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Constitution and Bylaws Committee

TO: UA Faculty Senators, Office of the Provost, Office of the President
FROM: Constitution and Bylaws Committee
DATE: January 27, 2025
SUBJECT: Update from Constitution and Bylaws Committee

Dear Faculty Senators, Office of the Provost, and Office of the President,

The Faculty Constitution and Bylaws (C & B) Committee was reconvened in August 2024 under the direction of Secretary of the Faculty, Dr. Katie Zeiders. Secretary Zeiders undertook the task of outlining the work of the C & B committee during the previous four years and under the previous two Secretaries as it pertained to updating and maintaining records of the faculty constitution and bylaws, which acquire authority through ABOR policy -1-113. She did this to better understand the process of bylaws/constitution changes and to more effectively move forward the committee's work and foster a productive working relationship between the faculty, Faculty Senate, Faculty Center, the Offices of the Provost and President.

Attached to this memo and [linked here](#) is a timeline of the events related to Bylaws/Constitution changes from 2020-2024. In this review of events from 2020 to 2024, clear challenges and issues emerged that led to an environment of distrust among Faculty Senate, the Secretary of the Faculty, the C & B Committee, and the Offices of the Provost and President. In some instances, changes to Bylaws/Constitution were inappropriately delayed or hastened. Based on her work, the Committee identified the following challenges:

- Faculty Center, Presidential Office, and the Secretary of the Faculty did not adequately communicate about the changes to the Bylaws and Constitution
- Presidential team delayed changes to C & B in several ways, including a) delaying approval or rejection of Bylaw and Constitution changes for months beyond the 90-day review window stipulated in the Faculty Constitution, and b) making presidential approval of bylaw changes contingent on other issues that the presidential team identified (but were unrelated to bylaw changes)
- Faculty Senate and General Faculty were not fully aware of changes and historical information of Bylaws and Constitution because the information was not presented fully and/or with inadequate time to review
- So-called "housekeeping" changes were regularly made to Bylaws and Constitution with limited agreement and discussion on what constitutes a "housekeeping" change
- The organization and stewardship of the Bylaws and Constitution documents were not prioritized. That is, different versions of Bylaws/Constitution documents were uploaded to different locations

on the website, previous versions of the Bylaws and historical documentation and information about changes (e.g., voting records and faculty senate votes) were not logged or collected and stored

Additionally, there remained a few outstanding substantive issues with the Faculty Bylaws. First, given issues with approval from the Presidential Office, a footnote was added to Article VII, Section 6 (a) (viii)(14) in the Bylaws (in Spring 2024) that was *not approved* by the Constitution and Bylaws Committee, the Faculty Senate, or by the General Faculty. The foot note is below:

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 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.

Given that the process of adding additional text to the Bylaws was not followed, the footnote has been removed. Please find the most recent version of the Bylaws uploaded to the website, linked here, and attached to supplemental materials of this memo.

Second, in the review of the timeline and events related to the Faculty Constitution and Bylaws, there was a change to the Bylaws that was voted and approved by the General Faculty but was not approved by President Robbins. This change was to Article VIII, Section 2 and proposed to remove voting rights for administrators with ex-officio appointments for Faculty Senate. Although our committee has documented issues (as detailed above and in timeline) around events and circumstances to the bylaws process, because all changes must ultimately receive presidential approval, we believe that the disapproval stands and thus, our Bylaws will continue to allow ex-officio appointments (as stated in the current version in the Bylaws), as voting members of the Faculty Senate. Our committee is willing to revisit this change if the Senate wants to pursue it (and go through the process of General Faculty approval); however, with a new President and many new senior level administrators in place, we caution against moving quickly on this change and instead propose focusing on ways to collaborate within Faculty Senate.

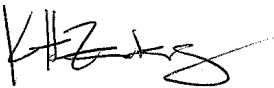
Finally, as the C & B Committee moves forward, we will take the following steps (and recommendations) to rectify the issues and challenges we identified:

- Communication about the Faculty Bylaws/Constitution will always include the Secretary of the Faculty and the C & B Committee – this includes copies on all electronic and written communications about these documents between faculty center, senate leadership, and provost's and president's office.
- The Office of the President should continue to respect the established process of Bylaws/Constitution changes; and the Secretary of the Faculty, the C & B Committee and the

Office of the President should work more collaboratively in maintaining and changing Faculty Bylaws and Constitution.

- The use of “housekeeping changes” by the Secretary of the Faculty and the C & B Committee will be limited and the Senate will be advised of all such proposed changes.
- The Office of the Provost will work with the C & B Committee to support their work and ensure the organization and stewardship of the Faculty Bylaws and Constitution.
- Secretary of the Faculty and the C & B Committee work collaboratively with the Faculty Center to ensure that historical documents and procedural steps are passed to incoming faculty shared governance leaders in an organized and transparent manner.

Sincerely,

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

Katie Zeiders, Secretary of the Faculty

Member of the C & B Committee:

Alex Braithwaite
Ted Downing
Kathleen Kennedy
Mark Stegeman
Andrea Romero