



THE UNIVERSITY OF ARIZONA  
TUCSON, ARIZONA 85721 USA

COLLEGE OF ARTS AND SCIENCES

FACULTY OF SCIENCE  
DEPARTMENT OF PHYSICS  
BUILDING #81

April 30, 1986

MEMORANDUM TO: Dr. Laurel Wilkening  
Vice President for Research  
FROM: Senate Research Policy Committee

REGARDING: Technology Transfer Policy Document

The Faculty Senate Research Policy Committee has some reservations about the timing and method--the process--used in developing the current version. We also have some comments on the content of the document.

The Committee membership is firmly convinced that the success or failure of the University's involvement in technology transfer depends upon the extent of involvement of the appropriate faculty members. A successful program entails facilitating the varied needs of those faculty who have the ideas, energy, persistence and the business acumen to carry the idea through to the product level. Because of the normal obstacles under the best of circumstances, many faculty members will carry through this level of effort only if the process is tailored to their needs. For this reason, detailed consultation with the relevant faculty is essential so that they will have a sense that this is their process. More than in most University endeavors, faculty involvement in the planning and structure of technology transfer is essential.

Another aspect of the current draft which we have discussed and have serious concerns about is the effect which this process can have on the purely academic aspects of our institution. As you know, this has been the subject of much national debate; many of our sister PAC-10 institutions have had and continue to have long and heated debates in their Faculty Senates concerning such issues as conflict of interest, conflict of commitment, the exploitation and misuse of students, effect of demoralization and loss of proper institutional program balance caused by excessive focus on revenues, etc. We find that these issues are not adequately addressed in the document nor are adequate mechanisms set up to deal with them. Experience elsewhere is conclusive that only a small fraction of the faculty will ever be involved in technology transfer; the question of the "tail wagging the dog" then arises unless appropriate mechanisms are in place to safeguard the institutions principal goals and responsibilities. We believe that a longer process of education of the faculty on these issues and a reaching of consensus are important. This is not addressed in the current document, nor are mechanisms suggested other than perhaps through the Ethics Committee. We think this kind of discussion needs to occur in establishing the policy and document as well as in monitoring it after the fact.

Dr. Laurel Wilkening  
April 30, 1986  
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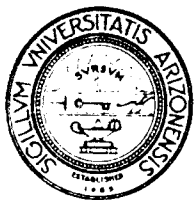
Finally, since other institutions in our association and neighborhood (PAC-10) have preceded us along this path, we think that the document should call for discussions, symposia, panels, or some other forum by means of which we can involve persons with these experiences from those campuses together with our own faculty who have already done this type of thing in the process of enlightening a wider part of our faculty on these complex issues. These discussions need also involve people from humanities and social sciences to reflect the needed balance.

The document is not sufficiently specific in providing academic safeguards or in methods of involvement of the faculty in the policy process. We believe it should be strengthened in these areas. More detailed comments are attached.



J. D. Garcia  
Chairman, Research Policy Committee

sp  
enclosure



THE UNIVERSITY OF ARIZONA  
TUCSON, ARIZONA 85721

FACULTY SENATE

FACULTY CENTER  
1528 Administration Annex  
1-1342

November 21, 1986

The attached copy of the Guidelines for Five-Year Reviews of Deans and Department Heads is the result of modifications made by the President on November 3, 1986 to the set of Guidelines approved by the Faculty Senate on May 5, 1986. Unless there is further modification made as a result of subsequent action, these are the Guidelines which will be implemented by the President of the University.

TRR/ek  
Attachment

Distribution: President Henry Koffler  
Provost Nils Hasselmo  
Members, Faculty Senate Executive Committee

## GUIDELINES FOR FIVE-YEAR REVIEWS OF DEANS AND DEPARTMENT HEADS

### General

Deans and department heads are administrators and are appointed in accordance with the Guidelines for Recruitment, Selection, and Appointment of Administrators, Faculty and Professional Staff Members (revised February 1985). Actions concerning personnel matters affecting administrative personnel are governed by the ABOR-PM Conditions of Administrative Service and Chapter 5 of the University Handbook on Appointed Personnel. These documents require that the annual performance of deans and department heads be reviewed by their immediate superior. In addition, program reviews are conducted periodically to assess matters other than those involved in personnel evaluations.

The purpose of the five-year review, as implemented by these guidelines, is to provide a broader basis for personnel evaluations regarding past performance and an opportunity to assess long-range goals and objectives in light of that performance. The review shall appropriately take into consideration the progress of the college or department over the period to be reviewed, and the role of the dean or department head in this development. This document outlines the procedures to be followed in the five-year review process.

The policy described in these guidelines is a policy of the University of Arizona and may not be modified by colleges or departments.

### Initiation of Reviews

Deans shall initiate a comprehensive review of each department head in their colleges and the Provost shall initiate a comprehensive review of the dean of each college at intervals of no greater than five years. The review of deans and department heads may be scheduled so as not to unduly burden or disrupt ongoing activities at the University and college levels, respectively, by having an excessive number of reviews transpiring at the same time.

The administrator to be reviewed shall be notified in writing no later than the beginning of the appointment period (fiscal or academic) in which the review is to take place. The administrator shall prepare a written summary of his or her goals, accomplishments, and other activities in office for the period to be reviewed. This summary shall be delivered to the initiating administrator within 45 days of the notice of review. The initiating administrator shall provide a copy of the written summary to the review committee at the inception of the review process.

### Extraordinary Reviews

Under unusual circumstances the faculty of a college or department may wish to initiate a review of a dean or department head prior to the next scheduled periodic review. In such a situation, the following will apply:

- (1) If a petition calling for an extraordinary review of a dean or

department head signed by one half (1/2) or more of the faculty and academic professionals of the college or department be presented to the Provost or dean, the Provost or dean shall initiate such a review in conformity with the described procedures.

- (2) The extraordinary review will not replace the next periodic review unless that periodic review would have occurred within 18 months. No more than one extraordinary review may occur within a single five-year cycle. An extraordinary review may not occur sooner than two years following a periodic review.

#### Review Committee

The initiating administrator shall appoint a review committee in accordance with the procedures indicated below. Tenured and tenure-eligible faculty and continuing and continuing-eligible academic professionals may serve on these review committees.

- (1) Where a dean is to be reviewed, the faculty and academic professionals of the college shall nominate eight of their members to serve on the review committee. The Provost shall appoint four of those nominated as members of the review committee. In addition, the Provost may select, at his or her discretion, no more than three additional members, either within or without the college, to serve on the review committee. At least one of the members of the committee shall be a department head in the college (if the college has departments).
- (2) Where a department head is to be reviewed, the faculty and academic professionals of the department shall elect three of their members to serve on the review committee. The dean may select, at his or her discretion, two additional faculty or academic professionals, who may be members of a different department, to serve on the review committee.
- (3) The chairperson of the review committee shall be appointed by the initiating administrator from the membership of the review committee.
- (4) The initiating administrator shall direct the committee in writing, with a copy to the dean or department head to be reviewed, to conduct a review of the achievements of the dean or department head and the effectiveness of the means used to produce those achievements. The review shall be based on a description of the position and its responsibilities and all objectives established including the unit's planning effort and the annual review of administrators.

The review shall also include, but not be limited to, an assessment of the effectiveness of the performance of the dean or department head in the following areas:

- (a) Leadership;
- (b) Commitment to scholarly and academic affairs;
- (c) Recruiting;
- (d) Management of fiscal affairs;
- (e) Affirmative action;

- (f) Developing and maintaining open communication;
  - (g) Facilitating goal-setting by individuals and by the unit as a whole;
  - (h) Identifying issues and resolving conflicts affecting the unit;
  - (i) Developing internal and external resources;
  - (j) Implementing performance evaluation and salary adjustment;
  - (k) Nourishing morale and establishing a working environment conducive to achieving individual and unit goals;
  - (l) Building relations with constituencies.
- (5) The committee shall establish its own methods of obtaining information on the areas to be reviewed, but the process must include the following:
- (a) An early meeting with the administrator being reviewed to discuss his/her role and to gather any information and perspectives that the administrator would like to provide.
  - (b) Solicitation of information through a standard questionnaire distributed to all faculty members assigned to the unit. Results of the survey shall be tabulated and attached to the committee report.
  - (c) Systematic gathering of input from academic professionals, staff, and students through questionnaires or other means, the results of which shall be tabulated and attached to the committee report.
  - (d) Announcing that the committee is available to individual faculty, academic professionals, staff, and students for written input.

The committee may solicit information from alumni and other interested groups if it deems it appropriate.

#### Committee Report

The review committee shall complete its work and submit a written report to the initiating administrator within 120 days of receiving the written directive to conduct a review. The report shall (1) describe briefly the procedures used in gathering information; (2) discuss important issues identified in the course of the review; and (3) present the conclusions reached by the review committee.

All communications with the committee shall be confidential and treated accordingly. The committee shall not divulge or otherwise reveal the source of any communications, and the report shall contain no confidential supporting material.

#### Action by Initiating Administrator

The initiating administrator shall review the summary prepared by the dean or department head and the report of the committee. The initiating administrator may, at his or her discretion, develop other information bearing

on the performance and effectiveness of the dean or department head. Copies of the report and the initiating administrator's evaluation and comments shall be submitted to the President.

After meeting with the review committee to review the report, the initiating administrator shall discuss with the dean or department head the report of the review committee as well as any other relevant information developed by the dean or department head within 60 days from the day the committee's report is received.

Also within 60 days following the meeting between the initiating administrator and the dean or department head, the initiating administrator and the review committee will jointly draw up a procedural report covering the method in which the review committee obtained its information. This procedural report will then be sent to all members of the reviewed unit.

Approved by the Faculty Senate on May 5, 1986; subsequently modified by the President at Faculty Senate, November 3, 1986.

UNIVERSITY OF ARIZONA

October 1986

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Approved by the Faculty Senate (May 1986) and by the General Faculty (October 1986) of the University of Arizona. Transmitted to the President of the University in November 1986 for submission to the Arizona Board of Regents for their review and approval.



# CONSTITUTION OF THE GENERAL FACULTY OF THE UNIVERSITY OF ARIZONA

## PREAMBLE

This constitution sets forth the basic organization and processes through and by which the General Faculty of the University of Arizona shall function, within the scope of its authority and responsibility, under state law and the policies and regulations of the Board of Regents authorized by that law.

## ARTICLE I Object

For purposes of University-wide governance, the general charge of the University is entrusted to the General Faculty of the University of Arizona, subject to the Board of Regents and the authority vested by the Board in the President of the University, and the Constitution and Bylaws of the General Faculty.

## ARTICLE II Members

Section 1. For purposes of University government, the General Faculty of the University of Arizona is composed of:

- a. Individuals holding more than half-time appointments in teaching, research, and/or service including both faculty members who hold tenured and tenure-eligible appointments and academic professionals holding continuing and continuing-eligible appointments, and who are recommended by the faculty of the appropriate academic unit, approved by the President of the University and/or ratified by the Board of Regents, as well as
- b. Those individuals who, based on the recommendation of the Committee on Faculty Membership, have been approved by the Faculty Senate for membership in the General Faculty, or
- c. Such persons in categories (a) and (b) who are on Emeritus status, or

- d. Certain ex-officio members: namely, the President of the University, the Vice Presidents of the University, the Deans, the Associate Deans, the Registrar, the Associate Registrar, and the University Librarian.

Section 2. No candidate for a degree at the University of Arizona shall be a member of the General Faculty.

Section 3. This membership provision shall become effective July 1, 1987. It shall not be construed to remove from membership in the General Faculty anyone properly holding such membership on June 30, 1975. Individuals who inadvertently were given faculty status between July 1, 1975 and June 30, 1987 will be reviewed by the Committee on Faculty Membership as to their status as members of the General Faculty.

Section 4. Members of the General Faculty are eligible to vote in matters of faculty government and to hold offices and to serve on committees established in accord with this Constitution.

### ARTICLE III Officers

Section 1. The President of the University, who is appointed by and serves at the pleasure of the Board of Regents, and who shall preside at meetings of the General Faculty except as provided in Article III, Section 3.

Section 2. The Vice Presidents, who are appointed by and serve at the pleasure of the President and/or the Board of Regents. The Senior Vice President for Academic Affairs and Provost or, in his absence, the most senior Vice President attending, shall preside in the absence of the President of the University from such meetings, except as provided in Section 3.

Section 3. The Chair of the Faculty, who shall be elected by the General Faculty for a term of two years, who shall appoint a Parliamentarian (see Section 5) and who shall preside at meetings of the General Faculty when

requested to do so by the President of the University, or when the General Faculty meets under the provisions of Article IV, Section 2.

Section 4. The Secretary of the Faculty, who shall be elected by the General Faculty for a term of two years, and who shall serve as Secretary of the General Faculty and of the Faculty Senate.

Section 5. The Parliamentarian, who shall be appointed by and serve at the pleasure of the Chair of the Faculty and shall serve the needs of the General Faculty and the Faculty Senate.

#### ARTICLE IV Meetings

Section 1. Regular meetings of the General Faculty shall be held at least once each year on the call of the President of the University.

Section 2. Special meetings, limited to the purpose(s) stated in the call, shall be held:

- a. On the call of the Chair of the Faculty.
- b. On the call of the Faculty Senate.
- c. On written petition from members of the General Faculty, as specified in the Bylaws.

Section 3. Five percent (5%) of the General Faculty shall constitute a quorum.

#### ARTICLE V General Faculty Standing Committees

Section 1. The Committee on Elections, the Committee of Eleven, the Committee on Faculty Membership, the Committee on Committees, the Committee on Conciliation, and the Committee on Academic Freedom and Tenure and such other committees as may, from time to time, hereafter be established shall be standing committees of the General Faculty.

Section 2. The Committee on Elections shall conduct elections for offices and committee memberships of the General Faculty, and elections for Faculty

Senators representing the several College Faculties in accord with procedures specified in the Bylaws.

Section 3. The Committee of Eleven shall:

- a. Initiate, promote, and stimulate study and action dealing with and looking toward solution of situations and problems of interest and concern to the faculty and the University.
- b. Make reports to the General Faculty or the Faculty Senate.
- c. Speak for the General Faculty as and when authorized by the General Faculty.

Section 4. The Committee on Faculty Membership shall interpret the provisions of Article II of this Constitution and Article I of its Bylaws and submit recommendations to the Faculty Senate for consideration and action. It shall be responsible for the establishment and publication of the annual census of the General Faculty as provided in the Bylaws.

Section 5. The Committee on Committees shall recommend members of the General Faculty to the Chair of the Faculty for appointment or nomination to all committees of the General Faculty. Upon request of any administrative officer of the University, the Committee shall also recommend persons for appointment to new or existing committees whose appointments lie within the discretion of such requesting officer.

Section 6. The Committee on Conciliation and the Committee on Academic Freedom and Tenure shall be the faculty committees that conduct all investigations and/or hearings regarding recommendations against, or complaints and grievances by or against members of the General Faculty as hereinafter prescribed and not otherwise. (Certain preliminary steps for dismissal situations are described in Chapters 3 and 4 of the University Handbook for Appointed Personnel.) Principles of law and policy require that faculty members have a forum in which grievances can be aired and examined and a known and effective procedure by

which this can be done. That procedure, involving the examination of a grievance by the professional associates of the member affected, must reflect both the requirements of the law and the usages and traditions of the academic profession. Such investigations and hearings as are undertaken require the judicious consideration of facts, but they are not and must not be limited by the considerations of judicial hearings. Rather, they are investigations and hearings conducted by professional peers, the purpose of which is to safeguard and protect not only the individual rights of the members affected but also the collective rights of members of the university community. Committees constituted for these purposes perform an indispensable function in providing the due process of law to which every member of the faculty is entitled.

- a. The Committee on Conciliation shall have jurisdiction to make inquiry and to meet and discuss any problem involving any member of the General Faculty in his or her relationship with the University. This Committee may consult and advise but shall not conduct hearings. It shall be the duty of the Committee, after careful investigation, to offer counsel to the person or persons involved. Following the completion of the conciliation process, the President of the University shall be informed of the results. In addition, if conciliation has been unsuccessful, both parties shall be notified accordingly in writing with the member being advised that the grievance at issue may be presented to the Committee on Academic Freedom and Tenure for further investigation and hearing.
- b. The Committee on Academic Freedom and Tenure shall have jurisdiction to make inquiry and to conduct hearings in two general areas, namely: in regard to those matters contained in the Conditions of Service dealing with the contractual employment relationship between the faculty member and the University/Board of Regents; and in regard to

any internal matters relating to grievances against or by any member of the General Faculty. The Committee shall consider the protection of academic freedom and tenure as a principal obligation. All hearings regarding complaints of and recommendations against members of the General Faculty shall be conducted by the Committee, unless otherwise specifically provided for by the Code of Conduct. In particular, the Committee shall review, investigate or hold hearings, as necessary, in those cases where there has been made any of the following:

- i. a recommendation for dismissal or suspension of a tenured member of the General Faculty;
- ii. a recommendation for release, dismissal or suspension of a non-tenured member of the General Faculty prior to the end of the affected member's contract period;
- iii. a claim of discriminatory or other unconstitutional action;
- iv. a claim of improper procedure in matters of performance review, promotion, tenure, sabbatical leave, leave of absence, or retention past compulsory retirement;

The Committee shall also act in those noncontractual situations where the following occurs:

- v. a grievance or complaint made against or by a member or a group of members of the General Faculty that has not been reconciled by procedures available to the Committee on Conciliation;
- vi. a referral to the Committee for investigation and/or hearing has been made by the President of the University or the Board of Regents.

The following matters are not within the jurisdiction of the Committee:

- a. Nonretention at the end of an appointment period of a non-tenured member of the General Faculty (except as provided for in iii, above);
- b. Suspension or removal of a member of the General Faculty from an administrative position (see University Handbook on Appointed Personnel, Chapters 3, 4 and 5).

As soon as practicable within 90 days of receipt of the request for the hearing and after the conclusion of its hearing on the matter, the Committee or its designated panel shall forward to the President of the University and to all concerned parties copies of the hearing transcript (if one was made) and copies of its report, findings and recommendations.

#### ARTICLE VI Faculty Senate

Section 1. Functions. The Faculty Senate is the legislative body responsible to the General Faculty. Actions of the Faculty Senate may be appealed to the General Faculty by petition, under the provisions of the Bylaws, within eleven class days of the date under which Faculty Senate minutes reporting such actions were distributed to the General Faculty.

Section 2. Membership. The Faculty Senate shall consist of ex-officio and elected members as provided in the Bylaws.

Section 3. Officers. The Senate shall elect its Presiding Officer each year at its regular May meeting. The Secretary of the Faculty shall serve as the Secretary of the Faculty Senate, and shall preside in the absence of the Presiding Officer of the Faculty Senate.

Section 4. Meetings. The Faculty Senate shall meet regularly the first Monday in each month during the academic year, except in September, when it shall meet the Monday after Labor Day, and in January, when it shall meet on the first

Monday following the resumption of classes. Its meetings shall be open to the public, except when the body decides to meet in executive session, subject to appropriate state law. Additional meetings may be called by the President of the University, or the Chair of the Faculty. The agenda of each meeting shall be set by the Executive Committee of the Faculty Senate.

Section 5. The Faculty Senate shall establish such standing committees and such ad hoc committees as may be required.

#### ARTICLE VII The College Faculty

The general charge of each college is entrusted to its College Faculty, subject to the Board of Regents and the authority vested by the Board in the President of the University. Voting rights in College matters shall be accorded to General Faculty members as defined in Article II, above, and to such other individuals as the College Faculty may decide. Bylaws for each College determined by the Faculty Senate to be consistent with this Constitution and Bylaws may be established and adopted by the appropriate College Faculty and made available to each member, and a copy filed in the Office of the Provost and in the Faculty Center. In matters of faculty government, the Faculties within the College of Arts and Sciences shall be regarded as Colleges, and members of the General Faculty not included in a College shall be regarded collectively as a College (Non-College).

#### ARTICLE VIII Parliamentary Authority

In all matters not provided for in the Bylaws of the General Faculty of the University of Arizona, the rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern.



ARTICLE IX  
Amendments

Section 1. Constitution. Amendments to this Constitution may be proposed by the Faculty Senate or by petition to the Chair of the Faculty signed by five percent (5%) or one hundred (100) members of the General Faculty, whichever is smaller. The Chair of the Faculty shall send copies of such proposals to all members of the General Faculty and shall convene a special meeting of the General Faculty to consider them not fewer than ten (10) class days after distribution. The proposed amendment(s) shall then be submitted to a mail ballot of the General Faculty. A three-fourths majority of the votes cast is necessary for adoption. Immediately upon adoption, the amendment shall be transmitted by the President of the University to the Board of Regents, and shall take effect upon affirmation by that body.

Section 2. Bylaws. Amendments to the Bylaws may be proposed by the Faculty Senate or by petition to the Chair of the Faculty signed by five percent (5%) or one hundred (100) members of the General Faculty, whichever is smaller. The Chair of the Faculty shall send copies of such proposals to all members of the General Faculty. Not fewer than ten (10) class days nor more than fifteen (15) class days after distribution, a mail ballot shall be distributed to all members of the General Faculty together with the arguments pro and con. A two-thirds majority of the votes cast is necessary for adoption.

ARTICLE X  
Ratification

This Constitution and Bylaws shall be submitted to the General Faculty for approval by mail ballot. On approval it shall be forwarded to the President of the University. The Constitution and Bylaws will become effective when approved by the Arizona Board of Regents in accordance with Board Policy 1-113.

BYLAWS OF THE GENERAL FACULTY  
OF THE UNIVERSITY OF ARIZONA

ARTICLE I  
Membership

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

Section 2. During the fall semester of each year the Committee on Faculty Membership shall prepare and publish a membership list of the General Faculty, as of October 1.

ARTICLE II  
Officers

Section 1. The Chair of the Faculty shall be elected by the General Faculty in odd-numbered years for a term of two years beginning May 1, and shall be eligible for re-election. In the event of the absence or incapacity of the Chair of the Faculty, his or her duties shall be exercised by the Secretary of the Faculty, or in the absence of both, the Chair of the Committee of Eleven.

Section 2. The Secretary of the Faculty shall be elected in even-numbered years by the General Faculty for a term of two years beginning May 1, and shall be eligible for re-election.

ARTICLE III  
Meetings

Section 1. Written petitions of five percent (5%) or one hundred (100) members of the General Faculty, whichever is smaller, shall be sufficient to call a Special Meeting of the General Faculty. Such petition, presented to the Chair of the Faculty, shall state the purpose(s) of the intended meeting.

Section 2. Notice of Meetings. Notice shall be given at least one week in advance of any meeting, and shall contain a copy of any substantive proposal to be presented.

Section 3. Meetings of the General Faculty shall be open to the public except when that body decides to meet in executive session, subject to applicable state law.

Section 4. Methods of Voting.

- a. At meetings of the General Faculty, voting shall be by viva voce, by a show of hands, by a rising vote, or by ballot, as decided by the presiding officer, provided, however, that it shall always be in order to move for a vote by ballot.
- b. By a majority vote at a meeting of the General Faculty the pending action may be subject to a mail ballot by the General Faculty.

ARTICLE IV  
General Faculty Standing Committees

Section 1. Committee on Elections. The Committee on Elections shall consist of three members of the General Faculty appointed by the Chair of the Faculty after consultation with the Faculty Senate Executive Committee, from among candidates recommended by the Committee on Committees, for three-year staggered terms. The Committee shall elect its chair from those of its members who have served at least one year on the Committee, and shall follow these procedures:

- a. Nomination of candidates. Candidates for elective office shall be nominated by petitions issued and accepted by the Committee as follows:
  - i. Candidates for Chair of the Faculty shall have signatures of not fewer than forty members of the General Faculty on their petitions.
  - ii. Candidates for the Committee of Eleven or Senator-at-Large shall have signatures of not fewer than twenty members of the General Faculty on their petitions.
  - iii. Candidates for Senator representing a College Faculty shall have

the signatures of not less than ten percent (10%) of the members of their College Faculty on their petitions, except that a minimum number shall be the signatures of three College Faculty members, and the maximum need be no more than twenty.

- iv. Candidates shall affirm in writing their willingness to hold office.
- v. The Committee on Elections shall verify the eligibility of each nominee.

b. Conduct of elections:

- i. The Committee on Elections shall notify faculty members no later than January 15 each year of elective offices to be filled that year.
- ii. The Committee shall issue nominating petitions beginning January 15 and ceasing the last class day preceding February 1 for appropriate offices.
- iii. The Committee shall accept completed nominating petitions through the two weeks immediately following the final day of issuance; no nominating petitions shall be accepted after the close of business on the tenth class day following the final day of issue.
- iv. The Committee shall conduct primary elections for elective offices no later than March 1, allowing ten class days from the date of mailing the ballots for members of the General Faculty to mark and return their primary election ballots.
- v. The Committee shall notify members of the General Faculty of the results of primary elections no later than March 22.
- vi. The Committee shall conduct general elections for faculty offices no later than April 1, allowing ten class days from the

date of mailing the ballots for members of the General Faculty to mark and return their election ballots.

vii. The Committee shall notify the General Faculty of the results of the general election no later than April 25.

viii. In the event of a tie vote the decision shall be made by lot.

c. Election of Candidates:

i. Chair of the Faculty: A candidate who receives a majority of the votes cast in the primary election shall be declared elected. When no one receives a majority of the votes in the primary election, the two candidates receiving more votes than anyone else will be nominated for the general election ballot. That candidate receiving the majority of general election votes shall be declared elected.

ii. Faculty Senate, At-Large: If forty or fewer, but more than twenty are nominated, the twenty nominees receiving the largest number of votes in the primary election shall be declared elected. If more than forty are nominated, the forty receiving the largest number of votes in the primary election shall be candidates on the general election ballot provided only that anyone who receives a majority of votes in the primary election shall be declared elected. The candidates receiving the largest number of votes in the general election shall be declared elected to the positions to be filled.

iii. Faculty Senate, College Representatives: If the number of nominees from a College is not more than twice the number to be elected, those candidates equal in number to the number of positions to be filled who receive the largest number of votes in the primary election shall be declared elected. If more than

twice the number are nominated, those receiving the largest number of votes in the primary election, totalling twice the number of positions to be filled, shall be candidates on the general election ballot provided only that any candidate who receives a majority of votes in the primary election shall be declared elected. Nominees receiving the largest number of votes in the general election shall be declared elected to the positions to be filled.

iv. Committee of Eleven: If more than ten are nominated for the Committee of Eleven, the ten nominees receiving the largest number of votes in the primary election shall be candidates on the general election ballot, provided only that any candidate who receives a majority of votes in the primary election shall be declared elected. Nominees receiving the largest number of votes in the general election shall be declared elected to the positions to be filled.

v. 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 VII, Section 5 of these Bylaws for membership on the Committee on Academic Freedom and Tenure shall be included on the ballot for primary election each year.

Section 2. 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 member, and shall call the first meeting of the Committee, at which meeting the Committee shall perfect its organization and elect its chair. To this number shall be added two voting student delegates selected annually by the Associated Students government in whatever manner it determines, who shall

be invited to attend all regular meetings of the Committee. In the event that an elected member shall vacate a position for any reason, the Committee shall elect a successor to fill the unexpired term.

Section 3. The Committee on Faculty Membership shall be composed of the Chair of the Faculty who shall serve as chair, the Secretary of the Faculty, the Senior Vice President for Academic Affairs and Provost, and two members of the General Faculty appointed by the Chair of the Faculty after consultation with the Faculty Senate Executive Committee from among candidates nominated by the Committee on Committees for two-year staggered terms.

Section 4. The Committee on Committees shall be composed of six members of the General Faculty appointed by the Chair of the Faculty after consultation with the Faculty Senate Executive Committee for three-year staggered terms. No more than two members shall be appointed 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. All nominations and recommendations made by the Committee shall be made in conformity with the conditions prescribed by the action calling for them and in harmony with principles which may at the time be applicable.

Section 5. The Committee on Conciliation shall be composed of six members who are tenured or continuing members of the General Faculty (other than deans of any rank), elected by the Faculty Senate by secret ballot upon nomination by the Committee on Committees, which shall furnish twice as many names, with vitae, 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. The Committee on Conciliation shall conduct its business in meetings rather than hearings, and participation by legal counsel will generally be discouraged.

Section 6. The Committee on Academic Freedom and Tenure shall be composed of nine tenured or continuing members of the General Faculty other than deans, three of whom shall be elected each year by the General Faculty for a term of three years. The slate of candidates presented to the General Faculty shall be selected in the following manner:

- a. The Committee on Committees shall provide a list of names containing not less than three times the number to be elected, giving due consideration to representation from the various colleges. For each person listed a brief description of relevant experience, qualifications and background will be provided. This information will also appear on the ballot submitted to the General Faculty.
- b. From the list described in (a) above, the Chair of the Faculty and the President of the University shall select a slate of not less than twice the number to be elected. If the Chair of the Faculty and the President cannot agree upon a slate, the President and the Chair shall each select one person alternately, with the President making the first selection, until a slate of twice the number to be elected has been named. The Committee on Academic Freedom and Tenure shall elect its chair from among those of its regular members who have served at least one year. In the event that the Committee is of the opinion that the case load is so great that undue delay will be experienced in the hearing and disposition of all cases before it, the Committee may direct that temporary members be installed to hear



specific cases. Temporary members shall be selected by the presiding officer of the Committee by whatever means he or she deems appropriate from a pool of names provided by the Committee on Committees. Such a pool shall contain not less than twice the number of names as there are temporary members to be selected. The Committee on Academic Freedom and Tenure shall select one of its regular members to serve as panel presiding officer in each case. In all cases the tenure of temporary members of the Committee shall be limited to the hearing and disposition of the specific case which occasioned their selection.

All requests for action on the part of the Committee on Academic Freedom and Tenure shall be made in writing and such requests shall be made only after it has become apparent that the complainant has been unable to obtain satisfactory solutions or adjustments through the customary administrative channels and the Committee on Conciliation.

#### Procedures

- a. In all cases, except those involving recommended dismissal or suspension of a member of the General Faculty, the complainant shall submit in writing to the Committee, before any hearing is held on the complaint, 1) an accurate and complete statement of the charges and the essential facts out of which they have arisen; and 2) a list of witnesses whom the Committee should question. Copies of such material shall thereupon be furnished by the Committee to the parties complained against, who may submit to the Committee similar written materials, responsive to the complaint, copies thereof being furnished to the complainant.
- b. In its investigation of a complaint, other than one involving proposed dismissal or suspension of a member of the General Faculty

or if there has been a claim of discrimination or other unconstitutional action, the Committee may proceed informally, receiving testimony and other evidence from the parties and their witnesses in such a manner as the Committee may deem appropriate. In such informal investigation, a verbatim record of the proceedings shall not be required, and the various hearings shall be closed, subject to applicable law, unless one of the parties requests that a particular hearing be open to the university community.

- c. Any party may designate an observer or a legal advisor, or both, who need not be members of the University community and who shall be privileged to be present at the hearing held on the complaint.
- d. Any member of the General Faculty requested by the Committee to appear as a witness in its investigation of a complaint shall consider it an obligation as a faculty member to appear, give testimony, and submit to cross-examination.
- e. The Committee shall select from among its membership three-member panels to conduct informal hearings and five-member panels to conduct the more formal hearings associated with the cases where a faculty member has been recommended for dismissal or suspension or where a claim of discriminatory or other unconstitutional action has been made.
- f. A member of the General Faculty alleging a grievance that involves discrimination, violation of constitutional rights, or improper administrative procedures, on the part of the University in the case of performance review, promotion, tenure, sabbatical leave, leave of absence, nonretention of nontenured faculty, or retention beyond compulsory retirement age shall have the right to a more formal hearing before the Committee. A hearing on such a case shall follow

the procedures described here, and in Section 6-201, K.4 of the ABOR-PM Conditions of Faculty Service or Section 6-301, K.4 of the Conditions of Professional Service, such procedures applying to both parties as appropriate.

- i. The burden of proof shall be on the complainant.
  - ii. Immediately upon receipt by the Committee of the written charges from the faculty member, a copy of the charges will be sent to the President.
  - iii. The five-member impartial hearing panel shall hold a hearing on the matter within a period of 30 to 45 days after receiving the written charges. The hearing may be delayed or advanced with the consent of the Panel and the complainant.
  - iv. Each party shall have the right to present witnesses and evidence and to cross-examine witnesses.
  - v. Each party shall have the right to be represented by counsel or other advisor.
  - vi. The complainant shall have the right to a record of the hearing but at the complainant's own expense.
  - vii. Each party shall have a right to a copy of a written recommendation made by the Panel.
  - viii. The hearing may be closed upon the request of the faculty member, subject to applicable law.
- g. A tenured or continuing member of the General Faculty who is recommended for dismissal or suspension, or a nontenured or continuing-eligible member of the General Faculty who is recommended for suspension or dismissal before the end of a current contract period, has the right to the more formal hearing procedures described for faculty in Section 6-201, K.3 of the Conditions of Faculty

Service and for professionals in Sections 6-301, K.3 and K.4 of the Conditions of Professional Service, in which the faculty/academic professional member and the University are accorded certain rights, as indicated.

- i. The faculty/academic professional member will be notified by the appropriate Department Head or Dean, in writing and by registered return receipt mail, that he or she is being considered for suspension or dismissal as the case may be. The letter of notification will include a detailed statement of the charges and a statement that the faculty/academic professional member will be accorded a hearing before the Committee on Academic Freedom and Tenure except that the faculty member may request, in writing to the presiding officer of the Committee, that such a hearing not be held or that a hearing already in progress be terminated. A copy of the letter of notification to the faculty/academic professional member will also be sent to the Committee on Academic Freedom and Tenure and to the President.
- ii. The burden of proof for the existence of just cause for the faculty/academic professional member's dismissal or suspension shall be on the appointing authorities.
- iii. The Committee on Academic Freedom and Tenure will immediately upon receipt of its copy of the letter of notification begin the procedure of setting up its formal hearing for the case. The hearing on the charge is to take place as soon as possible, but no sooner than twenty (20) calendar days after verified receipt by the faculty/academic professional member of the letter of notification. Service of written notice of the time and place of the hearing shall be given at least twenty (20) calendar days

prior to the hearing.

- iv. The faculty/academic professional member shall provide the Committee and the President with a statement of the faculty/academic professional member's position or rebuttal to the charges at least ten (10) days prior to the hearing date.
- v. The faculty/academic professional member has the right to be advised, at least ten (10) days in advance of the hearing, of the names and addresses of witnesses, and the right to have access to documentary evidence upon the basis of which dismissal is sought or the faculty/academic professional member has been suspended. Adjournments of the hearing shall be granted to enable either party to investigate evidence as to which a persuasive claim of surprise is made. The hearing shall be open unless the faculty/academic professional member requests that it be closed, subject to applicable law.
- vi. The faculty/academic professional member has the right to be heard in his or her own defense, and to offer testimony of witnesses and other evidence.
- vii. The faculty/academic professional member has the right to legal counsel or other representative who shall have standing to speak during the hearing.
- viii. The faculty/academic professional member has the right to confront and cross-examine adverse witnesses.
- ix. The faculty/academic professional member has a right to a record of the hearing at no cost.
- x. At the conclusion of the testimony the Committee may permit each party to make an oral or written summation.
- xi. The findings of fact and the decision will be based solely on

the hearing record. A written copy of the Committee's recommendations shall be given to the faculty/academic professional member.

- h. Whether formal or informal, a hearing by the Committee or one of its panels shall be conducted according to accepted rules of an administrative fact-finding commission.\* The panel presiding officer, assisted by the other members, shall conduct the hearing and shall be responsible for a full and complete hearing of the issues. The admissibility of evidence shall not be restricted by the rules applicable in judicial hearings. However, receipt of evidence should only be permitted if it would, in the judgment of the panel, be the type that would be considered by prudent persons in the management of their own affairs.
- i. If the Committee's hearing on a complaint submitted by a nontenured/continuing-eligible member of the General Faculty is not concluded before his or her appointment expires, the complainant may elect that the proceedings on the complaint be carried to a conclusion. Unless such a written election is served upon the hearing panel, the proceedings shall be discontinued upon the expiration of the appointment.
- j. In a case involving proposed nonretention of a member of the General Faculty wherein he or she claims a tenured/continuing status which is not recognized by the University, the Committee shall first make an informal preliminary investigation and report its conclusions regarding the tenure/continuing issue. If the Committee concludes that the claim of tenured/continuing status is justified, the

\*Such as those found in applicable sections of the Arizona Administrative Procedures Act.

faculty/academic professional member has the right to the more formal hearing process of Paragraph (g) above.

- k. In cases in which a full hearing has not been held prior to the imperative suspension of a faculty/academic professional member, the full hearing procedure will be promptly undertaken with the first step being a review of the matter by the Committee on Conciliation. (See pertinent sections of Chapters 3 and/or 4 of the University Handbook for Appointed Personnel.) One purpose of the review, which is to take place within one week of the Committee's receipt of a copy of the notice of suspension, shall be to ascertain promptly and to report to the President whether the Committee believes it is proper to continue the suspension until a full hearing before the Committee on Academic Freedom and Tenure can be held. The appointing authorities shall have the burden of proof in any such review.
- l. In such instances as may require an extension of the time periods herein stated, and/or in instances wherein no hearing is held, written agreement, specifying reasons for the exception and alternatives to be followed, shall be signed by and copies provided to all parties to the action.
- m. The President shall as soon as practicable after receipt of the hearing material make a determination and forward copies of this determination to the faculty/academic professional member concerned and to the Committee. In cases concerning faculty members covered under the Conditions of Faculty Service, final decisions on dismissal are made by the Board of Regents, acting on the President's recommendation. In cases concerning academic professionals covered under the Conditions of Professional Service, final decisions on

dismissal are made by the President.

ARTICLE V  
The Faculty Senate

Section 1. Functions. Among the functions to be exercised by the Faculty Senate are:

- a. To recommend curricula and degrees for approval. While matters pertaining to courses, major and minor requirements, the kinds of degrees and requirements for each will originate in the various colleges, the final formulation which is to be recommended to the Board of Regents shall be determined by the Faculty Senate.
- b. To recommend policy concerning academic conduct of students including means for handling infractions.
- c. To recommend policies concerning tenure, sabbatical leave, and other leaves of absence.
- d. To act upon nominations for recipients of honorary degrees, which may be proposed by one or more of the College Faculties, prior to their presentation to the General Faculty.
- e. To formulate and/or recommend for approval policies governing official University catalogs.
- f. To hear from the President of the University whenever he expresses a desire to speak.
- g. To make recommendations relative to the general University policies and procedures.
- h. To establish committees to assist in carrying out functions assigned to the Faculty Senate by the Constitution and Bylaws of the General Faculty.
- i. To act upon matters brought for its consideration, in accord with existing University policy.



- j. To discharge responsibilities assigned by the Constitution and Bylaws of the General Faculty.
- k. To execute such other functions as are consistent with the Constitution and Bylaws of the General Faculty.

Section 2. Membership. The Faculty Senate shall be constituted as follows:

- a. Ex-officio members: the President of the University, the Vice Presidents, the Deans, the Registrar, the University Librarian, the Chair of the Faculty, and the Secretary of the Faculty shall be voting members of the Faculty Senate.
- b. Elected members: Elected members of the Faculty Senate whose terms of office shall be two years and shall begin on May 1 of the year in which they are elected, shall be in ratio of two elected members for each ex-officio member. Of this number:
  - i. Twenty members shall be elected prior to May 1 of the odd-numbered years by the General Faculty for a term of two years, beginning on May 1 of the election year. These shall be designated Senators-At-Large.
  - ii. A minimum of one member shall be elected prior to May 1 of the even-numbered years by each College Faculty for a term of two years beginning on May 1 of the election year. General Faculty members not affiliated with any college shall elect as if they constitute a common college.
  - iii. Elected members of the Faculty Senate in addition to the twenty elected by the General Faculty and the one elected by each College Faculty, including those acting as a common college, shall be apportioned among the several, but not necessarily all colleges, essentially in proportion to the number in each

College Faculty. Such apportionment is to be established in accord with the published census of the General Faculty by an ad hoc committee of three Faculty Senate members, no two of whom may be from the same college, appointed by the Chair of the Faculty in the appropriate fall semester.

- c. Student members: Nine students shall be voting members of the Faculty Senate, selected annually by the Associated Students government in whatever manner it determines.
- d. An absent member may send a substitute who shall not vote.
- e. The Faculty Senate shall elect a successor to fill an unexpired term of an elected member vacated for any reason.

Section 3. Method of Voting. At meetings of the Faculty Senate voting shall be by viva voce, by a show of hands, by a rising vote or by ballot as decided by the presiding officer. 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.

Section 4. Faculty Senate Standing Committees.

- a. Executive Committee. The committee membership shall comprise the Presiding Officer of the Faculty Senate, the Chair of the Faculty, the Secretary of the Faculty, two members of the Senate elected at the regular May meeting of the Faculty Senate in alternate years from nominees whose names were submitted to the Faculty Center in time for distribution with the agenda for that meeting, the President of the University or his/her designee, the President of ASUA or his/her designee, and the Parliamentarian who shall be non-voting. The committee is charged with establishing the agenda for each meeting of

the Faculty Senate and with advising the Presiding Officer of the Faculty Senate and the Chair of the Faculty in the appointment of other standing and ad hoc committees, and when advice is sought on related matters.

- b. Academic Personnel Policy Committee. This committee shall deal with such matters as promotion and tenure (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, governance (for example, the University Handbook for Appointed Personnel, Faculty Constitution and Bylaws, and Conditions of Faculty Service), policies on grievance (including receiving reports from the Committee on Academic Freedom and Tenure and the Committee on Conciliation), affirmative action, and solicitations for faculty time and money.
- c. Budget Policy Committee. This committee deals with the long-range planning and budget implications of such matters as decision packages (the Legislative Request Budget), fiscal and budgetary considerations pertaining to long-range academic plans and goals, allocation of University resources, resource acquisition for salaries and benefits, new programs, reduction or elimination of existing programs, summer session, and Continuing Education.
- d. Instruction and Curriculum Policy Committee. This committee deals with policy matters related to curriculum and degrees, teaching effectiveness, Honors Program, and Commencement, and coordinates activities with and receives reports from such groups as the Undergraduate Council, the Graduate Council, and the Intercollegiate Writing Committee.

- e. Research Policy Committee. This committee deals with such matters as secrecy policy, research policy, research parks, interaction with industry, patent policy, Arizona Research Laboratory, research institutes, human and animal research, and safety.
- f. Student Affairs Policy Committee. This committee deals with such matters as student quality of life, financial aid, the Code of Conduct, admission and domicile classification, high school and community college relations, recruitment and retention policies, and registration.

Section 5. Senators will constitute the majority membership of each Faculty Senate Committee, whose seven faculty members shall be appointed by the Presiding Officer of the Faculty Senate, after consultation with the Executive Committee, from names suggested by the Committee on Committees or by individual Senators. Student members of standing committees shall be nominated by Associated Students of the University of Arizona. With the exception of members appointed by the President of the University, members of standing committees shall serve no more than three consecutive one-year terms, but they may be reappointed after an interim of one year.