

# Faculty Bylaws



## The Bylaws of the General Faculty of the University of Arizona

*Approved January 4, 2024*

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“Guidelines for Shared Governance” updated signatures 9/15/2014

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## **ARTICLE I: Membership**

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### **Section 1.**

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Membership in the General Faculty is as defined in Article II, Section 1 of the Constitution.

### **Section 2.**

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Each year the Committee on Faculty Membership shall maintain a current and accurate census of the General Faculty for purposes of voting and participation in faculty governance.

## **ARTICLE II: Officers**

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### **Section 1.**

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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. In the absence of a parliamentarian (due to resignation, unfilled appointment, or any other reason), the Secretary of the Faculty shall fulfill this role.

### **Section 2.**

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A 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.**

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The representatives to the Arizona Faculties Council shall be the Chair, Vice Chair, and Secretary.

## **ARTICLE III: Meetings**

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### **Section 1.**

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Petitions in written or digital format of five percent (5%) of the General Faculty shall be sufficient to call a Meeting of the General Faculty. Such petitions, presented to the Chair of the Faculty, shall state the purpose(s) of the intended meeting. Petitions shall be collected through the Faculty Center and shall be validated by Faculty Center staff using the Census of the General Faculty.

## **Section 2.**

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### **Notice of Meetings.**

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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.**

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Meetings of the General Faculty shall be open to the public except when that body decides to meet in executive session.

## **Section 4.**

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### **Methods of Voting.**

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- 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**

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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 Nominating Committee, or by other members of the General Faculty, 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 candidate statement.

### **Section 1: Declaration of Candidacy**

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Candidates for elective office shall declare their candidacy to the committee as directed on the faculty governance website:

- a. Declarations shall identify the elective office being sought and provide a means for candidates to affirm their eligibility for and willingness to hold the office. Electronic or hard-copy distribution of declarations shall be acceptable.
- b. Candidates shall affirm in writing their willingness to hold office by signing their declaration. Electronic or hard-copy signatures shall be acceptable.
- c. The Committee on Elections shall verify the eligibility of each nominee.

## **Section 2: Conduct of Elections**

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- 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 accept completed declarations of candidacy no later than the close of business ten (10) class days prior to the election.
- c. The committee shall conduct general elections for elective offices no later than March 1, allowing ten (10) class days from the opening of the online election to the close of the election. The list of general faculty eligible to vote shall be finalized seven (7) days before the election commences.
- d. The committee shall notify members of the General Faculty of the results of general elections no later than March 22.
- e. The committee shall conduct runoff elections for faculty offices no later than April 1, allowing ten (10) class days from the opening of the online election to the close of the election.
- f. The committee shall notify the General Faculty of the results of the runoff election no later than April 25. Results for all General Faculty elections will include a list of any individuals elected and policies adopted, vote counts, and the overall participation rate for the election.
- g. 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**

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- 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 general election shall be declared elected. When no one receives a majority of the votes in the general election, the two candidates receiving more votes than anyone else will be nominated for the runoff 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 general election shall be declared elected. If more than forty are nominated, the forty receiving the largest number of votes in the general election shall be candidates on the runoff election ballot provided only that anyone who receives a majority of votes in the general election shall be declared elected. The candidates receiving the largest number of votes in the runoff 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 general election shall be declared elected. If more than twice the number are nominated, those receiving the largest number of votes in the general election, totaling twice the number of positions to be filled, shall be candidates on runoff election ballot, provided only that any candidate who receives a majority of votes in the general election shall be declared elected. Nominees receiving the largest number of votes in the runoff 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 general election shall be candidates on the runoff election ballot, provided only that any candidate who receives a majority of votes in the general election shall be declared elected. Nominees receiving the largest number of votes in the runoff election shall be declared elected to the positions to be filled.
- e. Strategic Planning and Budget Advisory Committee: If more than four are nominated for the Strategic Planning and Budget Advisory Committee, the four receiving the largest number of votes in the general election shall be candidates on the runoff election ballot, provided only that any candidate who receives a majority of votes in the general election shall be declared elected. The nominees receiving the largest number of votes in the runoff 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 8, of these Bylaws for membership on the Committee on Academic Freedom and Tenure shall be included on the ballot for the general election each year.
- g. For all other elections, any candidate who receives a majority of votes will be declared elected. Any unfilled seats will be filled through a runoff election with no more than twice as many candidates on the ballot as there are open seats. If there are more than twice as many candidates as open positions, those with the largest number of votes on the first ballot will be included in the runoff election.

## **ARTICLE V: General Faculty Standing Committees: Memberships and Terms**

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### **Section 1.**

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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.

## **Section 2.**

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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 Nominating Committee or by other members of the General Faculty for two-year staggered terms.

## **Section 3.**

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The Nominating Committee 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.**

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The University Committee on Ethics and Commitment shall be composed of six members who are tenured or continuing members of the General Faculty elected by the Faculty Senate to serve staggered three-year terms, from nominations by the Nominating Committee or by other members of the General Faculty. 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 5.**

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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 6.**

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If a member of a General Faculty Standing Committee (Sections 1-5) resigns or becomes ineligible for membership, this member will be replaced for the remainder of the term of the departing member by the following:

- a. If elected, the candidate who received the next highest number of votes in the same election will be offered the vacancy, 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.

- b. If appointed, the Chair of the Faculty will fill the vacancy by appointing a member of the General Faculty.

## **Section 7.**

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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.**

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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 Nominating Committee or other members of the General Faculty, 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 Nominating Committee or other members of the General Faculty, 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 Nominating Committee 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 Nominating Committee or by other members of the General Faculty. 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.**

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The University Committee for Monitoring Labor and Human Rights Issues is composed of seven faculty members nominated by the Nominating Committee or by other members of the General Faculty 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**

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### **Section 1.**

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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 Associated Students of the University of Arizona (ASUA) and Graduate and Professional Student Council (GPSC) and two representatives from UArizona Staff Council (UASC) who will be appointed in the terms determined as these organizational bodies see fit.

### **Section 2.**

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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.**

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The Naming Advisory Committee consists of the Vice Chair of the Faculty (committee chair), President of the UA Foundation, President of the Associated Students of the University of Arizona (ASUA), President of the Graduate and Professional Student Council (GPSC), Provost of the University, Chair of the UArizona Staff Council (UASC), 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.**

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The Undergraduate Council and its officers shall be composed as follows:

- a. Faculty members of the Undergraduate Council shall come from each college that offers undergraduate degrees; 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.

- b. The chair of the University-wide General Education Committee or a designated alternate currently serving on the committee.
- c. The chair of the University General Petitions Committee or a designated alternative currently serving on the committee.
- d. Two ex officio voting members from Faculty Senate. These members are appointed by the Vice Chair of the Faculty in consultation with the Chair and after nominations have been received from the Senate. Terms are for one year but are renewable.
- e. One to two student representatives from the Associated Students of the University of Arizona (ASUA) appointed to Undergraduate Council by the president of ASUA. ASUA members serve one-year terms that may be renewed.
- f. The Senior Vice Provost for Academic Affairs, the Executive Director of Academic/Curricular Affairs, the Registrar, the Director of Advising Resource Center, the Vice Provost of Digital Learning & Student Engagement for the Office of Academic Initiatives and Student Success, the Assistant Director of Academic Policies & Organizations are *ex officio* non-voting members.
- g. Other non-voting members may be included, as needed, by invitation of the chair.
- h. The chair of the Undergraduate Council shall be appointed by the Chair of the Faculty, on advice of the Nominating Committee and in consultation with the Senior Vice Provost for Academic Affairs.

## Section 5.

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

- a. The University-wide General Education Committee (UWGEC) voting membership shall consist of the UWGEC Chair and faculty representatives from the Colleges and programs that offer General Education courses, as follows: The College of Agriculture and Life Sciences (two voting members); the Colleges of Architecture, Planning and Landscape Architecture, Education, Nursing and Pharmacy (one shared voting member); Eller College of Management (two voting members); the College of Engineering (one voting member); the College of Fine Arts (two voting members); Honors College (one voting member); the College of Humanities (two voting members); the College of Science (two voting members); the College of Social and Behavioral Sciences (two voting members); and The College of Applied Science & Technology (one voting member). A faculty representative for each of the three Foundations programs--English, Mathematics, and Second Language--and the Library shall serve as voting members. Two student representatives, one undergraduate junior or senior, and one will each serve as voting members (two voting members in total). Each faculty member serves a three-year term; each student serves a one-year term.
- b. Two ex officio voting members from Faculty Senate. These members are appointed by

the Vice Chair of the Faculty in consultation with the Chair and after nominations have been received from the Senate. Terms are for one year but are renewable.

- c. 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. In the event that an academic unit not represented in this list begins offering courses in the General Education program, the UWGEC voting members may adopt a means for ensuring appropriate representation for that academic unit, through the sharing of an existing voting member.
- d. Non-voting *ex officio* members include a representative of the Senior Vice Provost for Academic Affairs.
- e. In addition, there is invited, non-voting representation from areas directly involved in general education.
- f. Support for the committee is provided by the Office of the Senior Vice Provost for Academic Affairs.
- g. The chair is chosen in consultation between the Chair of the Faculty and Senior Vice Provost for Academic Affairs, and serves a three-year, renewable term. The chair of UWGEC is a voting member of the Undergraduate Council, and reports to the Senate through or in concert with the UGC chair.

## Section 6.

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

- a. College 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. 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. Two *ex officio* voting members from Faculty Senate. These members are appointed by the Vice Chair of the Faculty in consultation with the Chair and after nominations have been received from the Senate. Terms are for one year but are renewable.
- c. Graduate Coordinators. Graduate Coordinators shall elect two members of the Graduate Council. Terms are two years, renewable; and the terms are staggered.
- d. 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.
- e. The Dean and the Associate Deans of the Graduate College are *ex officio* voting members of the Graduate Council.
- f. The chair shall be appointed by the Chair of the Faculty, on advice of the Nominating

Committee 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.**

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The Strategic Planning and Budget Advisory Committee's (SPBAC) membership is comprised of twenty-one voting members and thirteen (13) *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 a SPBAC chair. The SPBAC chair is appointed by the President in consultation with the Chair of the Faculty for a two-year term. The President and Chair of the Faculty may also select a SPBAC co-chair from the existing SPBAC membership; under such circumstances, the co-chairs have one shared vote. SPBAC chairs must have served at least one year on the committee prior to appointment as chair. SPBAC chairs may be re-appointed for one additional term, with the consent of a majority of SPBAC voting members.
- b. If an elected faculty representative to SPBAC resigns or becomes ineligible to serve, the candidate who received the next highest number of votes in the same election will be offered the vacancy, 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 to serve for the remainder of the term.
- c. 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 Classified Staff 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.
- d. The thirteen *ex officio* (non-voting) members are comprised of individuals with expertise in strategic planning/budgeting by title and by responsibility as follows. Those designated by title are: Senior Vice President and Provost; Senior Vice President Business Affairs and CFO; President, University of Arizona Foundation. The University of Arizona President, in consultation with the Chair of the Faculty, will appoint 9 individuals with senior leadership responsibilities drawn from areas that include institutional analysis and budget; student affairs and success; diversity and inclusion; research and health sciences; international and global affairs; communications, marketing, and public relations; and human resources.

## **Section 8.**

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The University General Petitions Committee shall be composed as follows:

- a. The Undergraduate General Petitions Committee voting membership shall consist of at least six and no more than twelve members of the General Faculty representative of Colleges that offer undergraduate degrees. In addition, the chair(s) of the University General Petitions Committee or a designated alternate currently serving on the committee serves as a voting member on Undergraduate Council.
- b. Non-voting members may include others as needed (i.e., advisors, curriculum specialists, or associate Deans) by invitation of the chair(s).
- c. The Provost or a designated alternate, the Administrative Director of the General Petitions Office, and the Executive Director of Campus Health or a designated alternate are *ex officio* non-voting members.
- d. Members of the committee and the chair(s) are chosen in consultation among the Chair of the Faculty, the Provost or a designated alternate, and members of Faculty Senate Executive Committee, and serve a five-year, renewable term.

## **Article VII: Grievance Policies and Procedures for Faculty**

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### **Section 1.**

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Purpose: To provide for review 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 procedures applicable to dismissal, suspension without pay or adverse actions concerning promotion, tenure or nonrenewal allegedly based on discrimination or unconstitutional action, and 6-302 for procedures applicable to dismissal or suspension of Academic Professionals.

Sources:

- Arizona Board of Regents Policy Manual - 6-201
- Arizona Board of Regents Policy Manual - 6-302
- University Handbook for Appointed Personnel (UHAP)

### **Section 2: Grievance Principles**

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- 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 judgment.
- d. All grievants shall have clearly defined avenues of appeal and redress that may include mediation and/or an opportunity to present one's concerns to 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 Grievance Clearinghouse 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 to which they apply, the Arizona Board of Regents Policy Manual 6-201 and 6-302 takes priority. In other cases, a grievant may have his or her issues reviewed by the Grievance Clearinghouse Committee for potential review by the Committee on Conciliation and/or Committee on Academic Freedom and Tenure.
  - i. When a matter reaches a formal hearing, faculty may choose to present the 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. At any and all times, the faculty members hearing grievances shall have the opportunity, but not the duty, to consult University counsel or any outside counsel who has or will be appointed for consultation purposes. In all matters and proceedings, however, the faculty members considering a grievance shall have the right to make the final decisions on all matters substantive or procedural. The role of University or outside counsel shall be solely to answer questions put to them by the faculty considering the grievance.
  - k. Each grievant has the right to a fair and reasonably speedy investigation and judgment by members of the appropriate committee or office.
  - l. Two or more faculty members with the same grievance have the right to seek redress jointly or individually.
  - m. 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.
  - n. All parties to a grievance are entitled to notification within three (3) business days of changes in the status of their grievance.
  - o. Grievances involving faculty members who work off the main UA campus generally shall be handled by grievance procedures prescribed herein.



- p. Grievants and witnesses are assured freedom from reprisals related to their testimony or participation in the grievance process. A separate whistleblower policy describes whistleblower protections and when those protections are applicable.
- q. Allegations of sexual or other impermissible harassment will be referred to the University Office of Institutional Equity for investigation.
- r. Allegations of discrimination on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or genetic information will be referred to the Office of Institutional Equity for investigation.
- s. 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.
- t. Generally, if a conflict cannot be settled through informal means, 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 direct the faculty grievant to the appropriate office or hearing body.
- u. The standard of proof for all findings, conclusions, and recommendations relating to grievances shall be a preponderance of the evidence.
- v. 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.
- w. No faculty member shall forfeit the right to grieve a matter unless he or she 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**

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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 the Ombuds Program, informal University mediator, or review by the Grievance Clearinghouse Committee.
- b. In most cases, faculty may choose an informal route, (i.e. Ombuds Program or

informal mediation). Faculty may request (if appropriate) a review by the Grievance Clearinghouse Committee. Grievances alleging discrimination may be filed with either the Grievance Clearinghouse Committee or directly with the Office of Institutional Equity. If the Grievance Clearinghouse Committee receives a grievance alleging discrimination or harassment, the Committee will forward the grievance to 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. They have suffered an adverse employment decision on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or genetic information; or
  - iii. There has been an infringement on the individual's academic freedom.

#### **Section 4: Informal Resolution Procedures**

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Informal resolution procedures are provided for the faculty member who desires informal assistance in the resolution of a complaint. The Ombuds Program or informal University mediator are available to conciliate and coordinate communication among the grievant, respondent and others related to the complaint. The purpose of these processes is to air differences between the parties and to resolve the complaint to the satisfaction of both parties without resorting to more formal review. In some instances, upon the agreement of the parties and contingent on the availability of resources, an outside mediator may be available to conduct dispute resolution. Informal resolution is strongly recommended.

- a. Ombuds Program: The Ombuds Program is a confidential, informal, impartial, and independent resource for effective communication, collaboration, and conflict management. The program provides assistance with a wide variety of faculty issues, concerns, questions, conflicts, and challenges through consultation, coaching, mediation and facilitation, training, and organizational development. The program works on many levels, from one-on-one to small and large groups, from individual to departmental, organizational, and systemic level concerns/issues. If you aren't sure where to start or what dispute resolution option to choose, the Ombuds Program can help you identify and explore your options for addressing the situation within and outside of the Ombuds Program, and connect you with other helpful resources.
  - i. Ombuds Program Confidentiality: Confidentiality is a fundamental element of the Ombuds Program. As such, the Ombuds Program is not authorized to accept notice of allegations of violations of law or other formal complaints on behalf of the University of Arizona or the Arizona Board of Regents. The

Ombuds Program treats all communications, and the identities of all visitors, as strictly confidential to the maximum extent permitted by law unless, in the discretion of the Ombuds, failure to disclose information would create an imminent risk of serious harm. No employee or other University constituent may compel the Ombuds Program to disclose information.

- ii. Ombuds Program Informality: The Ombuds Program is an informal and off-the-record resource and as such does not engage in formal processes and is not authorized to make or change policy.
  - iii. Ombuds Program Impartiality: As the designated neutral of the organization, the Ombuds Program works with all visitors and situations in an impartial manner. Ombuds do not take sides or advocate for any individual or group.
  - iv. Ombuds Program Independence: The Ombuds Program functions independently of other organizational entities.
  - v. Ombuds Program Terms of Use: By electing to utilize the voluntary services offered by the UA Ombuds Program, visitors agree to never seek to compel the Ombuds to disclose any information received as part of providing Ombuds services in any other forum, including a formal grievance or lawsuit. In addition, if the Ombuds Program utilizes mediation, facilitation, or another group process the visitors agree (to the extent permitted by law) to: (i) keep any and all communications that take place in the process confidential unless all parties agree otherwise, (ii) waive any right they may have to use communications that take place in the process in any formal grievance or lawsuit, and (iii) participate in good faith towards a mutually satisfactory outcome.
- b. “Point of View” - Human Resources can provide and/or assist with securing access to neutral trained mediators. Those who elect to use this process are provided an opportunity to share their uninterrupted point of view. The mediator does not decide who is right or wrong; instead, the mediator helps people understand the conflict and brainstorm options to solve it.

## **Section 5: Grievance Review Procedures**

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- a. Whether or not a grievant has sought Informal Resolution, he or she may request a review by the Grievance Clearinghouse Committee. The Grievance Clearinghouse Committee shall consider the complaint and assign it to the appropriate committee chair (e.g., Conciliation Committee). If the grievant alleges unlawful discrimination not covered by Arizona Board of Regents Policy Manual 6-201(M) or 6-302, they may file a complaint directly with the Office of Institutional Equity without first going through the Grievance Clearinghouse Committee.
  - i. Requests for the Grievance Clearinghouse Committee review should be filed at the Faculty Center.
  - ii. If the Grievance Clearinghouse Committee determines the grievant's case

contains an allegation of unlawful discrimination, the grievant's case shall be referred to the Office of Institutional Equity.

- 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 their 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 an adverse employment decision on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, genetic information; or
    3. An infringement on his or her academic freedom; or
    4. Those grievances covered under Section 5, b, iii, 3.
  - 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 the Committee on Academic Freedom and Tenure or the Office of Institutional Equity process.
  - v. If the Grievance Clearinghouse Committee declines to send the grievance forward, the grievant has the right to appeal that decision to a special ad-hoc committee comprised of neutral members who are not members of either the Grievance Clearinghouse Committee or the Committee on Academic Freedom and Tenure. Members are appointed by the Chair of the Faculty. The Grievance Clearinghouse Committee shall either affirm the decision to decline to send the grievance forward or overrule the decision and send the grievance forward.
- b. The grievance review procedure will involve the following steps:
- i. Within thirty (30) days of the date of any informal resolution process 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 review to the chair of the Grievance Clearinghouse Committee.
  - ii. 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 review the facts surrounding the allegation(s) and may either decline to forward the grievance for further consideration or forward 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, gender identity, or genetic information 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. The Grievance Clearing House Committee may decide to forward the grievance for further consideration to the Committee on Conciliation.
  - a. The Committee on Conciliation has jurisdiction to make inquiry and discuss any problem involving any member of the General Faculty in that individual's 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.
  - b. 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.
  - c. 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.
  - d. The Conciliation results shall be summarized in a letter prepared by the Conciliator and sent to the parties.
  - e. If Conciliation provides a mutually satisfactory result, the process ends. If the parties cannot resolve the differences, the grievant has thirty (30) days from the date of the Conciliator's letter to contact the Grievance Clearinghouse Committee to request that the grievance be reviewed by the Committee on Academic Freedom and Tenure.
3. Other faculty grievances, including infringement on academic freedom and tenure not covered by Arizona Board of Regents Policy Manual 6-201(M) or 6-302, will be reviewed by the Committee on Academic Freedom and Tenure under this policy.
  - a. Under this policy, the Committee on Academic Freedom and Tenure shall review any faculty allegation that a decision affecting that faculty member's 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.
  - b. The Committee on Academic Freedom and Tenure shall review 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, but only after any administrative appeal mechanism applicable to the decision in question has been exhausted.
- c. The Committee on Academic Freedom and Tenure review process shall include an interview with the grievant who will be afforded an opportunity to express their concerns and may include interviews with other parties which are required if further action is considered.
  - d. Within ten (10) days of this interview, the Committee on Academic Freedom and Tenure will either choose to recommend a formal hearing before the Committee on Academic Freedom and Tenure or will determine that the faculty member will not be afforded a formal hearing.

## **Section 6: Grievance Hearing Procedures**

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- a. In cases in which a faculty member is suspended or dismissed, receives an adverse decision concerning their promotion, tenure, or nonrenewal as a result of allegedly discriminatory or unconstitutional action (including violations of due process or academic freedom), or is released from employment under ABOR Policy 6-201L (Conditions of Faculty Service, Hearing Procedures for Faculty), they may request a formal hearing before the Committee on Academic Freedom and Tenure.
  - i. The chair of the Committee on Academic Freedom and Tenure shall forward to the respondent the request for a hearing and the formal grievance within seven (7) days after the Grievance Clearinghouse Committee has referred the case to the Committee on Academic Freedom and Tenure, with instructions to respond within fifteen (15) days. If the grievant has indicated that they 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 any) if grievant elects to be represented by an attorney.
  - ii. The chair of the Committee on Academic Freedom and Tenure will appoint a hearing panel within ten (10) days of a case assignment. The chair of the Committee on Academic Freedom and Tenure panel will set a hearing date in conjunction with all parties involved in the case. The hearing should begin within sixty (60) days of the date the grievance is assigned to the hearing panel. The sixty (60)-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 Committee on Academic Freedom and Tenure 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 the Committee on Academic Freedom and Tenure 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.
- iii. 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 their grievance at any stage in the grievance procedure by writing the chair of the panel designated to hear the grievance.
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. The Committee on Academic Freedom and Tenure 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 (3) 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 their 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 their 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 selected by the Committee on Academic Freedom and Tenure 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 the Committee on Academic Freedom and Tenure. 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 Committee on Academic Freedom and Tenure panel, when the parties are represented by counsel, a hearing officer may be secured under the University's agreement with Tri-University Outside Counsel. 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 their 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 Committee on Academic Freedom and Tenure panel shall exclude irrelevant, immaterial or unduly repetitious evidence.
11. Each party may present an opening statement of their position. Generally, the grievant will then present all of their 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 their 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 the date 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 Committee on Academic Freedom and Tenure recommendation, shall be provided to the Committee 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 forty-five (45) day period, the President will notify the parties within that 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 Committee on Academic Freedom and Tenure 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.<sup>1</sup>

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<sup>1</sup> On August 21, 2023, the Secretary received notice from the President's office that this specific provision contradicts state law. According to the memo,

The Arizona Administrative Review Act, and rights afforded therein, does not extend to decisions on internal faculty grievances. Under ABOR Policy 6-201 (J), the right by a member of the faculty to seek administrative review is limited to dismissal and suspension-without-pay decisions, and

## Cross-References

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- For the composition of grievance committees, see "Bylaws of the General Faculty of the University of Arizona." Article V, Sections 7, 8, 9.
- 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, "General Provisions and Definitions for Conditions of Service for Academic and Service Professionals."

## ARTICLE VIII: The Faculty Senate

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### Section 1: Functions

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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."

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the Faculty Senate cannot, through its Bylaws, unilaterally extend the scope of A.R.S. § 12-901 et. seq.

The Faculty Senate is working to modify the grievance process outlined in this Article and remove this provision from the Bylaws in accordance with our documents.

## Section 2: Membership

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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 Chief Research Officer at the University, and a representative of the Deans, 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, the chair of the Graduate Council, and the chair of the Committee of Eleven. When chairs of any of these committees are not already elected members of Faculty Senate, they shall be voting members of the Faculty Senate. If any of these committees have co-chairs, there shall only be one vote between them.
- 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. The Colleges shall include each academic college as well as any unit whose General Faculty membership exceeds the number of General Faculty in the smallest academic college. Those General Faculty members who are not part of any academic college and whose numbers in their individual units do not meet the above criteria 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 the common college, shall be apportioned among the several 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. Representatives of the UArizona Staff Council: two members of the UArizona Staff Council (UASC) shall be appointed annually by the Chair of UASC. The members will hold voting membership and be afforded the full privileges thereof.
- e. Representative of the Classified Staff: one member of the Classified Staff Council (CSC) of the University of Arizona shall be appointed annually by the Chair of CSC. The member will hold voting membership and be afforded the full privileges thereof.
- f. Faculty Senate shall fill a vacant Senate seat using the following procedure:

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. 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 Nominating Committee 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.

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**

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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**

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Each Faculty Senate standing committee, except the Executive Committee, shall consist of seven General Faculty members, a majority of whom must be elected faculty who are members of the 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 Nominating Committee or other members of the General Faculty. A postdoctoral scholar may also be appointed to each committee at the discretion of the Vice Chair. 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.

As appropriate, representatives from administration (such as the Dean of Students, the Vice Provost for Faculty Affairs, etc.) may be asked to attend Senate Standing Committee meetings at the invitation of the committee chair. Members of standing committees shall serve one-year terms.

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 UArizona Staff Council shall be appointed annually by the Chair of the UArizona Staff Council, 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 their designee (non-voting), the Provost or their designee, (non-voting), the Chief Information officer or their designee (non-voting), the President of ASUA or their designee, the President of GPSC or their designee, and the Parliamentarian who shall be non-voting. 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. The Vice Chair of the Faculty shall serve as chair of the committee.
- b. Academic Personnel Policy Committee. This committee receives reports and considers and forwards action items to the Faculty Senate relating to academic personnel policies (e.g., 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). The chair of APPC is appointed by the Chair of the Faculty.
- 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. The chair of RPC is appointed by the Chair of the Faculty.
- d. Student Affairs Policy Committee. This committee considers matters and forwards action items to the Faculty Senate relating to the health, safety, and welfare of the student body, including financial aid, the Student Code of Conduct, Code of Academic Integrity, admission, registration, residency classification, high school and

community college relations, recruitment and retention policies, Commencement and matters brought forth from the Division of Student Affairs and Enrollment Management. The chair of SAPC is appointed by the Chair of the Faculty.

- e. Diversity, Equity and Inclusion Committee. This committee considers issues and forwards action items to Faculty Senate that relate to diversity, equity, or inclusion (e.g., policies that foster an environment of civility and mutual respect, issues affecting diversity from an overall university perspective, external requirements on the university affecting diversity, administration of university affirmative action grants and awards, etc.). The chair of DEI is appointed by the Chair of the Faculty.

## **Section 5: Ad hoc Committees**

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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 Nominating Committee or by other members of the General Faculty. Ad hoc committee charges will contain a duration and reporting date, as specified in the Constitution, Article VII, Section 5.

## **Section 6: Declaration of Observance of Religious Holidays**

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Any Senator for whom observance of a religious holiday would prevent them from participating in a Senate Meeting on the first working Monday of the month during the Academic Year shall notify Faculty Leadership at the beginning of that Academic Year so that the relevant meeting can be rescheduled in accordance with the Constitution, Article VII Section 4.

## **APPENDIX I: 2005 Shared Governance Memorandum of Understanding**

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Guidelines for Shared Governance updated signatures 8/28/2017

### REVISION NOTES

- Changes sent to President on April 10, 2023, and approved in part and rejected in part on August 21, 2023.