of Institutional Equity, but will be investigated in either instance by the Office of Institutional Equity.
- c. Informal problem resolution may be requested, or formal grievances may be filed if the grievant believes any of the following:
 - i. There has been a violation, a misinterpretation, or an arbitrary or discriminatory application of University policy, regulation, or procedure which, applied personally to that faculty member, infringes upon his or her privileges, responsibilities, or terms and conditions of employment, e.g. salary, teaching assignment, equipment access, or other inequities; or
 - ii. He or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identity; or
 - iii. There has been an infringement on his or her academic freedom.
- d. The names of University ombudspersons, members of the Committee on Conciliation and members of the Committee on Academic Freedom and Tenure (CAFT) are available from the Faculty Center.

Section 4. Informal Resolution Procedures

Informal resolution procedures are provided for the faculty member who desires informal assistance in the resolution of a complaint. An Ombudsperson Committee member or members of the Committee on Conciliation are available to conciliate and coordinate communication among the grievant, respondent and others related to the complaint. The purpose of this process is to air differences between the parties and to resolve the complaint to the satisfaction of both parties without resorting to formal hearings. In some instances, upon the agreement of the parties and contingent on the availability of resources, a professional mediator may be available to conduct dispute resolution. Informal resolution is strongly recommended.

- a. Ombuds Program
 - i. The purpose of the Ombuds Program is to provide informal assistance to prevent or resolve disputes or problems in a neutral setting, to facilitate communication, to preserve or improve working relationships and to create a better working environment.
 - ii. An Ombudsperson Committee member is a neutral individual who helps manage conflict or perceived conflict by listening and generating options to help the faculty member resolve his or her problem. The ombudsperson may work confidentially with one, both, or all parties to

reach a mutually satisfactory agreement and prevent disputes from escalating.

b. Conciliation Process

- i. The Committee on Conciliation has jurisdiction to make inquiry and discuss any problem involving any member of the General Faculty in his or her relationship with the University. The committee may consult and advise but shall not conduct hearings. It is the duty of the committee, after careful investigation, to offer advice to the person or persons involved.
- ii. The faculty member seeking conciliation shall file a complaint with the Grievance Clearinghouse Committee within six (6) months of his or her knowledge of the actions which form the basis of the complaint.
- iii. The Grievance Clearinghouse Committee shall consider the complaint and assign it to the appropriate committee chair (e.g. Conciliation Committee).
- iv. Legal counsel may not attend or participate in the conciliation. A grievant may have an adviser from the University community who has no personal knowledge of the matter, who may attend meetings and review written documentation.
- v. The conciliator(s) shall have fifteen (15) days after assignment by the Grievance Clearinghouse Committee to contact the parties followed by thirty (30) days to try to resolve the conflict. Upon agreement of the parties, the chair of the Conciliation Committee may extend the conciliation period by thirty (30) days.
- vi. The conciliation process results shall be summarized in a report prepared by the conciliator and sent to the parties.
- vii. If conciliation provides a mutually satisfactory result, the process ends. If the parties cannot resolve the differences, the grievant may, if he or she chooses, seek a grievance hearing with a request to the Grievance Clearinghouse Committee. The request shall be filed within thirty (30) days of receipt of the conciliator's report.

Section 5. Grievance Hearing Procedures

- a. Whether or not a grievant has sought conciliation, he or she may request a hearing by a grievance hearing committee through the Grievance Clearinghouse Committee. If the grievant alleges unlawful discrimination not covered by *Arizona Board of Regents Policy Manual* 6-201(M) or 6-301(L), he or she may file a complaint directly with the Office of Institutional Equity without first going through the Grievance Clearinghouse Committee.
 - i. Requests for hearings by a grievance committee should be filed with the Grievance Clearinghouse Committee at the Faculty Center.
 - ii. If the Office of Institutional Equity representative determines that the grievant's case contains an allegation of unlawful discrimination, the

grievant's case shall be referred to the Office of Institutional Equity. If the Office of Institutional Equity representative determines that the grievant's case does not contain an allegation of unlawful discrimination, the remaining voting members of the Grievance Clearinghouse Committee will advise which committee shall handle the grievance.

- iii. The Grievance Clearinghouse Committee has the right and responsibility to decline to forward grievances for further consideration if the complaint does *not* involve:
 - (1) A violation, a misinterpretation, or an arbitrary or discriminatory application of University policy, regulation, or procedure which, applied personally to that faculty member, infringes upon his or her privileges, responsibilities, or terms and conditions of employment, e.g. salary, distribution of effort, equipment access, or other comparable inequities; or
 - (2) An allegation of discrimination on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identity; or
 - (3) An infringement on his or her academic freedom; or
 - (4) Those grievances covered under UA Faculty Bylaws, Article VII, Section 5, b, iii, (2), (a).
 - iv. The Grievance Clearinghouse Committee has the right and responsibility to decline to forward grievances for further consideration if the complaint is substantively identical to an earlier grievance by the same individual which has been, or is being, dealt with through CAFT or the Office of Institutional Equity process.
- b. The grievance procedure will involve the following steps:
- i. Within thirty (30) days of receipt of the conciliator's report on matters that were the subject of conciliation or within six (6) months of the grievant's knowledge of the occurrence of the actions which formed the basis for the grievance, the grievant shall make a written request for a formal hearing to the chair of the Grievance Clearinghouse Committee.
 - ii. The request must be filed by the grievant by hand delivery or by certified mail, return receipt requested, at the Faculty Center and shall contain: grievant's name, address, telephone number, a statement of the complaint, resolution sought, and either the name and address of grievant's attorney, or a statement that grievant is proceeding without an attorney.
 - iii. The Grievance Clearinghouse Committee shall advise which committee or process will handle the case based on the following jurisdictional guidelines:
 - (1) Alleged discrimination. If discrimination in employment, program, or activity based on race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or

gender identity is the basis of the grievance, the matter will be referred to the Office of Institutional Equity for consideration in accordance with the procedures established by that office.

- (2) Other faculty grievances, including infringement on academic freedom and tenure not covered by *Arizona Board of Regents Policy Manual* 6-201(M) or 6-301(L), will be handled by the Committee on Academic Freedom and Tenure (CAFT) under this policy.
 - (a) Under this policy, CAFT shall hear any faculty allegation that a decision affecting his or her employment relation with the University was not determined in substantial compliance with regular University procedures, but only after any administrative appeal mechanism applicable to the decision in question has been exhausted. This includes, but is not limited to, non-renewal of contracts, denial of tenure, promotions, sabbatical leaves, leaves, and disputes on the amount of salary due a non-tenured faculty member who has been suspended or dismissed before the expiration of the employment period.
 - (b) CAFT shall hear other faculty grievances, such as alleged unfair treatment, where no policies or procedures exist or existing policies or procedures have been misinterpreted, misapplied or violated by a University administrator.
- iv. The chair of CAFT shall forward to the respondent the request for a hearing and the formal grievance within seven (7) days after GCC has referred the case to CAFT, with instructions to respond within fifteen (15) days. If the grievant has indicated that he or she will be represented by counsel, the time for respondent to respond should be extended as needed in order for the respondent to seek the advice of counsel. The response shall contain the name, address, telephone number of respondent, a statement of respondent's position on the issue, and the name and address of the respondent's attorney if grievant elects to be represented by an attorney.
- v. Within fifteen (15) days of receipt of the respondent's position statement, the grievant and respondent will receive written notification from the chair of the Grievance Clearinghouse Committee as to which committee will handle the case and a statement of procedures of that committee. The chair of the Grievance Clearinghouse Committee shall notify the chair of CAFT (or the appropriate committee) of the case assignment at the same time.
- vi. The chair of CAFT will appoint a hearing panel within ten (10) class days of a case assignment. The chair of the CAFT panel will set a hearing date in conjunction with all parties involved in the case. The hearing should begin within sixty (60) calendar days of the date the grievance is assigned to the hearing panel. The sixty-day period includes

only the time when the University is in session. Semester breaks and summer recess are not included unless otherwise agreed to by the CAFT panel chair and the parties. The parties shall receive notice of the hearing date at least twenty (20) days before the hearing date. The notice shall include:

- (1) A statement of the time, place and nature of the hearing;
 - (2) A statement of the authority and jurisdiction under which the hearing is to be held;
 - (3) A reference to the particular statutes, rules, or policies involved; and
 - (4) A short and plain statement of the matters asserted. If CAFT is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.
- vii. A grievance shall not proceed if the grievant, after due notice, fails to be present or fails to obtain a continuance. A grievant may withdraw his or her grievance at any stage in the grievance procedure by writing the chair of the panel designated to hear the grievance.
- viii. If a grievant commences a grievance with an outside investigative agency based on the same or similar grounds, either the conciliator or the chair of the hearing panel, depending on the stage of the complaint process of the internal grievance, will continue the internal process unless the grievant withdraws the internal grievance or desires a postponement.
- ix. No later than fifteen (15) days before the hearing date, the grievant and respondent must provide written documentation, including exhibits and a list of witnesses, to the chair of the hearing panel. The chair may require additional written submissions such as a written opening statement prior to the hearing.
- x. The chair of the hearing panel shall send a copy of the written documentation and witness lists submitted by the grievant and the respondent to the panel members within three (3) days after receipt. The grievant's witness list, exhibits and other required documentation will be forwarded to respondent, and the respondent's witness list, exhibits and other required documentation will be forwarded to grievant by the chair within three (3) days after receipt of lists from both parties.
- xi. Any member of the General Faculty requested by the panel to appear as a witness in its investigation of a complaint shall consider it an obligation as a General Faculty member to appear and testify. The chair of the panel may call witnesses upon request of either party or on the chair's initiative. The chair may also require the production of books, records and other evidence. Such requests shall be made either by personal delivery or by certified mail. The chair of the hearing panel shall have

the authority to issue subpoenas for the attendance of witnesses and for the production of books, documents and other evidence.

xii. CAFT has an important fact-finding role. The hearing may be conducted in an informal, collegial manner and without adherence to the rules of evidence required in judicial proceedings. To the extent possible, the hearing should be carried out in a non-adversarial, collegial way.

Hearings shall be conducted according to the following rules:

- (1) No fewer than three faculty members shall constitute a hearing panel. Members shall not participate on a hearing panel when there is a conflict of interest.
- (2) The hearing, but not the deliberations of the committee, shall be recorded.
- (3) Unless overriding reasons under law or ABOR policy are given to grievant, respondent, and other appropriate parties, all parties shall have access to all information that is presented during the hearing at no expense to them.
- (4) The chair of the panel shall keep the parties informed about the status of the grievance.
- (5) Faculty may choose to have a hearing on a grievance before a panel of their peers without legal counsel present. Alternatively, the faculty may choose to be represented by legal counsel present at his or her own expense in all hearings. In cases between a faculty member and an administrator, if the faculty member chooses not to be represented by counsel present at the hearing, then the administrator shall not have counsel at the hearing either. In cases between faculty members, either party may choose to be represented by counsel present at the hearing at his or her own expense. Any party may obtain legal advice and assistance in preparation for a hearing, even if a legal advisor will not be present at the hearing itself.
- (6) Legal advice to the grievance panel:
 - (a) If neither party is advised or represented by counsel and a University attorney has not been involved in the case on behalf of either party, then a University attorney may provide legal advice to the grievance committee upon request.
 - (b) Outside counsel may be obtained by CAFT from a list of qualified attorneys provided by the University to provide legal advice to the committee if the University attorney is precluded from providing advice to the committee because of a conflict or for other reasons as determined by CAFT. The role of counsel is to give sound legal advice and assistance to the panel on the matter it is hearing.

- (c) At the discretion of the CAFT panel, when the parties are represented by counsel, a hearing officer secured under the University's agreement with the American Arbitration Association may conduct the hearing. Alternatively and at the CAFT panel's discretion, a hearing officer secured from another list of impartial hearing officers maintained and used by the Department of Human Resources for personnel hearings may conduct the hearing. The hearing officer assists the panel in developing findings, conclusions and recommendations during deliberations and may prepare the written report in consultation with the panel but does not participate in the decision-making process of deliberation.
- (7) For good cause shown, upon request of either party or on the chair's own initiative, the chair may continue the proceedings to another time.
- (8) The hearing shall be closed to the public except that the grievant may, at his or her discretion, demand that the hearing be open to the public.
- (9) The grievant and respondent may be present during the hearing proceeding. Witnesses shall be excluded except while testifying.
- (10) Generally, the panel will allow all witnesses to testify and documents to be presented which are relevant and probative to the complaint or the response. The CAFT panel shall exclude irrelevant, immaterial or unduly repetitious evidence.
- (11) Each party may present an opening statement of his or her position. Generally, the grievant will then present all of his or her witnesses and documents. The panel members may question the witnesses and parties and ask questions about documents presented throughout the hearing. The respondent may question the grievant and witnesses. After the grievant has presented his or her case, the respondent shall have an opportunity to present witnesses and documents, and the committee members may question the witnesses and ask questions about documents presented. The grievant may question the respondent and witnesses.
- (12) At the completion of the hearing, including any closing statement and receipt of any written memoranda requested by the panel, the panel will deliberate and prepare a written recommendation. The recommendation shall include findings of fact and conclusions, separately stated, based exclusively on the evidence. Within thirty (30) days of the conclusion of the hearing and receipt of all written documents requested of the parties, the panel will forward its recommendation to the President, who will make the final decision. Upon good cause shown, the President may extend the recommendation date by an additional thirty (30) days.

- (13) Within forty-five (45) days of receipt of the panel's recommendation and record, the President shall issue a written decision that includes findings of fact and conclusions, separately stated. Copies of the President's decision, including the CAFT recommendation, shall be mailed to CAFT and the parties. The President's decision shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. § 12-901 et.seq., if desired, must be filed within thirty-five (35) days from the date when a copy of the decision is served upon the party affected. If the President cannot issue a decision within the 45-day period, the President will notify the parties within the 45-day period of a delay in the issuing of the decision, the reasons for the delay, and the date on which the decision can be expected.
- (14) A faculty member who is dissatisfied with the President's decision may request reconsideration of the decision by filing a written request with the President no later than fifteen (15) days following receipt of the President's written decision. If no request for reconsideration is made, the President's decision is effective at the expiration of the period in which to request reconsideration.
 - (a) The request for reconsideration shall be based on one or more of the following grounds:
 - (i) Irregularities in the proceedings, including any abuse of discretion or misconduct by the CAFT panel that deprived the faculty member of a fair and impartial hearing;
 - (ii) Newly discovered material evidence which with reasonable diligence could not have been presented at the hearing; or
 - (iii) The decision is not justified by the evidence or is contrary to law.
 - (b) If the faculty member requests reconsideration, the President will either deny reconsideration or issue a final decision within twenty (20) days of receiving a request for reconsideration.
 - (c) The President's decision on reconsideration shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. § 12-901 et.seq., if desired, must be filed within thirty-five (35) days from the date when a copy of the decision is served upon the party affected.

Cross-References

For the composition of grievance committees, see "Bylaws of the General Faculty of the University of Arizona."

For the Board of Regents' policy, see *Arizona Board of Regents Policy Manual Section 6-201*, "Conditions of Faculty Service" and *Arizona Board of Regents Policy Manual Section 6-301*, "Conditions of Professional Service."

ARTICLE VIII The Faculty Senate

Section 1. Functions

Among the functions to be exercised by the Faculty Senate are:

- a. To recommend curricula and degrees for approval. While matters pertaining to courses, major and minor requirements, the kinds of degrees and requirements for each will originate in the various colleges, the final formulation which is to be recommended to the Board of Regents shall be determined by the Faculty Senate.
- b. To formulate and/or recommend for approval policies governing official University catalogs.
- c. To establish committees to assist in carrying out functions assigned to the Faculty Senate by the "Constitution and Bylaws of the General Faculty."
- d. To maintain communication and liaison with the President of the University, administrators, faculty, staff, and students.
- e. To recommend policy concerning academic conduct of students.
- f. To recommend policies concerning promotion, tenure, continuing status, sabbatical leave, and other leaves of absence.
- g. To act upon nominations for recipients of honorary degrees, which may be proposed by one or more of the College Faculties.
- h. To make recommendations relative to the general University policies and procedures.
- i. To discharge responsibilities assigned by the Constitution and Bylaws of the General Faculty.
- j. To act upon matters brought for consideration in accordance with the "Constitution and Bylaws of the General Faculty" and existing University policy.
- k. To execute such other functions as are consistent with the "Constitution and Bylaws of the General Faculty."

Section 2. Membership

The voting members of the Faculty Senate shall be comprised of the following:

- a. *Ex officio* voting members: The President of the University, the Provost, the Chair of the Faculty, the Vice Chair of the Faculty, the Secretary of the Faculty, the chair of the Strategic Planning and Budget Advisory Committee, the chair of the Undergraduate Council and the chair of the Graduate Council shall be voting

members of the Faculty Senate. In addition, one member shall represent the Vice Presidents, and one member shall represent the Deans.

- b. Elected members: Elected members of the Faculty Senate will hold office for two years, beginning on June 1 of the year in which they are elected, in accordance with the following:
 - i. Twenty members shall be elected, prior to June 1 of the odd-numbered years, by the General Faculty. These shall be designated Senators-at-Large.
 - ii. A minimum of one member shall be elected prior to June 1 of the even-numbered years by each College Faculty. General Faculty members not affiliated with any college shall conduct an election as if they constitute a common college. Elected members of the Faculty Senate in addition to the twenty elected by the General Faculty and the ones elected by each College Faculty, including those acting as a common college, shall be apportioned among the several, but not necessarily all colleges, essentially in proportion to the number in each College Faculty. Such apportionment is to be established in accord with the published census of the General Faculty by the Committee on Faculty Membership.
- c. Seven students: four students selected annually by the Associated Students of the University of Arizona and three students, selected annually by the Graduate and Professional Student Council in whatever manner those bodies decide.
- d. The Faculty Senate shall fill a vacant Senate seat using the following procedure:
 - i.) If a Senate seat is vacated due to a Senator's resignation or inability to serve, two circumstances apply: either (a) there were unelected candidates for the position in the election in which the unable-to-serve Senator was elected; or (b) there were no unelected candidates available in that Senator's constituency.

For all vacancies occurring under situation (a), the Committee on Elections will ask the unelected candidate receiving the next highest number of votes to become the successor. If this individual is unavailable, then the next highest vote recipient will be asked to serve, repeating until no unelected candidates are available. All such successors will serve until the return of the regularly elected Senator or until the end of the vacated term, whichever occurs first, but no less than one full semester in any case.

For vacancies occurring under situation (b), two types occur as follows:

1) The vacated term to be filled is longer than one semester, in which case the Committee on Elections will be asked to conduct a special election in the constituency of the vacated seat, complete with nominating petitions and written or electronic ballot voting. An individual elected in this way will serve to the end of the unexpired term of the vacated seat.

2) The vacated term is for one semester, in which case the Committee on Committees will be asked to provide the name of an individual from the vacated Senator's constituency who is willing to serve. An individual selected in this way will serve only until the end of the then

current semester.

- ii.) If vacancies occur because there were not enough candidates from a given constituency in an election, the Chair of the Faculty and the Vice Chair shall seek appropriate faculty members from that constituency who are willing to serve, and present these candidates to the Senate Executive Committee for approval, to fill those vacancies.

Section 3. Method of Voting

At meetings of the Faculty Senate voting shall be by *viva voce*, by a show of hands, by a rising vote, or by ballot as decided by whoever is presiding over the meeting at the time of the vote. Upon request of seven or more members of the Faculty Senate, the vote shall be taken by roll call. Such recorded vote shall be included in the minutes of the Faculty Senate which are distributed to all members of the General Faculty. It shall, however, always be in order to move to vote by ballot. An absent member may send a substitute who shall not vote.

Section 4. Faculty Senate Standing Committees

Each Faculty Senate standing committee, except the Executive Committee, shall consist of seven General Faculty members, a majority of whom must be members of the Faculty Senate. The standing committee members shall be appointed by the Vice Chair of the Faculty, after consultation with the Faculty Senate Executive Committee, from names suggested by the Committee on Committees. Student members of standing committees shall be nominated by the Associated Students of the University of Arizona and by the Graduate and Professional Student Council. Members of standing committees shall serve no more than three consecutive one-year terms, but they may be reappointed after an interim of one year.

All action items that are forwarded by the Faculty Senate standing committees come to the Faculty Senate as a seconded motion.

- a. Executive Committee. The committee membership shall consist of the Chair of the Faculty, the Vice Chair of the Faculty, the Secretary of the Faculty, chairs of the Faculty Senate standing committees, chair of the Committee of Eleven, chair of the Strategic Planning and Budget Advisory Committee (SPBAC), chair of the Undergraduate Council (UGC), chair of the Graduate Council (GC), two members of the Senate elected at the regular May meeting of the Faculty Senate in alternate years from nominees whose names were submitted to the Faculty Center in time for distribution with the agenda for that meeting, the President of the University or his/her designee (non-voting), the Provost or his/her designee, (non-voting), the President of ASUA or his/her designee, the President of GPSC or his/her designee, and the Parliamentarian who shall be non-voting. The Vice Chair of the Faculty shall serve as chair of the committee. The committee shall establish the agenda for each meeting of the Faculty Senate and shall receive reports from the officers, the chairs of the Senate standing committees, UGC, GC and SPBAC.
- b. Academic Personnel Policy Committee. This committee 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 (for example, the *University Handbook for Appointed Personnel*, “Constitution and Bylaws of the General Faculty of the University of Arizona,” and *ABOR Policy Manual 6-201* “Conditions of Faculty Service.”)

- c. Research Policy Committee. This committee considers matters and forwards action items to the Faculty Senate relating to secrecy, research, conflict of interest, data retention, intellectual property, research ethics, research parks, interaction with industry, patent policy, Arizona Research Laboratory, research institutes, human and animal research, and safety. One faculty member of the Research Policy Committee shall also sit on the Vice President for Research’s Intellectual Property Committee.
- d. Student Affairs Policy Committee. This committee considers matters and forwards action items to the Faculty Senate relating to student quality of life, financial aid, the Code of Conduct, the Code of Academic Integrity, student comportment, admission and domicile classification, high school and community college relations, recruitment and retention policies, Commencement, registration and such matters as brought forth from Student Affairs, the Dean of Students, and the Office of Enrollment Management. The chair of the Student Affairs Policy Committee is a member of the Campus Advisory Council.

Section 5. *Ad hoc* Committees

At times, *ad hoc* committees may be created to explore, define, and/or address issues of immediate concern to the faculty. If it is an *ad hoc* committee of the General Faculty, then the Chair of the Faculty shall appoint its members. If it is an *ad hoc* committee of the Faculty Senate, then the Vice Chair of the Faculty shall appoint its members. The appointment of *ad hoc* committee members shall be done by the Chair or Vice Chair only after consultation with the Faculty Senate Executive Committee, from names suggested by the Committee on Committees. *Ad hoc* committee charges will contain a duration and reporting date, as specified in the Constitution, Article VI, Section 5.

BYLAWS OF THE GENERAL FACULTY OF THE UNIVERSITY OF ARIZONA

APPENDIX I

GUIDELINES FOR SHARED GOVERNANCE
The University of Arizona

**Memorandum of Understanding Entered into by the Faculty and the
Administration of The University of Arizona**
Passed in the Faculty Senate April 4, 2005

I. SHARED GOVERNANCE

This Memorandum of Understanding, agreed to by faculty and administration, outlines principles of shared governance at The University of Arizona and is entered into freely by a faculty and an administration committed to a common vision of the mission of the University. This memorandum supersedes that previously signed by President Peter Likins on October 6, 1997, and by his predecessor, Manuel Pacheco on June 26, 1997, with the assent of the Arizona Board of Regents through its then General Counsel, Joel Sideman.

In an era of significant educational change, the success of the University and the positive morale of the faculty and administration are dependent upon continued use of the collective intelligence of the university community in planning and decision-making. Shared governance involves mutual participation in the development of policy decisions by both faculty and administration, and requires shared confidence between faculty members and administrators. This requires extensive sharing of information and a shared understanding that faculty representatives and administrators strive always for informed mutual support through shared governance dialogue.

Faculty consultation by the administration can take many forms and involve many different faculty members, depending on the issue at hand. The administration may choose to weigh the counsel of various faculty members or faculty groups differently, depending on the circumstances. The administration may consult with students and staff members and their organizations as well as faculty, and weigh their concerns variously. However, the official and primary overarching bodies with which the administration must be expected routinely to consult are the Faculty Senate and the Strategic Planning and Budget Advisory Committee (SPBAC). Both of these bodies consist of a majority of faculty representatives and are chaired by a member of the faculty. The respective jurisdictions of each of these bodies is set forth in the document, "Tracking of Proposals to the Faculty Senate or SPBAC," dated November 14, 2002.

Within shared governance, a decision on a change in those policies under the jurisdiction of shared governance should normally be reached only after there is general acceptance of the policy proposal in either its original or modified form by both the administrator(s) and the appropriate overarching shared governance body for the issue in question. Depending on the issue, the appropriate shared governance body is determined by reference to the "Tracking of Proposals" document, noted above. General acceptance means that (1) the appropriate overarching shared governance body has been properly consulted and (2) has communicated its support for the policy to the President (or designee). In this process, a spirit of mutual respect between administrator(s) and the shared governance body – the taking of each other's positions into serious consideration – is the expectation. The President or designee(s), however, can make and announce a final decision without "general acceptance" provided he or she believes that every reasonable effort has been made to reach a common position through consultation and to be responsive and that such decision is necessary in the best interests of the University. In this circumstance, the President or designee is expected to explain the position taken.

The following guidelines are intended to elaborate further details in the way the faculty and administration address certain issues. These guidelines express a mutual desire to work together. They do not constitute a legal contract. It is intended that these guidelines be consistent with and not supersede Arizona Board of Regents Policies, including the Conditions of Service and Arizona Board of Regents Policies 6-910 and 6-201(J); the applicable provisions of the Constitution of the Faculty of the University of Arizona (1); the Revised Statutes of the State of Arizona (2); and other documents as described in Section II.

II. STRUCTURE AND PROCESS FOR SHARED GOVERNANCE

A. Budget and Strategic Planning

The Strategic Planning and Budget Advisory Committee (SPBAC), comprised of faculty, administrators, and other sectors of the University community as appropriate, shall be the university-level forum for shared governance on strategic planning and the projected budget. The projected budget of university funds will be formulated by the administration with faculty participation, reviewed by SPBAC, and publicly disclosed. At least half of SPBAC will come from the faculty, chosen by way of accepted faculty governance procedures. The SPBAC will receive input from the Faculty Senate as appropriate and make reports to the Faculty Senate. University budgets and records of University expenditures will continue to be open to all members of the faculty and the public, as required by law.

B. Academic and Academic Personnel Policies

Subject to the authority and responsibilities of the Board of Regents and the President, academic and curricular policies rest primarily with the faculty as represented by the Faculty Senate. The creation and elimination of programs and units relating to student affairs and admissions, faculty personnel policy, and the guidelines on salary policy are included within the jurisdiction of shared governance. An initial proposal to change academic or academic personnel policy may come from any source, but the formal consideration and development of such policy changes shall always be undertaken through shared governance arrangements.

C. Selection and Review of Academic Administrators and Academic Vice Presidents

The faculty and administration will play a collaborative role in the recruitment, selection and review of heads of departments, academic unit directors, deans, vice provosts, and vice presidents. The expectation is that these personnel decisions will take place only after proper shared governance dialogue with appropriate representatives of the faculty, who are expected to serve this role largely through membership on search committees. Furthermore, with respect to the selection or retention of a head or academic unit director, the position of the faculty shall be determined through procedures decided by the faculty of the respective department or unit. With respect to such decisions relating to academic deans, vice provosts, and vice presidents, the faculty shall be represented through faculty chosen by way of an elected faculty committee on committees at the respective college and university levels. Faculty representatives, chosen as per II, E below, shall comprise half or more of each search committee and each review committee. The remainder are appointed by the designated administrator. Extraordinary reviews shall be conducted by procedures outlined in the *University Handbook for Appointed Personnel*. It is the responsibility of all committees to ensure open faculty input, including the input of the appropriate elected faculty body.

D. Position Searches

The authority to engage University employees has generally been delegated by the Regents to the University presidents except that initial appointments of vice presidents require ABOR approval (see ABOR 6-910). Whenever appropriate, such as in search committees, faculty representatives will be required to and must abide by confidentiality requirements. Tenured, tenure-eligible, continuing, and continuing-eligible faculty, academic administrative and vice-presidential

appointments will be made following open competitive searches with selection based on merit and due consideration of intellectual and cultural diversity. This statement is not intended to prohibit “laureate” or otherwise uniquely qualified appointments made on the bases of approved non-competitive searches.

E. Faculty Representation

Representation of the faculty at all levels of University shared governance will be the responsibility of members of the faculty who have been chosen by direct election by the faculty or a faculty elected body, appointed by an elected faculty officer, or appointed by an administrator from a list of several nominated by the Committee on Committees. All representatives must abide by confidentiality requirements. Faculty members have the responsibility to participate in shared governance. In work assignments and performance reviews, their participation shall be recognized as service and given the weight necessary to ensure the success of shared governance.

If a substantial minority of any shared governance committee disagrees with any action taken by that committee, their position should be included as part of the committee’s report or recommendations.

F. Process of Consultation

1. The overarching shared governance groups, and the ones referred to in the introduction of this document respecting general acceptance, are the Faculty Senate and the Strategic Planning and Budget Advisory Committee. The President or designee(s) should normally also interact with other individuals and organizations, such as the Appointed Personnel Organization Council, the Staff Advisory Council, the officers of the Associated Students of the University of Arizona, and the officers of the Graduate and Professional Student Council. Consultations should generally include one or more of the above representative groups and may extend further at the discretion of the administration. When any such group or the administration wants to suggest a policy or a change in an existing policy, there should be initial consultations involving leaders from all the representative groups concerned with the matter.
2. The overarching shared governance groups and the administration are responsible for insuring that any proposed policy, wherever it originates, shall be developed pursuant to the agreement. The President, Provost, Chair of the Faculty, and Chair of SPBAC should consult periodically about whether any policy changes coming under this agreement may be in gestation that

have not undergone the appropriate shared governance process in order that the process can and will take place in a timely manner.

3. In a case where differences arise between the administration and the appropriate overarching shared governance body concerning any policy recommendation in any area covered by these guidelines, the administration and that shared governance group will work to resolve those differences so as to attain an outcome that is generally accepted. If general acceptance cannot be reached among the parties involved, and the President or designee(s) believes that every reasonable effort has been made to be responsive and reach a common position, the President or designee(s) may proceed provided he or she determines that action is necessary in the best interests of the University.
4. Shared governance does not extend to management decisions, that is, the carrying out and implementation of policy according to the objectives and guidelines of that policy.
5. When and if there is a dispute over whether the adoption of a policy or its implementation has followed the terms of this document, a consultation will take place between the administration and the appropriate shared governance bodies subject to the terms of F.2 above and, if needed, Section G, below.
6. In the event that the President or designee(s) believes that an academic, educational or faculty personnel policy change must take place urgently, to the point of abbreviating normal shared governance procedures, the President or designee(s) will notify the Chair of the Faculty. To the degree possible, they will develop an expedited process of shared governance.
7. For the sake of confidentiality on personnel or other confidential matters, the administration has the right to determine the appropriate level of specificity of the information that is given to the shared governance bodies.
8. In those cases where the administration proposes to initiate any change in a policy or process covered within this memorandum, the President or designee(s) will begin by consulting the duly authorized leaders of the appropriate shared governance and representative groups. During that initial consultation, if information arises that bears on personnel matters (as opposed to policy or process), the shared governance representatives agree in advance to keep that information confidential and communicate to their

constituents only those elements of the proposal that are authorized for disclosure by the administration.

G. Shared Governance Review Committee

With the purpose of enhancing the smooth operation of shared governance, a review committee composed of the Chair of the Faculty, the Chair of the Strategic Planning and Budget Advisory Committee, the Presiding Officer of the Senate, two Senators (elected by the Senate), one additional member of SPBAC (chosen by the Chair of SPBAC), the Provost, and two other members of the administration chosen by the President shall be established. Its purposes are to address issues regarding the implementation and functioning of the procedures contained in this document, to recommend a process to review compliance with this agreement, and to make recommendations toward more effective working of shared governance.

The Shared Governance Review Committee can review allegations that there may have been a breach of this agreement by any party to it. In the event the Committee feels there may have been a breach after careful consideration with all parties involved, it will ask for a consultation involving the Committee, the parties involved, and the President or designee(s). This consultation will attempt to provide recommendations that will strive to resolve the matter. If a resolution cannot be found, the shared governance groups at the University of Arizona may then follow their own procedures to address the unresolved issues.

H. Involvement of Students, Staff and Professional Personnel

The involvement of students, professional personnel and staff in shared governance is defined by the "Plan for Extending Shared Governance," April 27, 1998 (<http://w3fp.arizona.edu/senate/ShGovExtending.html>).

I. Consistency with Other Documents

These guidelines are subject to the applicable provisions of the Arizona Revised Statutes and the Arizona Board of Regents policies, and shall be interpreted consistently with the Constitution and Bylaws of the Faculty of the University of Arizona, and the *University Handbook for Appointed Personnel*.

However, the guidelines are built upon principles of shared governance developed after the Constitution and UHAP were instituted. Therefore, these guidelines provide a framework, which may be used to suggest amendments designed to conform with the principles of shared governance.

J. Continuing Structure and Process

Principles of shared governance shall be fostered within the colleges and units, in a form appropriate to the circumstances of each college and unit, but consistent with aims and objectives of shared governance.

Robert N. Shelton
President 2006-

Wanda H. Howell
Chair of the Faculty 2005-

Date

Date

Meredith Hay
Provost 2008-

Robert P. Mitchell
Vice Chair of the Faculty and
Presiding Officer of the Faculty Senate
2005-

Date

Date

NOTES:

1. From The Constitution of the Faculty of the University of Arizona: “The general faculty has fundamental responsibilities in the areas of academic personnel policy, instruction and curriculum policy, research policy, student affairs policy, ethics and commitment, advice on budget and university support, and acts on such matters affecting the welfare of the University as are brought for consideration in accordance with University policy.”

2. From Arizona Revised Statute §15-1601(B): “The Universities shall have colleges, schools and departments and give courses of study and academic degrees as the Board (of regents) approves. Subject to the responsibilities and powers of the Board and the University Presidents, the faculty members of the Universities, through their elected faculty representatives, shall share responsibility for academic and educational activities and matters related to faculty personnel. The faculty members of each University, through their elected faculty representatives, shall participate in the governance of their respective Universities and shall actively participate in the development of University policy.”

DA: November 14, 2002

TO: All members of the Faculty Senate, SPBAC, and the University Council

FR: The Shared Governance Review Committee (the SGRC)
Professor Wanda Howell, Chair,
and the Subcommittee of J. Hancock, J. Hogle and J. Schwarz

RE: The Tracking of Proposals to the Faculty Senate or SPBAC

The University of Arizona is entering a period where very serious decisions will need to be made about focusing for excellence long-term and the consequences of immediate and continuing state budget reductions. Our President and Provost have assured us that all of these decisions will be arrived at after careful and extensive conversations throughout the University, particularly with representative groups, as per the Shared Governance Memorandum of 1997 and the Plan for Extended Shared Governance of 1998. The SGRC wants to make certain that the various proposals and problems we will soon need to discuss are channeled through the appropriate Shared Governance groups, including their appropriate subcommittees in some cases. This message is at least a first *and clarifying* step in that effort.

One question that faces us in processing proposals is: “which group deals with University-wide *academic* proposals that may involve organizational, curricular, student-service, and/or financial changes?” More specifically: “which such proposals should be sent through the *Faculty Senate* (including its standing committees) and which are more appropriate to be evaluated by *SPBAC* (the UA Strategic Planning and Budget Advisory Committee),” both of which are predominantly faculty bodies including elected representatives from the faculty. A general answer is that both groups do have areas of interest in common where both should have a major voice, an example being reorganizations. Still, after carefully rereading sections B and E of the Shared Governance Memorandum and the Constitution and Bylaws of the General Faculty, the SGRC has concluded that the following *types of proposals*, once they reach the University-wide level, should be channeled *first* through these groups (though both may be ultimately involved at different points in time):

To the Faculty Senate (through the Chair or Vice Chair of the Faculty):

General Policies & Procedures on the Opening/ Closing / Reorganizing of academic units
UA Curriculum (incl. addition or deletion of degree programs & Gen. Ed. requirements)
Personnel Policies (incl. overall UA policies/procedures on faculty employment)
Research Policies (incl. policies on conflict of interest and research ethics)
Student Affairs Policy (incl. policies on admissions, financial aid, and tuition)
Student and Faculty Codes of Conduct
Faculty and Administrative Salary Policy (incl. policies on salary equity)
The Setting or Resetting of the Academic Calendar
Policies Governing Official University Catalogs
Corporate Relations Policy (aided by the University Committee on Corporate Relations)

To SPBAC (through the SPBAC Chair, in consultation with the Chair of the Faculty):

The Overall University Budget (incl. short-term allocations/reductions, long-term prospects, and decisions involving revenues)
The University Strategic Plan (incl. partial annual revisions and mid-year adjustments)
The University Mission Statement and its Elements (as part of the Strategic Plan)
Principles and Criteria for Prioritization (within both the budget and the Strategic Plan)
--- incl. criteria for evaluating programs from a planning and budgetary perspective
Prioritizations and Funding Sources for New University Space (incl. space planning)
The Measures by which the UA is Assessed (as part of the Strategic Plan)

Proviso: In all the above categories, these groups make recommendations to the President or his designees *and* do so within the Arizona Board of Regents (or ABOR) policies governing each of these areas. In certain areas of interest to faculty, such as policies governing Admissions, Tuition and Financial Aid, ABOR has a primary interest that may require first consideration, but these areas still warrant consultation with either SPBAC or the Senate or both.

The SGRC, again, recognizes that there are some areas of overlap between the Senate and SPBAC. Prioritization and reorganization are among these. It is consequently important for both groups to communicate with each other on such matters, at least through elected faculty and others who are members of both. After all, SPBAC is an expanded and more widely representative extension of what once were the General Faculty Committees on Space and on Planning and Budget in the Constitution and Bylaws of the General Faculty.

In general, however, the Senate recommends *policies* that are specifically implemented elsewhere, and SPBAC recommends budget and planning guidelines and arrangements directed at specific financial and organizational results that are worked out elsewhere. Consequently, a proposal for an academic reorganization (for example) must be handled through the policies and procedures established by the Senate (subject to ABOR policy and Presidential approval) but will be evaluated according to SPBAC

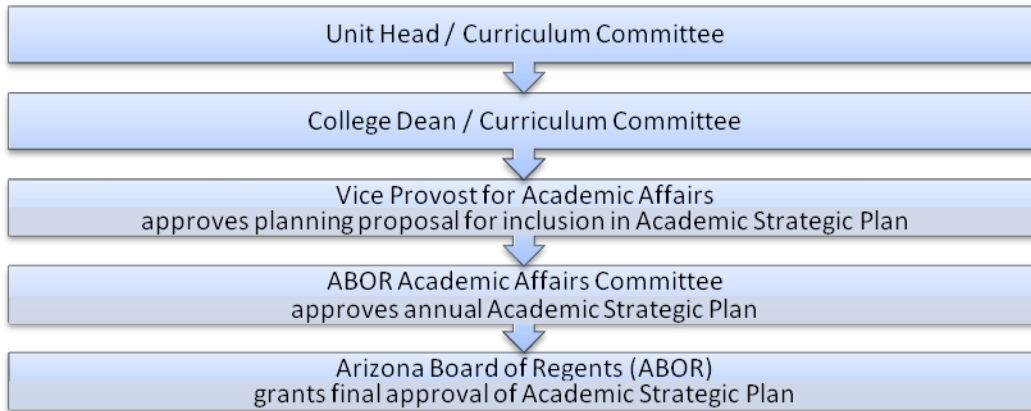
criteria from a planning and budget point of view (again, towards a decision by the President or his designee within ABOR policies). In these particular matters now facing us more and more, in other words, both groups make recommendations from their different points of view.

In this way, we believe we have clarified where different academic proposals should go in Shared Governance, depending on their nature. Please contact us, through our chair, if you have questions or concerns. If there are uncertainties about where a proposal goes, this problem should be referred to the Vice Chair of the Faculty, as Chair of the Shared Governance Review Committee.

Cc: Academic Personnel Policy Committee
Instruction and Curriculum Policy Committee
Research Policy Committee
Student Affairs Policy Committee

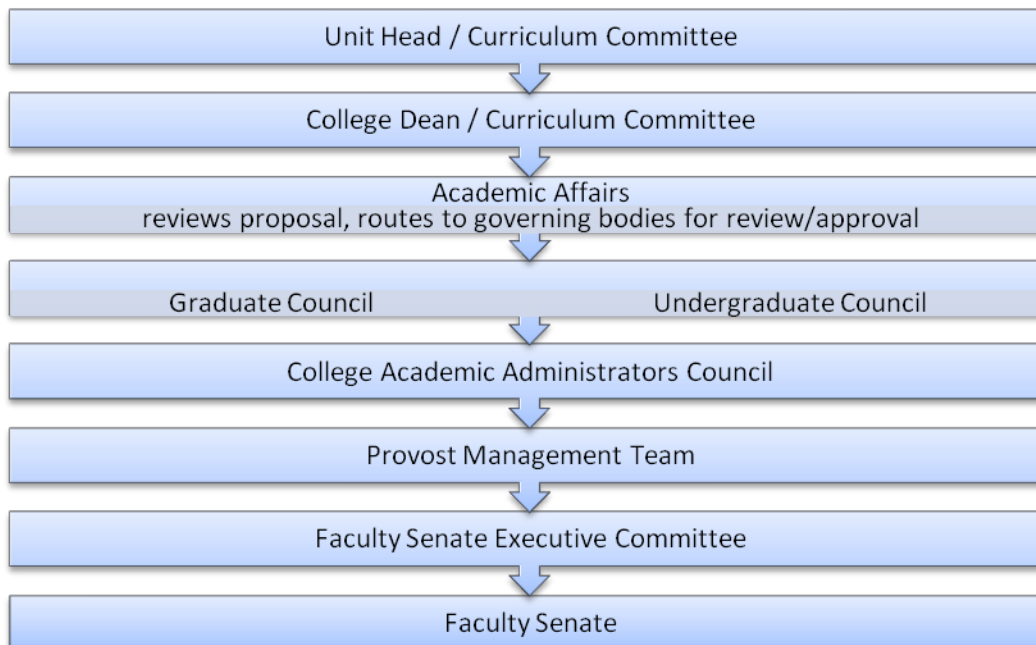
APPENDIX II
Planning Approval Process for Academic Programs and Academic Units

Units planning to create a new academic program or academic unit must obtain the following approvals prior to submitting an implementation proposal for review/approval:



Once unit and college level approvals are complete, forward academic program and/or academic unit planning requests to the Vice Provost for Academic Affairs. The Vice Provost for Academic Affairs compiles the UA's Academic Strategic Plan annually to be approved by ABOR's Academic Affairs Committee each spring. Units have two years from the time planning approval is granted by ABOR to submit an implementation proposal for a new program or unit.

Implementation Approval Process for Academic Programs and Academic Units Included in ABOR Approved Academic Strategic Plan



Requests to implement programs not submitted for inclusion in the UA's Academic Strategic Plan may be considered by the Vice Provost for Academic Affairs on a case-by-case basis to determine whether the program requires an exception to the normal approval process. In addition to the approvals noted above, programs not included in the approved Academic Strategic Plan require approval from the Chief Academic Officers, ABOR Academic Affairs Committee and ABOR.

Approval Process for Academic Policies

Academic policy proposals may be generated by an academic unit, college, committee (e.g., University-wide General Education Committee, University General Petitions Committee, University Academic Advisors Council, etc.) or non-academic unit or committee (e.g., Dean of Students, Registrar's Office, Disability Resource Center, etc.)

Academic policy proposals do not require planning approval. Policy proposals initiated by an academic unit follow the approval process for academic programs and academic units.

Academic policy proposals initiated by a committee or non-academic unit may send policy proposals directly to the Office of Academic Affairs.

Most academic policy proposals do not require ABOR approval. Whether ABOR approval is required will be determined on a case-by case basis.