



**THE UNIVERSITY  
OF ARIZONA**

*Academic Personnel Policy Committee*

Faculty Center  
1216 E. Mabel Street  
Tucson, AZ 85721-0456  
Tel: 520-621-1342  
Fax: 520-621-8844  
facsen@email.arizona.edu

Friday, April 26, 2024

**Academic Personnel Policy Committee ANNUAL REPORT 2023-2024**

<b>Committee Members</b>	<b>Department</b>	<b>College</b>	<b>Term</b>
Dr. Keith A. Maggert, chair	Molecular & Cell Biol	COS	2023-2024
Dr. Jean-Marc Fellous, vice chair	Psychology	COS	2022-2024
Ms. Emilia Banuelos	Speech, Lang, & Hearing Sci	COS	2023-2024
Dr. Janet Cooley	Pharmacy Practice & Sci	PHARM	2019-2024
Dr. Dan Ferguson	Nat Resources & the Env	CALS	2019-2024
Dr. Joe Gerald	Pub Health Policy & Mgmt	COPH	2021-2024
Dr. Bayo Ijagbemi	Africana Studies	COH	2022-2024
Mr. Utsav Kataria	Student – ASUA Rep.	Eller	2023-2024
Dr. Victoria Meyer	Interdisciplinary Studies	COH	2023-2024
Dr. Caroline Phelps	Pharmacy	COM	2021-2023

The Committee met three times during the 2023-2024 academic year (9/29, 10/27, 12/1) to review issues and policies as summarized below. The Committee additionally conducted business via email, as indicated.

Some policies that have been reviewed by the APPC in the 2022-2023 academic year remain unapproved, including changes to the grievance process (UHAP 6, which does not appear on [policy.arizona.edu](http://policy.arizona.edu)), and the Political Activity and Lobbying Policy (which has been posted pending approval since October 2022).

9/29/2023 Meeting

**Summary:** The Committee met with Dr. Leila Hudson, Chair of the Faculty, to discuss upcoming policies and priorities for the APPC.

10/27/2023 Meeting

**Summary:** The Committee discussed data from the Grievance Clearinghouse Committee and the Committee on Academic Freedom and Tenure as part of a review of the outcomes of grievances at the University of Arizona. The final Report is attached.

12/1/2023 Meeting

**Summary:** The Committee discussed the policies that govern policy sponsorship. The final Report is attached.

Additional business (conducted over email)

**Summary:** The committee reviewed the membership of the Graduate Council. The final Report is attached.

The committee completed the Guide to Faculty Rights and Resources Report, as requested by Vice Provost for Faculty Affairs Andrea Romero. The Guide will be hosted on the Faculty Governance web site.

April 2024 Meeting — upcoming

**Summary:** The Committee intends to meet with Vice Provost for Faculty Affairs Andrea Romero to discuss recommended updates and clarifications to the *University Handbook for Appointed Professionals 7.01 Professional Conduct*.

The committee will request updates on previously evaluated policies that have not yet been approved. Outcomes will be reported in the ANNUAL REPORT 2024-2025.

Respectfully submitted on behalf of the APPC,

A handwritten signature in black ink, appearing to read 'Keith A. Maggert', with a stylized flourish at the end.

Keith A. Maggert, Ph.D., chair



THE UNIVERSITY  
OF ARIZONA

*Academic Personnel Policy Committee*

Faculty Center  
1216 E. Mabel Street  
Tucson, AZ 85721-0456  
Tel: 520-621-1342  
Fax: 520-621-8844  
facsen@email.arizona.edu

Sunday, October 29, 2023

The Faculty Senate  
*via E-mail*

Re: APPC Report

Dear Senators,

At our first meeting of the semester (Sept 29), we were charged by Chair Hudson to evaluate grievances at the University of Arizona. The need derives from the perception that the grievance process is alienating, unfair, confusing, and onerous, in part because written policies are inconsistent or contradictory, timelines are ill- or un-defined, the possibility exists for appeal be adjudicated by conflicted parties, and because administrators can overrule committee findings without explanation. Some policies to change this have passed through APPC, but we have not seen them proceed (*i.e.*, be adopted) beyond that.

Our review of the fairness of the policies and outcomes will integrate well with the Constitution and Bylaws Committee's upcoming work focused on textual clarification.

The committee started by reviewing the outcomes of grievances from the last decade, data provided by the chair of the Committee on Academic Freedom and Tenure (and Grievance Clearinghouse Committee) (Ramin Yadegari). We met Oct 29 to discuss the data, and noted two trends: (1) the number of grievances that arise from issues of academic freedom (about half), and (2) the number of grievances that were unsuccessful (all but 3 were denied, unsuccessful, or overturned by the President). We concluded that understanding trends of how grievances are handled at UA – whether the grievance process is effective, *etc.* – is not possible with the data provided. Specifically, the role of administrative review of grievances is missing. We considered multiple means of moving forward.

We also began our analysis of Art. VII of the Faculty Bylaws and UHAP 7.01 (the Code of Conduct). The latter has been perceived to have been used to punish criticisms of administrative actions, in part due to its vague language. We will be proposing changes to the document to clarify and shore up its purpose, while safeguarding its purported protections.

Respectfully submitted on behalf of the APPC,

Keith A. Maggert, Ph.D., chair

cc: Faculty Center, file



Academic Personnel Policy Committee

Faculty Center  
1216 E. Mabel Street  
Tucson, AZ 85721-0456  
Tel: 520-621-1342  
Fax: 520-621-8844  
facsen@email.arizona.edu

Friday, December 1, 2023

Leila Hudson, Ph.D.  
Chair of the Faculty  
The University of Arizona  
via E-mail

Re: Policy Sponsorship

Dear Dr. Hudson,

### Background

On September 29, 2023, the Academic Personnel Policy Committee (APPC) was asked to investigate and evaluate the policies that govern how new policies are made, and how existing policies are changed. APPC was specifically asked if the Faculty Senate could be considered a Policy Sponsor, able to propose new and edited University Policies. The current understanding is that the Faculty Senate is not able to be a sponsor, and instead must "Sponsor shop" to identify a friendly administrator or administrative office to sponsor a policy on behalf of the Faculty Senate. This creates an unideal situation where the policy actions of the Faculty Senate are contingent upon the wishes of single individuals of the administration. This seems to contradict the independence of the Faculty Senate as afforded by the principles of Shared Governance.

APPC reviewed the relevant University policies (*i.e.*, the "UNIVERSITY POLICY-MAKING POLICY," henceforth UPMP, at [link](#), the "PROCEDURE FOR CREATING AND REVISING UNIVERSITY POLICIES website, henceforth PCRUP website, at [link](#), the "Memorandum of Understanding Entered into by the Faculty and the Administration of The University of Arizona," henceforth MOU, at [link](#)), and contacted Annette Maggio (Policy Analyst at the Office of University Initiatives).

### Findings

The University of Arizona "standardized process for University Policy development promotes shared governance, transparency, institutional efficiency and effectiveness, mitigates risk, and enhances compliance and accountability" (from the UPMP). A Policy is defined as "...a statement that mandates or constrains actions and may affect the rights or duties of the University Community or general public. Policies are often intended to ensure compliance with applicable laws, regulations, and/or Arizona Board of Regents (ABOR) Policies, reduce institutional risk, or promote operational efficiencies. Policies are also enacted to promote and safeguard the University mission and core values" (UPMP). University Policies affect the entire University after approval by the President, regardless of the Responsible Unit.

The UPMP does not describe the process or constraints for creating new policies. Instead, it refers to the PCRUP website. The PCRUP website states that a new policy requires the identification of a Policy Sponsor by a Responsible Unit. The former is described on the PCRUP website as "...the administrator or compliance professional who oversees the Unit responsible for the Policy." The latter is defined by the UPMP as "...the Unit [further defined by UPMP as "any University college, department, program, or other operating unit"] that initiates a request for a new, or to revise or repeal a University Policy, consults with shared governance groups of elected faculty representatives and other shared governance groups, interprets and administers University Policies under its authority, oversees compliance of the University Policy, and regularly reviews and makes recommendations for updating, revising, or repealing its University Policies."

As the APPC understands, **the PCRUP website precludes the Faculty Senate from sponsoring policies**: the Faculty Senate is not specifically named as a sponsor, nor can anyone on the Faculty Senate be seen as an "administrator or compliance professional who oversees the Unit." However, the PCRUP website itself is not a policy, nor does there seem to be any guidelines for changing its content. Notably, the PCRUP website was edited twice in the last year, with no public evaluation period, input by Shared Governance, nor (as far as we can tell) approval by the President. This creates a situation where an enforceable policy (the UPMP) is governed by processes (outlined on the PCRUP website) that themselves are not reviewed or overseen, and can be altered with ease and without oversight. It is not clear how or when the terms laid out on the PCRUP website are evaluated in the way one expects of a University Policy, and in the spirit of Shared Governance as outlined in the UPMP, which specifically states that policy creation "... must follow shared governance principles and the procedures set out in the Procedure for Creating and Revising University Policies." The MOU further emphasizes that "... academic personnel, research, or student affairs policy; ... are all within the jurisdiction of shared governance. An initial proposal to change these policies may come **from any source**, but the formal consideration and development of such policy changes shall always be undertaken through shared governance processes." (emphasis added)

Thus, a contradiction arises when the PCRUP website does not follow the principles of shared governance required of it by UPMP and expected of it by MOU.

## Opinion

With respect to the question of whether the Faculty Senate can sponsor policies, we see five possible interpretations/solutions:

1 – Accepting both the UPMP and the PCRUP website literally, the **Faculty Senate cannot sponsor policies**, as it is precluded from doing so by the PCRUP website. This interpretation simply ignores the conflicts arising between the UPMP and the PCRUP website.

2 – As with (1), under the current information featured on the UPMP and the PCRUP website, it is fully valid to **recruit an administrator from within the Senate or from outside to act as Policy Sponsor** on the Senate's behalf. Administrators include vice presidents, deans, academic department heads and other positions as determined by ABOR (from "DEFINING ADMINISTRATORS AND ADMINISTRATIVE STRUCTURE" at [link](#), and ABOR 6-101.B.3.a). This interpretation also ignores the contradiction between the UPMP and the PCRUP website, and is essentially the situation as it exists

now. While the Faculty Senate will likely include one or more administrators, this is an unideal situation. First, it may not always be the case that a Faculty Senator will also be an administrator. Second, disagreements within the Senate may make it difficult to find such a willing Policy Sponsor within the Senate. Third, it critically undermines the autonomy of the Faculty Senate by clearly placing it subordinate to the administration.

3 – The **Faculty Senate can sponsor policies** that, if approved by the President, would be fully-equal with other policies. This is based on the fact that University Policy (UPMP) does not require a “Policy Sponsor.” This interpretation is troublesome since it contradicts the existing process (the PCRUP website), even if that process is not itself governed by policy. We imagine this would necessitate reevaluation of the PCRUP website to bring it into compliance with the UPMP (that is, not to enforce additional requirements that are not dictated by policy).

4 – The Board of Regents may **declare the Chair of the Faculty (or any officer of the Senate) to be an administrator**, which by UPMP and the PCRUP website would allow policy sponsorship.

5 – The President, or whomever writes and maintains the PCRUP website, may specifically **declare the Faculty Senate to be a valid Policy Sponsor**.

**Options 4 and 5 are recommended by APPC** insofar as they would be parsimonious and clear, without requiring any policy or procedure changes. These options **do not** address the current situation wherein non-policy guidelines are used to limit (and thereby materially interpret) an approved Policy; the **APPC further recommends enduring correction of the current situation** by alteration of the PCRUP website.

Respectfully submitted on behalf of the APPC,

A handwritten signature in black ink, appearing to read 'Keith A. Maggert'.

Keith A. Maggert, Ph.D., chair

cc: Faculty Center, file

Links: UNIVERSITY POLICY-MAKING POLICY: <https://policy.arizona.edu/administration-university-relations/university-policy-making-policy>

PROCEDURE FOR CREATING AND REVISING UNIVERSITY POLICIES: <https://policy.arizona.edu/procedure-creating-and-revising-university-policy>

DEFINING ADMINISTRATORS AND ADMINISTRATIVE STRUCTURE: <https://policy.arizona.edu/administration/defining-administrators-and-administrative-structure>



Academic Personnel Policy Committee

Faculty Center  
1216 E. Mabel Street  
Tucson, AZ 85721-0456  
Tel: 520-621-1342  
Fax: 520-621-8844  
facsen@email.arizona.edu

Friday, February 2, 2024

Hong Cui, Ph.D.  
Chair of the Graduate Council  
The University of Arizona  
via E-mail

Re: Graduate Council Membership

Dear Dr. Cui,

### Background

On January 22, 2024, during the Faculty Senate Executive Committee meeting, the Academic Personnel Policy Committee (APPC) was asked to investigate and evaluate the policies that govern membership of the Graduate Council.

APPC was provided a series of E-mails outlining the essential issue. The bylaws of the Graduate Council (see link below), state: "*Members shall include representatives of the Graduate Faculty of those colleges with graduate programs that are under the jurisdiction of the Graduate College, graduate coordinators, and graduate students. Individual Colleges within larger colleges will have representation. The Dean and the Associate Deans of the Graduate College shall also be ex-officio members. The representative from Academic Affairs, Undergraduate Council and the library shall be ex-officio (non-voting).*" (Art.II.§.1).

Further, Art.I.§.2 states: "*College faculty members are selected according to Faculty Senate rules. 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 ranking 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.*"

The Faculty Bylaws, which are referred to as the "Faculty Senate rules," state: "*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.*" (Art.VI.§.6b).

### Findings

Confusion exists between the language of the Graduate Council bylaws and those of the Faculty Bylaws – the statement "*Individual Colleges within larger colleges will have representation*" has no

clear meaning, the Graduate Council Bylaws do not include the Senate representatives, and Art.II.§.1. may appear contradicted by Art.V.§.6.

### Opinions

As deference should be paid to the word and intent of the Faculty Bylaws, we see a clear interpretation/solution:

Following the Faculty Bylaws, the Graduate Council shall be composed of College Faculty, (apportioned as laid out in Art.VI.§.6a), two *ex officio* (voting) members from the Faculty Senate (6b), two (voting) Graduate Coordinators (6c), three (voting) Graduate Students (6d), and the (voting) Dean and (voting) Associate Deans of the Graduate College (6e). From this Council, the Chair of the Faculty shall select a committee chair (in consultation with the Dean of the Graduate College) (6f).

These are essentially the rules laid out in the existing Graduate Council Bylaws, but with one noteworthy exception. No allowance is made for the inclusion of representatives from Academic Affairs, the Undergraduate Council, or the library. While it may be desirable to include those representatives, they are not accommodated by the Faculty Bylaws, and should not be considered members.

The APPC recommends:

- 1 – The Graduate Council should strike Art.I of their Bylaws, and replace the language with a reference to the Faculty Bylaws.
- 2 – The Faculty Senate solicit nominations, and from that list the Vice Chair and Chair of the Faculty place two Senate representatives on the Graduate Council.
- 3 – *If desired by the Graduate Council*, initiate a discussion in the Faculty Senate about representation of Academic Affairs, the Undergraduate Council, and the library. If representation is decided upon, a change to the Faculty Bylaws should be undertaken through the regular process.

APPC acknowledges that Academic Affairs, the Undergraduate Council, and the library may be represented by the members from the Faculty Senate (recommendation 2), however this is an impermanent solution and may not accommodate units without Faculty Senate representation (such as Academic Affairs). Nothing in the Bylaws of either the Faculty or the Graduate Council prohibits invitation of standing or *ad hoc* representatives, provided they have no voting rights. APPC recommends this course of action in order to preserve engagement by Academic Affairs, the Undergraduate Council, and the library, and to safeguard any “institutional knowledge” those individuals may possess.

Respectfully submitted on behalf of the APPC,



Keith A. Maggert, Ph.D., chair



cc: Leila Hudson, Ph.D., Chair of the Faculty

Mona Hymel, J.D., Vice Chair of the Faculty, Presiding Officer of the Faculty Senate

Tessa Dysart, J.D., Secretary of the Faculty

Faculty Center, file

Links: BYLAWS OF THE GRADUATE COUNCIL: <https://emailarizona.sharepoint.com/sites/gradcouncil/SitePages/By-.aspx>, adopted Jan 21, 2000 and amended April 11, 2008 and April 17, 2009

FACULTY BYLAWS: <https://facultygovernance.arizona.edu/sites/default/files/2023-10/Faculty%20Bylaws%20v.%208-21-23.pdf>, approved Oct 27, 2023