



Constitutions & Bylaws Committee

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To: UArizona Faculty Senators
From: Constitution & Bylaws Committee
CC: President Robert Robbins, Provost Liesl Folks
Date: February 22, 2023
Re: Constitution & Bylaws Affirmation

This letter explains the current situation surrounding the approval of the Faculty Constitution and Bylaws.

The issue

The issue arises from 26 changes to the Faculty Constitution and Bylaws, which the Senate and the General Faculty approved during the years 2020-2022:

- 10 changes were identified by Senate as ‘substantive’ changes and were approved by vote of the General Faculty last Spring.
- 16 changes were identified by Senate as ‘housekeeping’ changes and were approved by vote of the Senate-

The vote margins for approval were usually substantial (exceeding 85% for each of the votes by the General Faculty). However, the current status of the documents has been questioned by the President's Office, because of the concern that the Constitution and Bylaws documents provided to the Senate and Faculty prior to those votes were not always complete and up to date.

The President has asked the Senate to affirm that the documents attached to this agenda represent the current and correct versions of the document before he decides to approve or reject the changes that were put forward from the General Faculty last Spring.

The detailed history of the 26 changes is attached; this same detailed history was attached to the previous Senate meeting.

The current proposal

The Constitution and Bylaws Committee has reviewed the history and believes that the inconsistencies in the documents provided to the Senate and Faculty were not material to the issues being voted on and were very unlikely to have affected the outcomes of those votes. Therefore, we ask the Senate now to affirm the past votes through the following resolution:

“The Senate resolves that the revisions of the Constitution and Bylaws attached to its current agenda accurately reflect (i) all changes to those documents prior to last Spring’s faculty votes and (ii) the changes approved by the Faculty last spring, and affirms the legitimacy of those votes.”

This vote would not represent Senate *approval* of the previous changes, on their merits. It would represent merely affirmation of the processes that produced the previous approval votes by the Senate and Faculty.

Implications

We believe that a strong approval vote by the Senate would, with high probability, lead to action by the President on the ten changes approved by the General Faculty. This would allow the Constitution and Bylaws Committee, and the Senate, to move forward with consideration of other pressing questions concerning the reform of those two documents.

Rejection by the Senate would effectively block, for an indeterminate time, the referral to the General Faculty of any further changes to the Constitution and Bylaws.

If the Senate disagrees with any of the changes that would be affirmed today, then it is free to reconsider them in a separate, subsequent process. The purpose of today's proposal is merely to clarify the status quo and permit orderly consideration of further proposed changes to the Constitution and Bylaws.

Sincerely,

Tessa Dysart, Law, Committee Chair, Secretary of the Faculty

Alex Braithwaite, SBS

Amy Fountain, SBS

Mark Stegeman, Eller, Senate Parliamentarian

Andrea Romero, Faculty Affairs, Ex-Officio/non-voting