

University of Arizona Retirement Association Report to Faculty Senate

April 7, 2003

UNIVERSITY EMPLOYEES TO PAY HIGHER RETIREMENT CONTRIBUTION RATES

Keith Meredith and Cornelius Steelink

Starting July 1, 2003, University employees will see more than a 100% increase in their pension payroll deductions. Their contribution rates to the Arizona State Retirement System (ASRS) will increase to 5.70% of their pay check (this includes long term disability insurance). Currently, it is 2.49%. State employers, such as the University of Arizona, will also contribute identical amounts.

Why these increases? Will there be more? How are our pension assets being affected?

As of December 31, 2002, our pension assets were valued at approximately 17.3 billion dollars, down from a high of over 22 billion dollars before our economy turned south. Even now, our ASRS is **OVERFUNDED BY 4.6%**. But, the pension fund is projected to move toward **10% UNDERFUNDING** over the next five years. Therefore, the managers of the ASRS decided to raise the contribution rates for employees and employers alike to maintain a sound retirement system. After 5 years, and given the actuarially determined increases, the fund value should return to a funding level of 100%. During that period, contribution rates will go higher.

What factors caused the dramatic decrease in ASRS assets? It is easy to blame the turndown in the equity market over the past 2 ½ years. However, only about one third of the projected decline is attributable to the market factor. Another factor is attributable to the costs of improved benefits in the past two years. These improved benefits include Permanent Benefit Increase (old COLA), Permanent Benefit Increase reserves, Graded Multiplier Increase, Employer Option Service Purchase, and Increased Health Insurance Premium Benefits. The final factor is lowered contribution rates over the past two decades, dropping from 7% to 2.49 % this last year. Because of the booming equity market of the 1990s, our investment assets increased dramatically. In response, contribution rates of employees and employers were reduced. For a period of years, contributions were below normal operating costs. As could be expected, the day of reckoning finally caught up.

Our pension fund remains one of the strongest in the country. However, we are reminded that improved benefits cost money, long-term reductions in contribution rates have long-term consequences and the market does have downturns. All these actions impact both the current employee and the retiree.

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ARIZONA STATE RETIREMENT SYSTEM**Quick Facts**

Established: July 1, 1953

Membership includes: State, County and municipal employees, school districts and charter schools; universities and community college districts; other political subdivisions, such as water districts, fire districts, etc.

Benefits: Defined Benefit Pensions, Long Term Disability Insurance, Retire Health Insurance, Survivor Benefits.

Employer Members: 675

Total Membership: 373,643

Active Members: 373,643

Average Years of Service-Active Members: 8.2

Average Annual Salary: \$31,281

Retired Members: 60,346

Average Age of ASRS Retirees: 65

Average Monthly Benefit: \$1,162

Fund Balance (12/31/2002): \$17.3 billion (4.6% over funded)

Fund Balance (12/31/1997) \$17.0 billion (over funded 10% at that time)

Retired Members (12/31/1997) 45,975

DRAFT
October 10, 2002

With revisions based on:

- Faculty Senate-approved amendments,
- Technical/clarifying revisions and revisions to reflect state law,
- Technical/clarifying revisions to reflect practice, as agreed upon at 7/16/02 meeting among Judith Leonard, Robert Mitchell, Pam Bridgmon, Jill Tsiakilos, and Joan Kurath
- Revisions approved by the Committee on UHAP, Constitution and Bylaws Changes at its September 18, 2002 meeting.
- Renumbering approved by Faculty Senate during its March 5, 2001 meeting:
"renumber the entire Constitution and Bylaws using formal outline form to clarify and correct inconsistencies."

BYLAWS OF THE GENERAL FACULTY OF
THE UNIVERSITY OF ARIZONA®

ARTICLE I
Membership

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

Section 2. Each year the Committee on Faculty Membership shall prepare and publish a membership list of the General Faculty.

ARTICLE II
Officers

Section 1. 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.

Section 2. The 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. The representatives to the Arizona Faculties Council shall be the Chair, Vice Chair, and Secretary.

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.

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 or electronic ballot by the General Faculty.

ARTICLE IV
Committee on Elections & Elections Procedures

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:

Section 1. Nomination of candidates. Candidates for elective office shall be nominated by petitions issued and accepted by the committee as follows:

- a. Candidates for Chair of the Faculty, Vice Chair of the Faculty, and Secretary of the Faculty shall have signatures of not fewer than forty members of the General Faculty on their petitions.
- b. Candidates for the Committee of Eleven, Senator-at-Large, or the Committee on Committees shall have signatures of not fewer than twenty members of the General Faculty on their petitions.
- c. 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.

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

Section 2. Conduct of elections:

- 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 issue nominating petitions no later than January 15. The nominating petitions for appropriate offices will be available until ten (10) class days prior to the election.
- c. The Committee shall accept completed nominating petitions no later than the close of business ten (10) class days prior to the election.
- d. The Committee shall conduct primary elections for elective offices no later than March 1, allowing ten class days from the date of mailing or posting the ballots for members of the General Faculty to mark and return their primary election ballots.
- e. The Committee shall notify members of the General Faculty of the results of primary elections no later than March 22.
- f. The Committee shall conduct general elections for faculty offices no later than April 1, allowing ten class days from the date of mailing or posting the ballots for members of the General Faculty to mark and return their election ballots.
- g. The Committee shall notify the General Faculty of the results of the general election no later than April 25.
- h. In the event of a tie vote the decision shall be made by lot.

Section 3. Election of Candidates.

- 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 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.
- 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 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.

- 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 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, totaling 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.
- 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 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.
- e. 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.

ARTICLE V

Other General Faculty Standing Committees

Section 1. 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. In addition, the Committee of Eleven shall include 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 & Professional Student Council in whatever manner the student groups determine. The two student delegates 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 successor to fill the unexpired term shall be the candidate who had the next higher number of votes in the same election.

Section 2. 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 Committee on Committees for two-year staggered terms.

Section 3. The Committee on Committees shall be composed of six members of the General Faculty elected by the General Faculty for three-year staggered terms. 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. The Committee on Ethics and Commitment shall be composed of twelve members of the General Faculty elected by the Faculty Senate to serve staggered three-year terms, from nominations by the Committee on Committees. 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. 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. 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 Committee on Committees, 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 6. The Committee on Academic Freedom and Tenure ("CAFT") 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.

- a. The slate of candidates presented to the General Faculty shall be selected in the following manner:
 - i. The Committee on Committees will prepare a list of names containing not fewer than two times the number to be elected.
 - ii. 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.

- iii. 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 from among those of its regular members who have served at least one year.
- c. 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.
- d. 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 members 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.
- e. All requests for action on the part of the Committee on Academic Freedom and Tenure shall be made in writing to the Grievance Clearinghouse Committee.

Section 7. The Grievance Clearinghouse Committee consists of the current Chairs of the Committee on Academic Freedom and Tenure ("CAFT"), the Committee on Conciliation, and the Committee on Ethics and Commitment, a representative of the Equal Opportunity/Affirmative Action Office, 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 the Committee on Academic Freedom and Tenure will function as the ex-officio Chair of the Grievance Clearinghouse Committee.

ARTICLE VI
Grievance Policies and Procedures for Faculty

Section 1. Purpose: To provide for hearing 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 hearing procedures applicable to dismissal, suspension without pay or adverse actions concerning promotion, tenure or nonrenewal allegedly based on discrimination or unconstitutional action.)

Source: *Arizona Board of Regents Policy Manual - 6-201*
Arizona Board of Regents Policy Manual - 6-301
University Handbook for Appointed Personnel (UHAP)

Section 2. Grievance Principles

- 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 the University of Arizona'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 academic judgment.
- d. All grievants shall have clearly defined avenues of appeal and redress that may include mediation and/or a hearing before 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 committee or decision maker will advise the grievant of the options available for redress or appeal as part of his or her decision if the grievance is not resolved at that level.

- h. Cases under ABOR 6-201(J) and 6-201(M) are not subject to this grievance procedure. In other cases, a grievant may request either a conciliation route that may then be followed by a grievance hearing or may directly choose a grievance hearing.
- i. Faculty may choose to have a hearing on a grievance before a panel of their peers without counsel present. Alternatively, the faculty may choose to be represented by legal counsel at his or her own expense in all hearings.
- j. Each grievant has the right to a fair and reasonably speedy investigation and judgment by members of the appropriate committee or office.
- k. Two or more faculty members with the same grievance have the right to seek redress jointly or individually.
- l. 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.
- m. All parties to a grievance are entitled to be kept informed of the status of their grievance in a timely manner.
- n. Grievances involving faculty members who work off the main UA campus generally shall be handled by grievance procedures prescribed herein.
- o. Grievants and witnesses are assured freedom from reprisals related to their testimony. A separate whistle blower policy describes whistle blower protections, and when those protections are applicable.
- p. Allegations of sexual harassment will be referred to the University Equal Opportunity/Affirmative Action Office (EO/AAO) for investigation following the procedures developed by that office. A separate sexual harassment policy describes the policy and procedures.
- q. Allegations of discrimination based on sex, sexual orientation, age, race, national origin, religion, disability and/or veteran's status will be referred to EO/AAO for investigation. Separate documents describe the policies and procedures. However, if a faculty member alleges that an adverse decision was based on unlawful discrimination other than that covered by ABOR 6-201(M), the faculty member may proceed to a CAFT hearing under this policy and these procedures following an investigation by the EO/AAO and appeal.
- r. 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.

s. Generally, if a conflict cannot be settled through the Ombuds or Conciliation process, 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 inform the parties which committee (Conciliation or CAFT) or process (EO/AAO) will handle the grievance.

t. No faculty member should be disciplined unless there is clear and convincing evidence of all facts predicate to the discipline. Otherwise the standard of proof shall be by a preponderance of the evidence.

u. 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.

Section 3. Grievance Resolution Procedures

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 an ombudsperson, conciliation or a more formal grievance hearing process.

b. In most cases, faculty may choose an informal route (ombuds or conciliation), which may be followed (if necessary) by the grievance hearing route. Grievances alleging discrimination, (including sexual harassment) may be filed with either the Grievance Clearinghouse Committee (see section _____, for composition of Grievance Clearinghouse Committee) or directly with EO/AAO, but will be investigated in either instance by EO/AAO.

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. He or she has been discriminated against on the basis of sex, sexual orientation, race, religion, national origin, color, age, disability and/or veteran's status; or,

iii. There has been an infringement on his or her academic freedom.

- d. The names of University Ombudspersons, members of the Committee on Conciliation and members of the Committee on Academic Freedom and Tenure (CAFT) are available from the Faculty Center.

Section 4. Informal Resolution Procedures. Informal resolution procedures are provided for the faculty member who desires informal assistance in the resolution of a complaint. An Ombudsperson Committee member or members of the Committee on Conciliation are available to conciliate, and coordinate communication among the grievant, respondent, and others related to the complaint. The purpose of this process is to air differences between the parties and to resolve the complaint to the satisfaction of both parties without resorting to formal hearings. In some instances, upon the agreement of the parties and contingent on the availability of resources, a professional mediator may be available to conduct dispute resolution. Informal resolution is strongly recommended.

- a. Ombuds Committee

- i. The purpose of the Ombuds Program is to provide informal assistance to prevent or resolve disputes or problems in a neutral setting, to facilitate communication, to preserve or improve working relationships and to create a better working environment.

- ii. An Ombudsperson Committee member is a neutral individual who helps manage conflict or perceived conflict by listening and generating options to help the faculty member resolve his or her problem. The ombudsperson may work confidentially with one, both, or all parties to reach a mutually satisfactory agreement and prevent disputes from escalating.

- b. Conciliation Process

- i. The Committee on Conciliation has jurisdiction to make inquiry and discuss any problem involving any member of the General Faculty in his or her 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.

- ii. The faculty member seeking conciliation shall file a complaint with the Grievance Clearinghouse Committee within 6 months of his or her knowledge of the actions which form the basis of the complaint.

- iii. The Grievance Clearinghouse Committee shall consider the complaint and assign it to the appropriate committee Chair (e.g. Conciliation Committee).

- iv. 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.

v. The conciliator(s) shall have 15 days after assignment by the Grievance Clearinghouse Committee to contact the parties followed by 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 30 days.

vi. The conciliation process results shall be summarized in a report prepared by the conciliator and sent to the parties.

vii. If conciliation provides a mutually satisfactory result, the process ends. If the parties cannot resolve the differences, the grievant may, if he or she chooses, seek a grievance hearing with a request to the Grievance Clearinghouse Committee. The request shall be filed within 30 days of receipt of the conciliator's report.

Section 5. Grievance Hearing Procedures

a. Whether or not a grievant has sought conciliation, he or she may request a hearing by a grievance hearing committee through the Grievance Clearinghouse Committee. If the grievant alleges unlawful discrimination not covered by ABOR 6-201(M), he or she may file a complaint directly with the Equal Opportunity, Affirmative Action Office (EO/AAO) without first going through the Grievance Clearinghouse Committee.

i. Requests for hearings by a grievance committee should be filed with the Grievance Clearinghouse Committee at the Faculty Center.

ii. If the EO/AAO representative determines that the grievant's case contains an allegation of unlawful discrimination, the grievant's case shall be referred to the EO/AAO. If the EO/AAO representative determines that the grievant's case does not contain an allegation of unlawful discrimination, the remaining voting members of the Grievance Clearinghouse will determine which committee shall handle the grievance.

b. The grievance procedure will involve the following steps:

i. Within 30 days of receipt of the conciliator's report on matters that were the subject of conciliation or within 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 hearing to the Chair of the Grievance Clearinghouse Committee.

ii. The request must be filed by the grievant by hand delivery or by certified mail, return receipt requested, at the Faculty Center and shall contain: Grievant's name, address, telephone number, a statement of 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 determine which committee (Conciliation or CAFT) or process (EO/AAO) will handle the case based on the following jurisdictional guidelines:

(1) Alleged discrimination. If discrimination in employment, program, or activity based on race, color, religion, sex (including sexual harassment), national origin, age, disability, veteran's status, or sexual orientation is the basis for the grievance, the matter will be referred to the EO/AAO for consideration in accordance with the procedures established by that office.

(2) Other faculty grievances, including infringement on academic freedom and tenure not covered by ABOR Policy Manual 6-201(M), will be handled by the Committee on Academic Freedom and Tenure (CAFT) under this policy.

(a) Under this policy, CAFT shall hear any faculty allegation that a decision affecting his or her 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. This includes, but is not limited to, non-renewal of contracts, denial of tenure, promotions, sabbatical leaves, leaves, and disputes on the amount of salary due a non-tenured faculty member who has been suspended or dismissed before the expiration of the employment period.

(b) CAFT shall hear 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.

iv. The Chair of the Grievance Clearinghouse Committee shall forward to the respondent the request for a hearing within 7 days after it is filed by the grievant, with instructions to respond within 15 days. If the grievant has indicated that he or she 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, if the grievant elects to be represented by counsel, the name and address of the respondent's attorney.

v. Within 15 days of receipt of the respondent's position statement, the grievant and respondent will receive written notification from the Chair of the Grievance Clearinghouse Committee as to which committee will hear the case and a statement of procedures of that committee.

vi. The Chair of the CAFT panel will set a hearing date in conjunction with all parties involved in the case. The hearing should begin within 60 calendar days of the date the grievance is assigned to the hearing panel. The 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 CAFT panel Chair and the parties.

The parties shall receive notice of the hearing date at least 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 CAFT 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.

vii. 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 his or her grievance at any stage in the grievance procedure by writing the Chair of the panel designated to hear the grievance.

viii. 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.

ix. No later than 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.

x. 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 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 days after receipt of lists from both parties.

xi. 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, records, documents and other evidence.

xii. CAFT 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 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. Alternatively, the faculty may choose to be represented by legal counsel at his or her own expense in all hearings. In cases between a faculty and an administrator, if the faculty member chooses not to be represented by legal counsel 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 legal counsel at the hearing at his or her 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 obtained by CAFT 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 CAFT. 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 CAFT panel, when the parties are represented by counsel, a hearing officer secured under the University's agreement with the American Arbitration Association may conduct the hearing. Alternatively, and at the CAFT panel's discretion, a hearing officer secured from another list of

impartial hearing officers maintained and used by the Department of Human Resources for personnel hearings may conduct the hearing. 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 his or her 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 witnesses to testify and documents to be presented which are relevant and probative to the complaint or the response. The CAFT panel shall exclude irrelevant, immaterial or unduly repetitious evidence.
- (11) Each party may present an opening statement of his or her position. Generally, the grievant will then present all of his or her 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 his or her 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 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 decision. Upon good cause shown, the President may extend the recommendation date by an additional 30 days.
- (13) Within 45 days of receipt 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 CAFT recommendation, shall be mailed to CAFT and the parties. If the President cannot issue a decision within the 45-day period, the President will notify the parties within the 45-day 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 15 days following receipt of the President's written decision. If no request for reconsideration is made, the President's decision is final at the expiration of the period in which to request reconsideration.

(15) The request for reconsideration shall be based on one or more of the following grounds:

(a) Irregularities in the proceedings, including any abuse of discretion or misconduct by the CAFT panel that deprived the faculty member of a fair and impartial hearing;

(b) Newly discovered material evidence which with reasonable diligence could not have been presented at the hearing; or,

(c) The decision is not justified by the evidence or is contrary to law.

(16) If the faculty member requests reconsideration, the President will either deny reconsideration or issue a final decision within 20 days of receiving a request for reconsideration.

(17) The President's decision following the hearing shall advise the faculty member that he or she has 35 days from the date on which a copy of the decision is served upon the faculty member to seek review of the decision in the superior court pursuant to the provisions of the Administrative Review Act, Arizona Revised Statutes, Section 12-901, *et seq.*

Cross-References

For the composition of grievance committees, see Constitution and Bylaws of the General Faculty of the University of Arizona.

For the Board of Regents' official conditions policy, see Conditions of Faculty Service at Arizona Board of Regents Policy Manual, Section 6-201, and Conditions of Professional Service at Arizona Board of Regents Policy Manual, Section 6-301.

ARTICLE VII 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 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.

Section 2. Membership. The voting members of the Faculty Senate shall be comprised of the following:

- a. Ex-officio members: the President of the University, the Provost, the Chair of the Faculty, the Vice Chair of the Faculty, and the Secretary of the Faculty shall be voting members of the Faculty Senate. In addition, one member shall be selected by and from the Vice Presidents, and one members shall be selected by and from the Deans, prior to May 1 of each year.
- b. Elected members: Elected members of the Faculty Senate will hold office for two years, beginning on May 1 of the year in which they are elected, in accordance with the following:
 - i. Twenty members shall be elected, prior to May 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 May 1 of the even-numbered years by each College Faculty. General Faculty members not affiliated with any college 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 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.
- iii. Seven students: four students, selected annually by the Associated Students of University of Arizona, and three students, selected annually by the Graduate and Professional Students Council, in whatever manner those bodies decide.
- d. An absent member may send a substitute who shall not vote.
- e. The Faculty Senate shall fill a Senate seat vacated for any reason using the following procedure:

Either of two situations exist when an unexpired or vacated term occurs, namely: (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 from the most recent election in the unable-to-serve 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, complete with nominating petitions and written ballot voting. 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 Committee on Committees 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.

In all of these situations the Senate will be asked to ratify the individuals selected to fill the vacancies. All such individuals will have full voting privileges in the Senate.

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 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.

Section 4. Faculty Senate Standing Committees.

- 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, 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, The President of GPSC or his/her designee, and the Parliamentarian who shall be non-voting. The Vice Chair of the Faculty shall serve as chair of the committee. The committee shall establish the agenda for each meeting of the Faculty Senate.
- 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, General Faculty Constitution and Bylaws, and Conditions of Faculty and Professional Service*), policies on grievance (including receiving reports from the Committee on Academic Freedom and Tenure and the Committee on Conciliation), and affirmative action.
- c. Instruction and Curriculum Policy Committee. This committee deals with policy matters related to curriculum and degrees, teaching effectiveness, Honors College, and Commencement, and coordinates activities with and receives reports from such groups as the Undergraduate Council, and the Graduate Council.
- d. 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.
- e. Student Affairs Policy Committee. This committee deals with such matters as student quality of life, financial aid, the Code of Conduct, the Code of Academic Integrity, admission and domicile classification, high school and community college relations, recruitment and retention policies, and registration.

Section 5. Each Faculty Senate standing committee, except the Executive Committee, shall consist of seven General Faculty members, a majority of whom must be members of the Faculty 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 Committee on Committees. Student members of standing committees shall be nominated by Associated Students of the University of Arizona and by the Graduate and Professional Student Council. 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.

Section 6. At times, *ad hoc* committees may be created. 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 Committee on Committees.

F I N A L D R A F T
2/20/03

Prior to implementation

Prior to implementation, each college will determine its common elements on how departmental annual reviews will address the feedback on progress toward P&T/CS for probationary faculty. Deans will require each department to provide written plans describing the format and process for including feedback on progress toward P&T/CS in the annual review. **Common elements in all plans must include:**

- A clear description of the differentiation of roles of the departmental annual performance review and the subsection on P&T/CS feedback;
- A format and process for feedback on Teaching, Research/Scholarship, Service, as measured against the departmental and college written criteria for P&T/CS;
- A format for the overall assessment of progress toward P&T/CS, as measured against the written criteria;
- In the case of deficiencies in any area, a format for a written plan for improvement and guidelines for followup in subsequent annual reviews until the plan is completed.

Deans will review, approve, and forward the final departmental plans to the Vice Provost for Academic Affairs for approval, prior to implementation of the 3/6 year review model.

Timeline for implementation

Already completed

- *Introduction of issue in Program for Academic Leadership - Spring, 2001*
- *Debate of pros and cons of changing schedule in HeadsUp, using live discussion and electronic brainstorming - Spring, 2001*
- *Analysis of electronic results - Summer, 2001*
- *Research into practices at other institutions - Fall, 2001*
- *Survey of all faculty Fall, 2001*
- *Analysis of results - Spring, 2002*
- *Discussion of survey results and issue at annual Heads Retreat - Fall, 2002*
- *Vetting of proposed plan with department heads, through HeadsUp - Nov. 2002*
- *Vetting of the proposed plan with PMG, Academic Council, all department heads through deans - Nov, Dec, 2002*
- *Presentation of final proposal to HeadsUp and deans - Jan, 2003*

- **Presentation to Faculty Senate - Feb/March, 2003**
- **Approval process for departmental annual review revisions – Spring, 2003**
- **Implementation of new review schedule - Fall, 2003**

Model for Implementation of Streamlined P&T/CS Review Process

Old model:

- P&T/CS Reviews occur at 2nd, 4th, and 6th (mandatory) years.
- 2nd and 4th year reviews are local, go no further than department (or college) unless there is a negative finding. In a negative finding, the file proceeds to the Provost's Office through the normal P&T/CS channels.
- Annual performance reviews are inconsistent in how they address candidate's progress toward P&T/CS. In general the annual performance reviews tend to focus on more short-term, departmental performance, and the ratings in the APRs *may not* reflect progress toward successful P&T/CS status.

New model

- P&T/CS Reviews occur during the 3rd, and 6th (mandatory) years. In the first year of implementation, faculty who are already hired shall follow these paths:
 - Faculty who have already undergone the 2nd year review shall stay on the 2/4/6 year cycle;
 - Faculty who would be due for the 2nd year review may choose either cycle.
- 3rd year review goes through normal department level process, and is seen at the dean's level – either by the college committee, or by other decanal authority. The dossier must include all the elements of the 6th year review, except for the outside letters. The 3rd year review becomes, in effect, a dress rehearsal for the 6th year review. It is now the only review opportunity to terminate a candidate prior to the 6th year review (although a person could be terminated at any time for cause). In the event of a negative finding, the file proceeds to Provost's Office through normal P&T/CS channels.
- Annual performance reviews of all probationary faculty include some formal feedback to the candidate on progress toward P&T/CS. The feedback must include peer review and must be communicated in writing (it may also be discussed in meetings with the head and committee). Colleges and departments will decide what supporting materials need to be included with the Annual Review in order to evaluate progress toward P&T/CS.
- Results of the progress toward P&T/CS for each candidate will be forwarded to the Vice Provost for Academic Affairs each year.
- For candidates with deficiencies in any area, a written plan must be developed with guidelines for improvement and for follow-up in subsequent annual reviews until the plan is completed. This plan must be submitted with the results of the progress toward P&T/CS.
- The department or decanal level may request a 4- or 5- year review if the results of the 3-year review warrant the need for an interim review prior to the mandatory year.
- If the results of the 3-year or any subsequent review are negative, the file must proceed through the regular P&T/CS process to the Provost's Office.

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4/7/03

**Model for Implementation of
Streamlined P&T/CS Review Process**

After two years of research and discussion, the University of Arizona plans to implement a change in the probationary review schedule for promotion and tenure/continuing status (P&T/CS) in the Fall of 2003. A 3/6 year review cycle will replace the 2/4/6 year review schedule, as described below. In addition, for probationary faculty only, the annual review will contain a component addressing progress toward P&T/CS.

Old model:

- P&T/CS Reviews occur at 2nd, 4th, and 6th (mandatory) years.
- 2nd and 4th year reviews are local, go no further than department (or college) unless there is a negative finding. In a negative finding, the file proceeds to the Provost's Office through the normal P&T/CS channels as described in UHAP 3.12.07 and 4.11.02.
- Annual performance reviews are inconsistent in how they address candidates' progress toward P&T/CS. In general the annual performance reviews (APRs) tend to focus on more short-term, departmental performance, and the ratings in the APRs *may not* necessarily reflect progress toward successful P&T/CS.

New model

- P&T/CS Reviews occur during the 3rd, and 6th (mandatory) years. In the first year of implementation, faculty who are already hired shall follow these paths:
 - Faculty who have already undergone the 2nd year review shall stay on the 2/4/6 year cycle;
 - Faculty who would be due for the 2nd year review may choose either cycle.
- The 3rd year review goes through normal department level process, and is reviewed by the college P&T committee, or by its equivalent. The dossier must include all the elements of the 6th year review, except for the outside letters. The 3rd year review becomes, in effect, a dress rehearsal for the 6th year review. It is now the only probationary review opportunity to terminate a candidate prior to the 6th year review (although a person could be terminated at any time for cause).
- Annual performance reviews of all probationary faculty will include a component discussing the candidate's progress toward P&T/CS. This component will include peer review and must be communicated in writing to the candidate by the department head (it may also be discussed in meetings with the head and committee). Colleges and departments will decide what supporting materials need to be included with the Annual Review in order to evaluate progress toward P&T/CS. Each year, departments will submit the P&T/CS section of annual reviews of any probationary faculty whose progress toward P&T/CS is not satisfactory to the dean and to the college P&T/CS committee, or its equivalent.

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- For candidates whose progress in any area is not satisfactory, a written plan must be developed by the candidate in consultation with the department head, with guidelines for improvement and for integration into subsequent annual reviews until the plan is completed. This plan must be submitted with the results of the progress toward P&T/CS.
- If the results of the 3-year review warrant the need for an interim review prior to the mandatory year, the department or dean or college P&T/CS committee or its equivalent may request an additional 4- or 5- year review.
- If the results of the 3-year or any subsequent probationary review are negative, the file must proceed through the regular P&T/CS process to the Provost's Office as described in UHAP 3.12.07 and 4.11.02.

Prior to implementation

Prior to implementation, each college will develop a college common elements plan describing how departmental annual reviews will address the formal assessment on progress toward P&T/CS for probationary faculty. **Common elements in all plans must include:**

- A clear description of the differentiation of roles of the departmental annual performance review and the subsection on P&T/CS. [Note: UHAP 3.10.02 says, "Annual performance reviews shall be taken into account as part of the promotion and tenure process, but such evaluations are not determinative on promotion and tenure issues. Satisfactory ratings in the annual performance reviews do not necessarily indicate successful progress toward promotion and tenure."]
- A statement describing which members of the faculty will participate in the review of the P&T/CS component of the annual review. Although the annual P&T/CS assessments are not the same as the 6th year mandatory reviews, colleges should limit participation in the annual P&T/CS components to only those faculty holding rank superior to the rank of the candidate.
- A description of the process for discussion of Teaching, Research/Scholarship, Service with the candidate, as measured against the departmental and college written criteria for P&T/CS;
- A description of the process for the overall assessment of progress toward P&T/CS, as measured against the written criteria;
- In the case of unsatisfactory progress in any area, a description of the process for developing a written plan for improvement and guidelines for integration into the subsequent annual reviews until the plan is completed.

Prior to implementation of the 3/6 year review model, deans will review, approve, and forward the final college common elements plans to the Vice Provost for Academic Affairs for approval. Deans will require each department to provide a written plan

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describing the format and process for including such assessment of progress toward P&T/CS in the annual review, in compliance with the college common elements plan.

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Timeline for Implementation
Of New Probationary Review Model

Already completed

- *Introduction of issue in Program for Academic Leadership - Spring, 2001*
- *Debate of pros and cons of changing schedule in HeadsUp, using live discussion and electronic brainstorming - Spring, 2001*
- *Analysis of electronic results - Summer, 2001*
- *Research into practices at other institutions - Fall, 2001*
- *Survey of all faculty Fall, 2001*
- *Analysis of results - Spring, 2002*
- *Discussion of survey results and issue at annual Heads Retreat - Fall, 2002*
- *Vetting of proposed plan with department heads, through HeadsUp - Nov. 2002*
- *Vetting of the proposed plan with Provost's Management Group, Academic Council, all department heads through deans - Nov, Dec, 2002*
- *Presentation of final proposal to HeadsUp and deans - Jan, 2003*

In progress

- **Presentation to Faculty Senate - March/April, 2003**
- **Approval process for college common elements plans – Spring/Summer, 2003**
- **Implementation of new review schedule - Fall, 2003**



Interim Policy on Threatening Behavior by Students

The University seeks to promote a safe environment where students and employees may participate in the educational process without compromising their health, safety or welfare. The Arizona Board of Regents' Student Code of Conduct, ABOR Policy 5-308, prohibits threats of physical harm to any member of the University community, including to one's self. Threatening behavior can harm and disrupt the University, its community and its families.

A. Prohibited Behavior

Threatening Behavior is Prohibited. "Threatening behavior" means any written or oral statement, communication, conduct or gesture directed toward any member of the University community, which causes a reasonable apprehension of physical harm to self, others or property. A student shall be in violation of this policy regardless of whether the person who is the object of the threat observes or receives it, as long as a reasonable person would interpret the maker's statement, communication, conduct or gesture as a serious expression of intent to harm.

B. Procedures for Mandatory Reporting of Threatening Behavior

If threatened by any student's conduct to the point of reasonable fear of immediate physical harm to self, others or property:

1. Leave the area immediately.
2. Call the Police by dialing 9-1-1 to request that an officer come to the location. Inform the Police if it is a repeat occurrence.
3. You must report the student's threatening behavior promptly to the Dean of Students Office by filing a Student Code of Conduct Complaint (see ABOR 5-403).
4. If you are an employee, you must also notify your supervisor and the Dean or Department Head of the college or department where the threatening behavior occurred.

C. Disciplinary Process

In addition to any law enforcement action, the Dean of Students Office will investigate complaints against students and will keep records of such complaints and investigations in accordance with the Student Disciplinary Procedures (ABOR Policy 5-401, et seq.). Such records are subject to the Family Educational Rights and Privacy Act and may be shared with other University Officials who have a legitimate educational interest, and those persons who need to know in a health or safety emergency, including any person who was the object of the threat.

The Student Disciplinary Procedures shall govern all proceedings involving such complaints. Sanctions, as appropriate, may be imposed in accordance with the Student Code of Conduct, up to and including suspension or expulsion from the University.

The Dean of Students Office may utilize a student behavior

assessment committee to assist in determining whether the student can remain on campus or whether other appropriate disciplinary actions should be taken. The Student Behavior Assessment Committee may include representatives from Counseling and Psychological Services, the Dean of Students Office, member(s) of the Faculty, Life and Work Connections, the Department of Risk Management, the University Police Department, and other ad hoc members and consultants as deemed necessary by the Dean of Students on a case by case basis. The Committee will receive its charge from the Dean of Students, as necessary.

Related Policies

- Student Code of Conduct, ABOR Policy 5-308
- Student Disciplinary Procedures, ABOR Policy 5-401, et seq.

Your Feedback On This Policy

Optional:

Name:

Email address:

INTERIM POLICY ON THREATENING BEHAVIOR BY STUDENTS

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B. Procedures for Mandatory Reporting of Threatening Behavior

If threatened by any student's conduct to the point of reasonable fear of immediate physical harm to self, others or property:

1. Leave the area immediately.
2. Call the Police by dialing 9-1-1 to request that an officer come to the location. Inform the Police if it is a repeat occurrence.
3. You must report the student's threatening behavior promptly to the Dean of Students Office by filing a Student Code of Conduct Complaint (see ABOR 5-403).
4. If you are an employee, you must also notify your supervisor and the Dean or Department Head of the college or department where the threatening behavior occurred.

C. Disciplinary Process

In addition to any law enforcement action, the Dean of Students Office will investigate complaints against students and will keep records of such complaints and investigations in accordance with the Student Disciplinary Procedures (ABOR Policy 5-401, *et seq.*). Such records are subject to the Family Educational Rights and Privacy Act and may be shared with other University Officials who have a legitimate educational interest, and those persons who need

to know in a health or safety emergency, including any person who was the object of the threat. The person threatened by a student is to complete the Student Code of Conduct Complaint Form and send it to the Dean of Students Office. This will initiate the Student Disciplinary Procedures regarding the student who is charged with exhibiting threatening behavior. Within 24 hours, the Dean of Students Office will email the person who submitted the form to confirm that the form has been received. The Dean of Students Office will communicate the progress of the investigation within ten calendar days to the person who was the object of the threat.

The Student Disciplinary Procedures shall govern all proceedings involving such complaints. The Dean of Students may suspend the student for an interim period prior to the resolution of the disciplinary proceeding if the Dean determines that the continued presence of the student poses a threat to any individual, property, or university function. Sanctions, as appropriate, may be imposed in accordance with the Student Code of Conduct, up to and including suspension or expulsion from the University. In addition to any other sanction, any student who has received two documented suspensions for threatening behavior with the opportunity for appeal may be expelled from the University.

The Dean of Students Office may utilize a student behavior assessment committee to assist in determining whether the student can remain on campus or whether other appropriate disciplinary actions should be taken. The Student Behavior Assessment Committee may include representatives from Counseling and Psychological Services, the Dean of Students Office, member(s) of the Faculty (including a representative of the Faculty Senate Student Affairs Policy Committee), Life and Work Connections, the Department of Risk Management, the University Police Department, and other *ad hoc* members and consultants as deemed necessary by the Dean of Students on a case by case basis. The Committee will receive its charge from the Dean of Students, as necessary.

Related Policies

Student Code of Conduct, ABOR Policy 5-308
Student Disciplinary Procedures, ABOR Policy 5-401, *et seq.*
Workplace Violence Policy

4-3-03

ALL CAPS: REVISIONS AGREED UPON BY SENATE LEADERSHIP AND THREAT ASSESSMENT TASK FORCE MEMBERS

BOLD ITALIC: REVISIONS STILL SOUGHT BY SENATE LEADERSHIP

C. Disciplinary Process

In addition to any law enforcement action, the Dean of Students Office will investigate complaints against students and will keep records of such complaints and investigations in accordance with the Student Disciplinary Procedures (ABOR Policy 5-401, *et seq.*). Such records are subject to the Family Educational Rights and Privacy Act and may be shared with other University Officials who have a legitimate educational interest, and those persons who need to know in a health or safety emergency, including any person who was the object of the threat. THE PERSON (FACULTY OR STAFF) THREATENED BY A STUDENT IS TO COMPLETE THE STUDENT CODE OF CONDUCT COMPLAINT FORM AND SEND IT TO THE DEAN OF STUDENTS OFFICE. THIS WILL INITIATE THE STUDENT DISCIPLINARY PROCEDURES REGARDING THE STUDENT WHO IS CHARGED WITH EXHIBITING THREATENING BEHAVIOR. WITHIN 24 HOURS, THE DEAN OF STUDENTS OFFICE WILL EMAIL THE PERSON WHO SUBMITTED THE FORM TO CONFIRM THAT THE FORM HAS BEEN RECEIVED. THE DEAN OF STUDENTS OFFICE WILL COMMUNICATE THE OUTCOME OF THE INVESTIGATION WITHIN TEN **CALENDAR** DAYS TO THE PERSON WHO WAS THE OBJECT OF THE THREAT.

PARAGRAPH 2

The Student Disciplinary Procedures shall govern all proceedings involving such complaints. ~~Sanctions, as appropriate, may be imposed in accordance with the Student Code of Conduct, up to and including suspension or expulsion from the University.~~ THE DEAN OF STUDENTS MAY SUSPEND THE STUDENT FOR AN INTERIM PERIOD PRIOR TO THE RESOLUTION OF THE DISCIPLINARY PROCEEDING IF THE DEAN DETERMINES THAT THE CONTINUED PRESENCE OF THE STUDENT POSES A THREAT TO ANY INDIVIDUAL, PROPERTY, OR UNIVERSITY FUNCTION. SANCTIONS, AS APPROPRIATE, MAY BE IMPOSED IN ACCORDANCE WITH THE STUDENT CODE OF CONDUCT, UP TO AND INCLUDING SUSPENSION OR EXPULSION FROM THE UNIVERSITY. ONCE A STUDENT HAS RECEIVED TWO **SIS** DOCUMENTED SUSPENSIONS FOR THREATENING BEHAVIOR WITH THE OPPORTUNITY FOR APPEAL, THE STUDENT ~~MAY~~ **SHALL** BE EXPELLED FROM THE UNIVERSITY.

PARAGRAPH 3

The Dean of Students Office may utilize a student behavior assessment committee to assist in determining whether the student can remain on campus or whether other appropriate disciplinary actions should be taken. The Student Behavior Assessment Committee ~~may~~ **SHALL** include representatives from Counseling and Psychological Services, the Dean of Students Office, MEMBER(S) OF THE FACULTY (INCLUDING A REPRESENTATIVE OF THE FACULTY SENATE STUDENT AFFAIRS POLICY COMMITTEE), Life and Work Connections, the Department of Risk Management, the University Police Department, and other *ad hoc* members and consultants as deemed necessary by the Dean of Students on a case by case basis. The Committee will receive its charge from the Dean of Students, as necessary.

Faculty Bylaws

ARTICLE VI

Grievance Policies and Procedures for Faculty

Section 2. Grievance Principles

t. No faculty member should be disciplined unless there is clear and convincing evidence of all facts predicate to the discipline.

~~Otherwise the standard of proof shall be by a preponderance of the evidence.~~

Faculty Bylaws

ARTICLE VI

Grievance Policies and Procedures for Faculty

Section 5. Grievance Hearing Procedures

b., v. Within 15 days of receipt of the respondent's position statement, the grievant and respondent will receive written notification from the Chair of the Grievance Clearinghouse Committee as to which committee will hear the case and a statement of procedures of that committee. THE CHAIR OF THE GRIEVANCE CLEARINGHOUSE COMMITTEE SHALL NOTIFY THE CHAIR OF CAFT (OR THE APPROPRIATE COMMITTEE) OF THE CASE ASSIGNMENT AT THE SAME TIME.

Faculty Bylaws

ARTICLE VI

Grievance Policies and Procedures for Faculty

Section 5. Grievance Hearing Procedures

b., vi. THE CHAIR OF CAFT WILL APPOINT A HEARING PANEL WITHIN TEN (10) CLASS DAYS OF RECEIPT OF THE NOTICE OF A CASE ASSIGNMENT. The Chair of the CAFT panel will set a hearing date in conjunction with all parties involved in the case. The hearing should begin within 60 calendar days of the date the grievance is assigned to the hearing panel. The 60-day period includes