

2-3-2003

My name is Marv Waterstone, and I'm a faculty member in the Department of Geography and Regional Development.

I have a few remarks, and a couple of pointed questions.

Before I begin, I want to offer one disclaimer:

My remarks are going to sound like non-sense at the outset. I mean this in a very precise way. What I want to say today is going to be a deliberate challenge to the taken-for-granted "common sense" of how universities must be managed. By definition, then, any challenge to accepted common sense has to seem non-sensical. As I hope to convince you, it is not!

"Focused Excellence" is a deliberate distraction from massive administrative failure, and a major extension of the assault on faculty governance.

Let me talk about the managerial failure first.

The budgetary mess we are in is the result of repeated and consistent management failure; it is not, as the administration now claims, an opportunity. It is the result of failing to make a persuasive and distinctive case for the importance of higher education in this state. Our "managers" are incapable of articulating this mission, because they speak only with the truncated vocabulary and vision of bureaucrats and bean counters. Because they are now a permanent class of managers, they rarely (if ever) step back into the activities that form the heart of a university. Their imaginations limit the university roles to economic development and job training, and therefore position us as just another agency of the state or private sector. Their failure to articulate our unique contributions (as opposed to the mundanities for which they do tout us), forces universities to compete in arenas in which we do not, and often should not excel, and prohibit our being seen for the real values we (and only we) bring to society.

The result (i.e., the track record of this management model) has been at least two decades of declining budgets, faculty disaffection and defection, stagnant salaries, increased workloads, imposition of post-tenure review, and on and on. We're told that all of this is not the fault of our "managers." It's the economic downturn in Arizona. But in fact, this and previous administrations have done their jobs so poorly that even during the relatively better economic years of the mid- late-1990s, university budgets were not even restored, let alone increased! How does all of this add up to a record of achievement that legitimizes the current form of management? Given this record of abject failure, why should we now trust this model of corporatist, autocratic university governance (and the values it represents) to diagnose our present woes and to prescribe the massive reorganization that we are now being told is not only necessary, but opportune?

We're told that this is the kind of management that modern universities need in order to respond to the external (and internal) situations that face us. But a big part of our problem is captured in

We're told that this is the kind of management that modern universities need in order to respond to the external (and internal) situations that face us. But a big part of our problem is captured in this formulation. The current approach is always reactive. These bureaucrats never seem to recognize the enormous (and unique) opportunity we have to shape the environments in which we operate. And don't be misled by the rhetoric claiming "focused excellence" is pro-active and entrepreneurial. It is first, foremost and primarily a reaction to declining budgets, and represents doing less with less, no matter how our managers try to categorize it.

Why speak out right now? This brings me to the second major, and related, concern: the extension of the assault on faculty governance. One reason to speak out is that the changes being proposed currently have enormous consequence (real people are being thrown out of work, programmatic changes that may not be reversible are being set in motion), and are being carried out in a largely unaccountable manner by those who have repeatedly failed us in the past. As I've indicated, the failure is not just with this particular administration, but with the whole corporatist model that now governs most universities. It is clear, however, that this administration especially relishes the CEO role and the autocratic power that accompanies that "leadership" form. Though invariably cloaked in the language of consultation, Peter Likins' clearer sentiments are expressed in his recent comments that the process to effect this sweeping reorganization of the University of Arizona will be "transparent but not democratic."

On what basis is this kind of unilateral authority claimed? Where is the record of achievement that would justify this bald assertion of autocracy? Peter Likins was hired as a CEO, and was hired to run the university like a business. He has. He has run it right into the ground. The kind of real leaders we need are ones who not only know that the corporation is not the only organizational model available in society, but who also know and believe that it is an inappropriate model for a university. We need leaders who are collegial, collaborative, consultative, and who rotate back into the faculty on a regular basis in order to stay in touch with what a university is really all about. Only then, will they be able to convey the passion that will convince others of our value, relevance and merit.

Whether your unit has been designated as excellent and worthy, is not nearly as important as the issue of who gets to decide such matters, based on what criteria, and with what kind of accountability. It is clear, however, that the current designations not only matter (especially if your unit is slated to be eliminated, merged or reorganized), but that the process that has produced these proposals fits beautifully with a "divide and conquer" strategy. Those units that have "been 'spared' for the foreseeable future" (to use the threatening language of Financial Planning Bulletin #22) are clearly encouraged to keep their heads down, lest they be next. But a focus on the details distracts us from the enormous, and illegitimate, extension of power by the central administration. Having "been spared" and told that your unit is currently excellent, does not insure continued survival in the future, nor does it insure compatibility with the "bottom-line" set of values that now governs this and other policy processes, whether they are appropriate or not. (REDACTED)

We, as faculty, must assert and attain a real, and in fact, dominant say in this process (and in other policy-making as well), and not simply one of advising. As I've argued, I do not think the track record justifies the current autocratic, top-down arrangement, no matter what ABOR policies indicate (don't forget that the large majority of non-student, non-ex officio ABOR members are themselves corporate CEOs). We need to turn the current relationship between faculty and administration on its head. Faculty should be making policy (not simply consulting and advising on agendas set almost wholly by managers with a proven track record of failure). Administrators should then be charged with carrying those policies out. I am sure we've gone far enough down the corporatist path that this will sound absurd and unrealistic to most of you, but this taken-for-granted, current "common sense" can be changed. Faculty have the power to effect this change. The university can run without permanent, professional managers, it can't run without faculty! If you don't believe me, try this in your next class: conduct a disaggregated, decentralized general strike by declaring two minutes of your own silence. See what happens in the classroom.

Given the state of affairs our present management model has produced, it's long past time to admit that this management model is bankrupt and should be scrapped. We can and must do better. I hope my fellow faculty members both inside and outside the Senate will organize to meet this challenge.

**STATE EMPLOYEE HEALTH INSURANCE ISSUES
FISCAL YEAR 2002-03**

Major Issue #1 - Legislative Mandate for Self-Insurance

Major Issue #2 - CIGNA Rate Increase

Major Issue #3 - Plan Design and Contribution Strategy

Handwritten note:
Handwritten note
from 2-3-03
J. Shankley

MAJOR ISSUE #1: LEGISLATIVE MANDATE

Last Spring, the Legislature mandated that all state-employee health and dental plans be self-insured by October 1, 2003. Lawmakers presumed self-insured plans would save money.

Major Problems:

1. The timeline for implementing self-insurance was too short, because:

- The Arizona Department of Administration (ADOA) did not have all relevant data about other states' experience with self-insurance, which meant it was unclear whether this was the best type of program for state employees, retirees, and their families. Lack of data also made planning this initiative very difficult.

ADOA personnel had little experience with self-insured health plans.

2. The Legislature had made no provision for a reserve fund of at least \$85 million, necessary to implement self-insurance. Last Fall, Gov. Jane Hull wrote to legislators that the self-insurance mandate, passed over her objections, would cause a financial "cave-in" and would be a "disaster."

3. Neither the Legislature nor ADOA had data that showed definitively that switching to self-insurance would indeed save money. In fact, ADOA's consultants stated last Summer that self-insurance would *not* save money.

ISSUE #1 - LEGISLATIVE SELF-INSURANCE MANDATE

Solutions:

o ADOA and the Arizona Board of Regents formed committees, which include UA representatives, to explore options. The ABOR committees followed a multi-track strategy:

1. Consider the best ways to work with the Legislature to obtain a delay in the implementation deadline for self-insurance.
2. Continue working on the design for a self-insurance program, because such a program would have to be implemented by 10/01/03 if the Legislature did not approve a delay.
3. Look for ways that changes in plan design and contribution strategy might reduce costs and enhance choice.

ISSUE #1 - LEGISLATIVE SELF-INSURANCE MANDATE

Track #1:

o ABOR committees recommended quick action to get a Legislative delay of the implementation date. ADOA moved cautiously about this issue at first.

- Nevertheless, the Legislature was expected to rescind the date during the one-day special session in November 2002, but ran out of time.

- Because no delay was approved, ADOA issued six Requests for Proposals relating to the self-insurance program in December 2002.

- The Legislature approved the delay in January 2003 and RFPs were suspended.

o The fact it took so many months to secure a delay in self-insurance led to Major Issue #2, CIGNA's proposed rate increase.

MAJOR ISSUE # 2 - CIGNA RATE INCREASE

Because the Legislature did not rescind the self-insurance mandate until last month, it appears too late to re-design the current program and issue new RFPs. This means the State is preparing to renew CIGNA for another year. CIGNA's proposed rates will be released this month.

Problems:

- o CIGNA's requested rate increase is expected to be substantial, because health-care costs have been rising on the national level, and the profitability of some CIGNA operations has declined.
- o There is a serious question about how much of the increase the State will absorb. According to ADOA, some elements of State government have recommended that \$46.5 million be set aside to help offset the increase, while the Joint Legislative Budget Committee has recommended that *no* money be set aside. The JLBC reportedly believes that the full cost of the increase should be absorbed by each institution, and its employees and retirees.

Solutions:

- o ADOA has agreed that ABOR representatives can participate in early discussions with CIGNA about the new rates.
- o ADOA will compare the cost of CIGNA with the cost of implementing self-insurance, using the responses to the six RFPs submitted by vendors last month. However, no provision has yet been made for a reserve fund.
- o ABOR committees will continue to explore possible changes to plan design and contribution strategy, Major Issue #3.

MAJOR ISSUE #3 - PLAN DESIGN AND CONTRIBUTION STRATEGY

Since last Summer and Fall, as part of their multi-track strategy, ABOR committees have been examining ideas for changes in plan design and contribution strategy that might cut costs and increase choice, whether the health-care program is fully insured or self-insured. ABOR hired a consulting firm to do computer modeling of some options, and explored others through legal channels. These included:

- A “Flexible HMO” plan for State employees.
- Ways to make the PPO in the current plan more affordable.
- Possible changes in the pharmacy benefit program.
- A possible three-tier system, one for individuals, a second for employees or retirees and one dependent, and a third for families comprising three or more persons.
- Options for treating the Universities differently from other State institutions, such as:
 - o Having the Universities be a separate pool in the ADOA program.
 - o Including UA and ASU in the NAU plan run by Blue Cross-Blue Shield.
 - o Having the Universities design their own health-benefits plan, and withdraw from the ADOA plan.

ISSUE #3 - PLAN DESIGN AND CONTRIBUTION STRATEGY

Problems:

- o ADOA does not want any significant plan design or contribution strategy changes for the initial year of a self-insured program.
- o ADOA says preliminary analysis shows that establishing a separate tier for employees/retirees and one dependent would put too much of a burden on larger families.
- o ADOA and CIGNA withheld data for weeks, which delayed ABOR modeling of alternative plan designs.
- o Complete data were never received from ADOA or CIGNA, which meant modeling had to incorporate numerous assumptions.
- o ADOA says Universities cannot be treated as a separate pool under current law.
- o UA and ASU cannot join NAU plan, under current law.
- o Any plan to withdraw Universities from the ADOA plan would require new legislation, and careful study of political and economic ramifications.

ISSUE #3 - PLAN DESIGN AND CONTRIBUTION STRATEGY

Solutions:

- o ADOA and ABOR committee representatives are meeting about this situation.

- o ABOR committees are continuing to try to work with available data to produce models for different plan designs and contribution strategies.

- o Any new RFP or program must include more complete provisions about data collection and availability.

- o ABOR and the Universities must continue to examine all options for maximizing the health-care benefits for employees and retirees, including the ramifications of asking for new legislation concerning plan design and contribution strategy.

#####



Arizona State Legislature

Advanced ALIS Search

Please Report Problems To webmaster@azleg.state.az

Bill Number Search Forty-sixth Legislature - First Regular Session

[SENATE ROSTER](#) [HOUSE ROSTER](#) [SENATE LEADERSHIP](#) [HOUSE LEADERSHIP](#) [SENATE SEATING CHART](#) [HOUSE SEATING CHART](#)

| | | |
|---|---|--|
| <p>Arizona State Senate Capitol Complex 1700 West Washington Phoenix, AZ 85007-2890 Info Desk (602) 542-3559 Fax (602) 542-3559</p> | <p>Tucson Office 400 West Congress St. Suite 201 Tucson, AZ 85701 Senate Info Desk (520) 628-6596 House Info Desk (520) 628-6593 Fax (520) 628-6615</p> | <p>Arizona House of Representatives Capitol Complex 1700 West Washington Phoenix, AZ 85007-2890 Info Desk (602) 542-4221</p> |
|---|---|--|

Who is my legislator?

Senate Roster

| Name | District | Party | Email | Phone | Fax |
|--|----------|------------|--|---------------|---------------|
| Linda Aguirre Assistant Minority Leader | 16 | Democrat | laguirre@azleg.state.az.us | (602)542-7830 | (602)542-3429 |
| Carolyn S. Allen | 8 | Republican | callen@azleg.state.az.us | (602)542-4480 | (602)542-3429 |
| Mark Anderson | 18 | Republican | manderso@azleg.state.az.us | (602)542-3160 | (602)417-3151 |
| Marsha Arzberger | 25 | Democrat | marzberg@azleg.state.az.us | (602)542-4321 | (602)417-3246 |
| Timothy S. Bee Majority Leader | 30 | Republican | tbee@azleg.state.az.us | (602)542-5683 | (602)417-3247 |
| Ken Bennett President | 1 | Republican | kbennett@azleg.state.az.us | (602)542-5584 | (602)542-3429 |
| Linda Binder | 3 | Republican | lbinder@azleg.state.az.us | (602)542-4138 | (602)417-3165 |
| Robert Blendu | 12 | Republican | rblendu@azleg.state.az.us | (602)542-5955 | (602)417-3168 |
| Bill Brotherton | 14 | Democrat | bbrother@azleg.state.az.us | (602)542-4485 | (602)542-3429 |
| Jack A. Brown Minority Leader | 5 | Democrat | jbrown@azleg.state.az.us | (602)542-4129 | (602)542-3429 |
| Robert Burns | 9 | Republican | rburns@azleg.state.az.us | (602)542-5993 | (602)417-3225 |
| Robert Cannell | 24 | Democrat | rcannell@azleg.state.az.us | (602)542-4139 | (602)542-3429 |
| Ken Chevront | 15 | Democrat | kcheuvro@azleg.state.az.us | (602)542-5325 | (602)417-3149 |
| Jorge Luis Garcia | 27 | Democrat | jgarcia@azleg.state.az.us | (602)542-4171 | (602)417-3162 |
| Gabrielle Giffords | 28 | Democrat | ggifford@azleg.state.az.us | (602)542-5262 | (602)417-3166 |
| Herb Guenther | 24 | Democrat | hguenthe@azleg.state.az.us | (602)542-4139 | (602)417-3156 |
| Jack W. Harper | 4 | Republican | jharper@azleg.state.az.us | (602)542-4178 | (602)417-3154 |
| Toni Hellon | 26 | Republican | thellon@azleg.state.az.us | (602)542-4326 | (602)417-3259 |
| Jack C. Jackson Sr. | 2 | Democrat | jjackson@azleg.state.az.us | (602)542-4323 | (602)417-3160 |
| Marilyn Jarrett Majority Whip | 19 | Republican | mjarrett@azleg.state.az.us | (602)542-5288 | (602)417-3161 |
| Barbara Leff | 11 | Republican | bleff@azleg.state.az.us | (602)542-4486 | (602)417-3170 |
| Dean Martin | 6 | Republican | dmartin@azleg.state.az.us | (602)542-5284 | (602)417-3163 |
| Slade Mead | 20 | Republican | smc:d@azleg.state.az.us | (602)542-5261 | (602)417-3257 |
| Richard Miranda | 13 | Democrat | rmiranda@azleg.state.az.us | (602)542-5911 | (602)417-3171 |
| Harry E. Mitchell | 17 | Democrat | hmitchel@azleg.state.az.us | (602)542-4124 | (602)417-3164 |
| Pete Rios Minority Whip | 23 | Democrat | prios@azleg.state.az.us | (602)542-5685 | (602)417-3167 |
| Victor Soltero | 29 | Democrat | vsoltero@azleg.state.az.us | (602)542-5342 | (602)542-3429 |
| Jay Tibshraeny | 21 | Republican | jtibshra@azleg.state.az.us | (602)542-4481 | (602)417-3152 |
| Ramon O. Valadez | 29 | Democrat | rvaladez@azleg.state.az.us | (602)542-5342 | (602)417-3169 |
| Thayer Verschoor | 22 | Republican | tverscho@azleg.state.az.us | (602)542-4136 | (602)417-3222 |
| W. Waring | 7 | Republican | jwaring@azleg.state.az.us | (602)542-4916 | (602)417-3150 |
| James P. Weiers | 10 | Republican | jweiers@azleg.state.az.us | (602)542-4173 | (602)417-3153 |

[Top](#)



Bill Number Search Forty-sixth Legislature - First Regular Session

Appropriations Senate Standing Committee

| Members | Position | Staff |
|------------------------------------|---------------|--------------------|
| Mark Anderson | Member | Republican Analyst |
| Marsha Arzberger | Member | Democratic Analyst |
| Timothy S. Bee | Member | Republican Intern |
| Robert Burns | Chairman | Democratic Intern |
| Robert Cannell | Member | |
| Gabrielle Giffords | Member | |
| Jack W. Harper | Member | |
| Dean Martin | Member | |
| Slade Mead | Member | |
| Pete Rios | Member | |
| Victor Soltero | Member | |
| Thayer Verschoor | Member | |
| Jim Waring | Vice-Chairman | |

Committee Minutes

| Date Posted | Description |
|-------------|--|
| 1/22/03 | 1/22/03 #A Forty-sixth Legislature - First Regular Session |
| 1/15/03 | 1/15/03 #A Forty-sixth Legislature - First Regular Session |

Committee Agendas

| Agenda Date | Revised | Cancelled | Time | Room | HTML Document | PDF Document |
|-------------|-------------------------------------|-----------|-----------|---------|----------------------------|----------------------------|
| 2/5/03 | | | 1:30 p.m. | SHR 109 | Click Here | Click Here |
| /29/03 | <input checked="" type="checkbox"/> | | 1:30 p.m. | SHR 109 | Click Here | Click Here |
| 1/22/03 | | | 1:30 p.m. | SHR 109 | Click Here | Click Here |

[Top](#)



Bill Number Search

Forty-sixth Legislature - First Regular Session

Education

Senate Standing Committee

Members

[Linda Aguirre](#)
[Mark Anderson](#)
[Toni Hellon](#)
[Jack C. Jackson Sr.](#)
[Slade Md](#)
[Richard Miranda](#)
[Harry E. Mitchell](#)
[Thayer Verschoor](#)
[Jim Waring](#)

Position

Member
 Member
 Chairman
 Member
 Vice-Chairman
 Member
 Member
 Member
 Member

Staff

Republican Analyst
 Democratic Analyst
 Republican Intern
 Democratic Intern

Committee Minutes

| Date Posted | Description |
|-------------|---|
| 1/20/03 | 1/20/03 Forty-sixth Legislature - First Regular Session |

Committee Agendas

| Agenda Date | Revised | Cancelled | Time | Room | HTML Document | PDF Document |
|-------------|---------|-----------|-----------|---------|----------------------------|----------------------------|
| 2/3/03 | | | 1:30 P.M. | SHR 109 | Click Here | Click Here |
| 1/27/03 | | | 1:30 P.M. | SHR 109 | Click Here | Click Here |
| 1/20/03 | | | 1:30 P.M. | SHR 109 | Click Here | Click Here |

[Top](#)



Bill Number Search

Forty-sixth Legislature - First Regular Session

Health Senate Standing Committee

Members

[Carolyn S. Allen](#)
[Linda Binder](#)
[Robert Cannell](#)
[Jorge Luis Garcia](#)
[Jack W. Harper](#)
[Toni Hellon](#)
[Jack C. Jackson Sr.](#)
[Barbara Leif](#)
[Richard Miranda](#)

Position

Chairman
Vice-Chairman
Member
Member
Member
Member
Member
Member

Staff

Republican Analyst
Democratic Analyst
Republican Intern
Democratic Intern

Committee Minutes

| Date Posted | Description |
|-------------|---|
| 1/23/03 | 1/23/03 Forty-sixth Legislature - First Regular Session |
| 1/16/03 | 1/16/03 Forty-sixth Legislature - First Regular Session |

Committee Agendas

| Agenda Date | Revised | Cancelled | Time | Room | HTML Document | PDF Document |
|-------------|-------------------------------------|-----------|-----------|------|----------------------------|----------------------------|
| 1/30/03 | <input checked="" type="checkbox"/> | | 8:30 a.m. | SHR1 | Click Here | Click Here |
| 1/23/03 | | | 8:30 a.m. | SHR1 | Click Here | Click Here |

op



Arizona State Legislature

Advanced ALIS Search

Please Report Problems To webmaster@azleg.state.az

Bill Number Search

Search

Forty-sixth Legislature - First Regular Session

[SENATE ROSTER](#)
[HOUSE ROSTER](#)
[SENATE LEADERSHIP](#)
[HOUSE LEADERSHIP](#)
[SENATE SEATING CHART](#)
[HOUSE SEATING CHART](#)

Arizona State Senate
Capitol Complex
1700 West Washington
Phoenix, AZ 85007-2890
Info Desk (602) 542-3559
Fax (602) 542-3559

Tucson Office
400 West Congress St.
Suite 201
Tucson, AZ 85701
Senate Info Desk (520) 628-6596
House Info Desk (520) 628-6593
Fax (520) 628-6615

Arizona House of Representatives
Capitol Complex
1700 West Washington
Phoenix, AZ 85007-2890
Info Desk (602) 542-4221

Who is my legislator?

House Roster

| Name | District | Party | Email | Phone | Fax |
|---|----------|------------|--|----------------|----------------|
| John M. Allen | 7 | Republican | jallen@azleg.state.az.us | (602) 542-3395 | (602) 417-3007 |
| Manuel V. "Manny" Alvarez | 25 | Democrat | malvarez@azleg.state.az.us | (602) 542-5895 | (602) 417-3025 |
| Bill Arnold | 12 | Republican | barnold@azleg.state.az.us | (602) 542-5894 | (602) 417-3012 |
| Ray Barnes | 7 | Republican | rbarnes@azleg.state.az.us | (602) 542-5503 | (602) 417-3107 |
| Andy Biggs | 22 | Republican | abiggs@azleg.state.az.us | (602) 542-4371 | (602) 417-3022 |
| Tom Boone | 4 | Republican | thoone@azleg.state.az.us | (602) 542-3297 | (602) 417-3004 |
| David T. Bradley | 28 | Democrat | dbradley@azleg.state.az.us | (602) 542-3300 | (602) 417-3028 |
| Jennifer Burns | 25 | Republican | jburns@azleg.state.az.us | (602) 542-5836 | (602) 417-3125 |
| Meg Burton Cahill | 17 | Democrat | mhcahill@azleg.state.az.us | (602) 542-5896 | (602) 417-3017 |
| Ernest Bustamante | 23 | Democrat | ebustama@azleg.state.az.us | (602) 542-5761 | (602) 417-3023 |
| Olivia Cajero Bedford | 27 | Democrat | ocajerob@azleg.state.az.us | (602) 542-5835 | (602) 417-3027 |
| Robert C. Cannell | 24 | Democrat | rcannell@azleg.state.az.us | (602) 542-4430 | (602) 417-3024 |
| Ted Carpenter | 6 | Republican | tcarpent@azleg.state.az.us | (602) 542-1859 | (602) 417-3006 |
| James R. Carruthers | 24 | Republican | jcarruth@azleg.state.az.us | (602) 542-5273 | (602) 417-3124 |
| Cheryl Chase | 23 | Democrat | cchase@azleg.state.az.us | (602) 542-5030 | (602) 417-3123 |
| Ken Clark | 15 | Democrat | kclark@azleg.state.az.us | (602) 542-5058 | (602) 417-3015 |
| Ted Downing | 28 | Democrat | t Downing@azleg.state.az.us | (602) 542-5108 | (602) 417-3128 |
| Eddie Farnsworth | 22 | Republican | efarnswo@azleg.state.az.us | (602) 542-5735 | (602) 417-3122 |
| Majority Leader | | | | | |
| Jake Flake | 5 | Republican | jflake@azleg.state.az.us | (602) 542-5219 | (602) 417-3005 |
| Speaker of the House | | | | | |
| Steve Gallardo | 13 | Democrat | sgallard@azleg.state.az.us | (602) 542-3392 | (602) 417-3013 |
| Randy Graf | 30 | Republican | rgraf@azleg.state.az.us | (602) 542-3235 | (602) 417-3030 |
| Majority Whip | | | | | |
| Chuck Gray | 19 | Republican | cdgray@azleg.state.az.us | (602) 542-5495 | (602) 417-3019 |
| Linda Gray | 10 | Republican | lgray@azleg.state.az.us | (602) 542-3376 | (602) 417-3010 |
| Deb Gullett | 11 | Republican | dgullett@azleg.state.az.us | (602) 542-5766 | (602) 417-3011 |
| Philip J. Hanson | 9 | Republican | phanson@azleg.state.az.us | (602) 542-3255 | (602) 417-3009 |
| Joe Hart | 3 | Republican | jhart@azleg.state.az.us | (602) 542-5051 | (602) 417-3003 |
| Pete Hershberger | 26 | Republican | phershbe@azleg.state.az.us | (602) 542-5839 | (602) 417-3026 |
| Carole Hubbs | 4 | Republican | chubbs@azleg.state.az.us | (602) 542-5861 | (602) 417-3104 |
| Steve Huffman | 26 | Republican | shuffman@azleg.state.az.us | (602) 542-3394 | (602) 417-3126 |
| John Huppenthal | 20 | Republican | jhuppent@azleg.state.az.us | (602) 542-5898 | (602) 417-3020 |
| Jack C. Jackson, Jr. | 2 | Democrat | jkjksnjr@azleg.state.az.us | (602) 542-5160 | (602) 417-3002 |
| Clancy Jayne | 6 | Republican | cjayne@azleg.state.az.us | (602) 542-4002 | (602) 417-3106 |
| Karen S. Johnson | 18 | Republican | kjohnson@azleg.state.az.us | (602) 542-4467 | (602) 417-3018 |
| Bl Konopnicki | 5 | Republican | bkonopni@azleg.state.az.us | (602) 542-5409 | (602) 417-3105 |
| Leah Landrum Taylor | 16 | Democrat | llandrum@azleg.state.az.us | (602) 542-5864 | (602) 417-3016 |
| Assistant Minority Leader | | | | | |
| Sylvia Laughter | 2 | Democrat | slaughte@azleg.state.az.us | (602) 542-5862 | (602) 417-3102 |
| Phil Lopes | 27 | Democrat | plopes@azleg.state.az.us | (602) 542-3278 | (602) 417-3127 |

Member Roster

| | | | | | |
|-------------------------------------|----|------------|--|----------------|----------------|
| Linda Lopez | 29 | Democrat | llopez@azleg.state.az.us | (602) 542-4089 | (602) 417-3029 |
| Minority Whip | | | | | |
| John A. Lored | 13 | Democrat | jlored@azleg.state.az.us | (602) 542-5830 | (602) 417-3113 |
| Minority Leader | | | | | |
| Lucy Mason | 1 | Republican | lmason@azleg.state.az.us | (602) 542-5874 | (602) 417-3001 |
| Marian McClure | 30 | Republican | mmcclure@azleg.state.az.us | (602) 542-3312 | (602) 417-3130 |
| Debbie McCune Davis | 14 | Democrat | dmccune@azleg.state.az.us | (602) 542-5412 | (602) 417-3014 |
| Robert Meza | 14 | Democrat | rmeza@azleg.state.az.us | (602) 542-3425 | (602) 417-3114 |
| Ben R. Miranda | 16 | Democrat | bmiranda@azleg.state.az.us | (602) 542-4893 | (602) 417-3116 |
| John B. Nelson | 12 | Republican | jnelson@azleg.state.az.us | (602) 542-5872 | (602) 417-3112 |
| Warde Nichols | 21 | Republican | wnichols@azleg.state.az.us | (602) 542-5168 | (602) 417-3021 |
| Tom O'Halleran | 1 | Republican | tohaller@azleg.state.az.us | (602) 542-4079 | (602) 417-3101 |
| Russell K. Pearce | 18 | Republican | rpearce@azleg.state.az.us | (602) 542-5760 | (602) 417-3118 |
| Gary Pierce | 19 | Republican | gpierce@azleg.state.az.us | (602) 542-3163 | (602) 417-3119 |
| Doug Quellan | 10 | Republican | dquellan@azleg.state.az.us | (602) 542-4639 | (602) 417-3110 |
| Michele Reagan | 8 | Republican | mreagan@azleg.state.az.us | (602) 542-5828 | (602) 417-3008 |
| Robert Robson | 20 | Republican | brobson@azleg.state.az.us | (602) 542-5549 | (602) 417-3120 |
| Colette Rosati | 8 | Republican | crosati@azleg.state.az.us | (602) 542-5169 | (602) 417-3108 |
| Victor Soltero | 29 | Democrat | vsoltero@azleg.state.az.us | (602) 542-3424 | (602) 417-3129 |
| Wally Straughn | 15 | Democrat | wstraughn@azleg.state.az.us | (602) 542-5829 | (602) 417-3115 |
| Bob Stump | 9 | Republican | hstump@azleg.state.az.us | (602) 542-5413 | (602) 417-3109 |
| Mark Thompson | 17 | Republican | mthompso@azleg.state.az.us | (602) 542-4225 | (602) 417-3117 |
| Stephen Tully | 11 | Republican | stully@azleg.state.az.us | (602) 542-5977 | (602) 417-3111 |
| Bill Wagner III | 3 | Republican | bwagner@azleg.state.az.us | (602) 542-5408 | (602) 417-3103 |
| Steven B. Yarbrough | 21 | Republican | syarbrou@azleg.state.az.us | (602) 542-5863 | (602) 417-3121 |

[Top](#)



Bill Number Search

Forty-sixth Legislature - First Regular Session

Health

House of Representatives Standing Committee

Members

[Bill Arnold](#)
[David T. Bradley](#)
[Cheryl Chase](#)
[Deb Gullett](#)
[Phillip J. Hanson](#)
[Bill Konopnicki](#)
[Phil Lopes](#)
[Linda Lopez](#)
[Warde Nichols](#)
[Colette Rosati](#)
[Bob Stump](#)
[Mark Thompson](#)

Position

Member
 Member
 Member
 Chairman
 Member
 Member
 Member
 Member
 Member
 Member
 Vice-Chairman
 Member

Staff

Republican Analyst
 Democratic Analyst
 Republican Intern
 Democratic Intern

Pete Wertheim
 Helena Whitney
 Jesika Benson
 Zandra Alford

Committee Minutes

| Date Posted | Description |
|-------------|--|
| 1/16/03 | 1/16/03 #0 Forty-sixth Legislature - First Regular Session |

Committee Agendas

| Agenda Date | Revised | Cancelled | Time | Room | HTML Document | PDF Document |
|-------------|-------------------------------------|-----------|------------------------------|------|----------------------------|----------------------------|
| 2/6/03 | | | 8:30 a.m. | HHR4 | Click Here | Click Here |
| 1/30/03 | | | 9:00 a.m. (Note time change) | HHR4 | Click Here | Click Here |
| 1/23/03 | <input checked="" type="checkbox"/> | | 9:00 a.m. (Note time change) | HHR4 | Click Here | Click Here |

[Top](#)



Bill Number Search

Forty-sixth Legislature - First Regular Session

Appropriations House of Representatives Standing Committee

Members

[Ray Barnes](#)
[Andy Biggs](#)
[Tom Boone](#)
[Meg Burton Cahill](#)
[James R. Carruthers](#)
[Linda Gray](#)
[Joe Hart](#)
[John Huppenthal](#)
[Karen S. Johnson](#)
[Bill Konopnicki](#)
[Phil Lopes](#)
[Linda Lopez](#)
[John A. Loreda](#)
[Russell K. Pearce](#)

Position

Member
 Member
 Member
 Member
 Member
 Member
 Member
 Member
 Member
 Vice-Chairman
 Member
 Member
 Member
 Chairman

Staff

Republican Analyst
 Democratic Analyst
 Republican Intern
 Democratic Intern

Joy Hicks
 Jamie Hogue
 Gbemisola Disu
 Sean Harding

Committee Minutes

| Date Posted | Description |
|-------------|--|
| 1/21/03 | 1/21/03 #0 Forty-sixth Legislature - First Regular Session |
| 1/14/03 | 1/14/03 #0 Forty-sixth Legislature - First Regular Session |

Committee Agendas

| Agenda Date | Revised | Cancelled | Time | Room | HTML Document | PDF Document |
|-------------|---------|-----------|----------------------------|----------------------|----------------------------|----------------------------|
| 2/4/03 | | | 1:00 P.M. | House Hearing Room 1 | Click Here | Click Here |
| 1/28/03 | | | 1:30 p.m. Note Time Change | House Hearing Room 1 | Click Here | Click Here |
| 1/21/03 | | | 1:00 p.m. | House Hearing Room 1 | Click Here | Click Here |

[Top](#)



Bill Number Search

Forty-sixth Legislature - First Regular Session

Education

House of Representatives Standing Committee

Members

[John M. Allen](#)
[Bill Arnold](#)
[Tom Boone](#)
[Olivia Cajero Bedford](#)
[James R. Carruthers](#)
[Ted Downing](#)
[Linda Gray](#)
[John Huppenthal](#)
[Linda Lopez](#)
[Ben R. Miranda](#)
[Warde Nichols](#)
[Steven B. Yarbrough](#)

Position

Member
 Member
 Member
 Member
 Member
 Member
 Chairman
 Member
 Member
 Member
 Vice-Chairman
 Member

Staff

Republican Analyst
 Democratic Analyst
 Republican Intern
 Democratic Intern

Brian Lockery
 Jennifer Daily
 Steven Moortel
 Jennifer Baez-Silva

Committee Minutes

Date Posted

Description

1/15/03 [1/15/03 #0 Forty-sixth Legislature - First Regular Session](#)

Committee Agendas

| Agenda Date | Revised | Cancelled | Time | Room | HTML Document | PDF Document |
|-------------|---------|-----------|-----------|----------------------|----------------------------|----------------------------|
| 2/5/03 | | | 8:30 a.m. | House Hearing Room 3 | Click Here | Click Here |
| 1/29/03 | | | 8:30 a.m. | 3 | Click Here | Click Here |
| 1/22/03 | | | 8:30 a.m. | 3 | Click Here | Click Here |

[Top](#)



Bill Number Search Forty-sixth Legislature - First Regular Session

Standing Committees

House of Representatives

- [Appropriations](#)
- [Commerce and Military Affairs](#)
- [Education](#)
- [Environment](#)
- [Financial Institutions and Insurance](#)
- [Federal Mandates and Property Rights](#)
- [Government and Retirement](#)
- [Health](#)
- [Human Services](#)
- [Judiciary](#)
- [Natural Resources, Agriculture, Water and Native American Affairs](#)
- [Public Institutions and Counties](#)
- [Rules](#)
- [Transportation](#)
- [Utilities and Municipalities](#)
- [Ways and Means](#)
- [Joint Meeting of the Senate and House Appropriations Subcommittee on Assets](#)
- [Joint Meeting of the Senate and House Appropriations Subcommittee on Education](#)
- [Joint Meeting of the Senate and House Appropriations Subcommittee on Health & Welfare](#)

Senate

- [Appropriations](#)
- [Commerce](#)
- [Education](#)
- [Finance](#)
- [Family Services](#)
- [Government](#)
- [Health](#)
- [Judiciary](#)
- [Natural Resources and Transportation](#)
- [Rules](#)
- [Joint Meeting of the Senate and House Appropriations Subcommittee on Assets](#)
- [Joint Meeting of the Senate and House Appropriations Subcommittee on Education](#)
- [Joint Meeting of the Senate and House Appropriations Subcommittee on Health & Welfare](#)

**POLICY ON ETHICS IN SCHOLARLY, CREATIVE, AND
RESEARCH ACTIVITIES AND PROCEDURES FOR
INVESTIGATIONS OF MISCONDUCT**

I. INTRODUCTION

A community of scholars and researchers has an obligation to itself and to the general public to exercise integrity and ethical behavior in scholarly and research activities. The primary responsibility for scholarly and research integrity rests with the individuals who perform research and undertake scholarship and other creative endeavors. To ensure its obligations to the public, the community of researchers and scholars at the University, and the state and federal government agencies involved in monitoring and partnering with the academic community, the University promulgates this Policy.

A. SCOPE

This Policy applies to all scholarship, research, and creative endeavors conducted at or for the University of Arizona, whether by faculty, scientists, trainees, technicians, staff members, students, fellows, visiting scholars, guest researchers, consultants, or collaborators, and whether or not the research is funded. If the individual against whom an allegation is made ceases to be engaged in services or responsibilities at or for the University, this Policy may nevertheless apply to determine whether the individual engaged in misconduct while so engaged. If allegations are made that involve scholarship, research, and creative endeavors conducted prior to commencing services at or for the University, the Policy may likewise be used to determine whether the individual against whom an allegation is made has committed misconduct warranting any sanction or alteration in the individual's status at the University.

B. GUIDING PRINCIPLES

1. Researchers and scholars will maintain and further the highest standards of ethical practices in scholarship, research and creative endeavors. Individuals will exercise integrity in recording and reporting results, take care in the execution of scholarship and research, and promote fairness in the recognition of the work of others.

2. Researchers and scholars will be responsible for the integrity of their own scholarship and research, and for the integrity of the scholarship and research conducted by those they supervise.

3. Researchers and scholars will keep timely, complete, thorough, and verifiable records, and will ensure the preservation of these records.

4. Anyone who witnesses or has reason to believe misconduct has occurred will report the alleged misconduct to the University Research Integrity Officer. If an individual is unsure whether a suspected incident falls within the definition of misconduct, he or she will contact the Research Integrity Officer to discuss the suspected misconduct informally. If the circumstances or conduct do not meet the definition of scholarly or research misconduct, but

may fall under the provisions of other University policies, the Research Integrity Officer will refer the individual to University offices or officials with responsibility to resolve such matters.

5. Personnel assigned to address charges of misconduct will do so in a fair and objective manner, respecting the rights of all involved.

6. Any allegation made under this Policy will be made in good faith. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

7. All individuals involved in scholarly activities and research will participate in educational activities within their colleges and the University that are designed to inform the campus community of their obligations under this Policy, under other University policies related to research and scholarly activities, and under federal and state statutes, regulations, and guidelines for conducting research.

8. All University employees will cooperate with the Research Integrity Officer and other institutional officials who review allegations and conduct inquiries and investigations. Employees are obligated to provide relevant evidence to the Research Integrity Officer and other institutional personnel charged with investigating allegations of misconduct upon reasonable request.

9. No one will make false allegations or bring bad faith or malicious charges against any individual, or retaliate against anyone who brings a good faith charge of misconduct, even if the allegation cannot be confirmed. Making false allegations or bringing bad faith or malicious charges constitutes misconduct, which the University will address under existing policies. Individuals making reports of scholarly or research misconduct may be entitled to whistleblower protection as described in other University policies, in a manner consistent with state and federal requirements.

C. DEFINITIONS

1. *Complainant* means the individual making the allegation of misconduct.
2. *Conflict of Interest* means the real or apparent interference of one person's interest with the interests of another person, where potential bias may occur due to prior or existing personal, professional or financial relationships. Generally, differences of professional opinion held in good faith and without prospect of financial gain should not be construed as conflicts of interest.
3. *Misconduct* means fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the relevant research and scholarly community for proposing, performing or reviewing research or creative endeavors, or in reporting research results or the results of creative endeavors. Misconduct in research or creative endeavors does not include

honest error or differences in interpretation or judgments in evaluating research methods or results or differences in opinion.

- *Fabrication* is making up data or results and recording or reporting them.
- *Falsification* is manipulating research or scholarship materials, equipment, or processes, or changing or omitting data or results such that the scholarship or research is not accurately represented in the record.
- *Plagiarism* is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

4. *Findings of Misconduct* require that:

- There is a significant departure from accepted practices of the relevant research or scholarly community; *and*
- The misconduct is committed intentionally or knowingly or recklessly; *and*
- The allegation is proven by a preponderance of the evidence

5. *Inquiry* means information-gathering and initial fact-finding to determine whether an allegation of misconduct under this Policy warrants an investigation.

6. *Respondent* means the individual who is the subject of the allegations of misconduct.

7. *Investigation* means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the misconduct. At Respondent's request, the investigation will include a hearing at which evidence is introduced and witnesses are subject to direct and cross-examination.

8. *Research* includes all basic, applied, and demonstration research and creative endeavors.

II. PROCEDURAL OVERVIEW

A. RESEARCH INTEGRITY OFFICER

The Vice President for Research, in consultation with the President under the provisions of shared governance, will appoint the Research Integrity Officer, who will have primary responsibility to implement the procedures set forth in this Policy. The Research Integrity Officer will assist the Preliminary Inquiry Panels and *ad hoc* Investigative Committees and other personnel to carry out this Policy and implement any applicable standards imposed by compliance entities or government or external funding sources. As part of this assistance, the Research Integrity Officer will be responsible for evaluating whether, as a matter of law, applicable federal or state regulations mandate further investigation.

The Research Integrity Officer will notify research sponsors when the University initiates an investigation in accordance with applicable law and regulations. Likewise, the Research Integrity Officer will notify research sponsors in the event that an inquiry or investigation, once initiated, is terminated prematurely, together with the basis for the decision to terminate.

The Research Integrity Officer is responsible, at any stage of an inquiry or investigation, for complying with reporting requirements imposed by the research sponsor and for taking appropriate interim action to protect its funds or funds provided by third parties, including federal funds.

In the case of federal sponsorship, the Research Integrity Officer also is responsible to ensure that the University fulfills the purposes for which the federal financial support has been provided, including, among other things, any required reporting to the Office of Research Integrity of the Department of Health and Human Services, the National Science Foundation, or any other applicable agency. In particular, the Research Integrity Officer will notify the applicable federal agency at any stage of an inquiry or investigation if: (1) there is an immediate health or safety hazard; (2) there is an immediate need to protect federal resources; (3) the allegation involves a matter of public health (e.g., a clinical trial); (4) there is a reasonable belief that a criminal violation has occurred that must be reported within 24 hours of obtaining the information; (5) there is an immediate need to protect the interests of the Complainant or of the Respondent, as well as any co-investigators or associates; or (6) it is probable that the alleged incident is going to be publicly reported.

The Research Integrity Officer will report anticipated delays in the investigation process and will notify the funding agency(ies) of the outcome of the investigation. The Preliminary Inquiry Panels and *ad hoc* Investigative Committees under this Policy will apprise the Research Integrity Officer of information that the Committees receive related to any of these reporting requirements.

B. ALLEGATIONS OF MISCONDUCT

Anyone with a good faith belief that a person subject to this Policy has engaged in misconduct in research or creative endeavor should submit a detailed, written report to the Research Integrity Officer. Should the Research Integrity Officer believe that he or she has a conflict of interest with respect to the allegation, the Research Integrity Officer will refer the Complainant to the Provost, who will appoint a substitute Research Integrity Officer to carry out the duties set forth below. If a Complainant makes an oral report of misconduct, the Research Integrity Officer should ask the individual to put the report in writing. If the Complainant makes the report orally and refuses to make a written report, the Research Integrity Officer, if persuaded of the seriousness of the allegations, will prepare a written report.

~~If, upon receipt of a written or oral complaint of misconduct under this Policy, the Research Integrity Officer believes that the allegation does not constitute a violation of this Policy, the Research Integrity Officer may dismiss the matter without further inquiry. The Research Integrity Officer will notify the Complainant in writing of the decision and will submit a written report to the Provost, to the Complainant, and to the alleged Respondent. If the~~

~~complaint appears to raise issues that other University offices could address more appropriately, the Research Integrity Officer will refer the Complainant to those offices for consultation.~~

Upon receipt of a written or oral complaint of misconduct under this Policy the Research Integrity Officer will conduct a pre-inquiry to determine whether a possible violation of Policy exists. The pre-inquiry must be completed within 30 days of receipt of the complaint. If the Research Integrity Officer believes that the allegation does not constitute a violation of this Policy, the Research Integrity Officer may dismiss the matter without further inquiry. The Research Integrity Officer will notify the Complainant in writing of the decision and will submit a written report to the Provost, to the Complainant, and to the alleged Respondent. If the Research Integrity Officer determines that the complaint merits further investigation, he/she will notify the Respondent and the Chair of the University Committee on Ethics and Commitment (UCEC) in writing of the alleged violation of this Policy, including the specific allegations raised by the Complainant and request that the Chair of the UCEC appoint an preliminary Inquiry Panel to conduct an inquiry as set forth in Section II D below. If the complaint appears to raise issues that other University offices could address more appropriately, the Research Integrity Officer will refer the Complainant to those offices for consultation.

C. ANONYMOUS ALLEGATIONS

Members of the University community may contact the Research Integrity Officer at any time to ask questions about scholarly or research misconduct or complaint procedures without disclosing their names and without filing an allegation. However, because of the inherent difficulty in investigating and resolving allegations from unknown persons, the University discourages individuals from making anonymous allegations about scholarly and research misconduct.

The University will respond reasonably to all allegations of scholarly and research misconduct. To determine the appropriate response to an anonymous allegation, the University will weigh the following factors:

- The source, specificity and nature of the information provided;
- The seriousness of the alleged conduct;
- The objectivity and credibility of the source of the report;
- Whether individuals can be identified who were privy to the alleged misconduct; and
- Whether those individuals are willing to pursue the matter.

If based upon these factors it is reasonable for the University to investigate the matter, the Research Integrity Officer will proceed in the same manner as with allegations by a known Complainant.

D. NOTIFICATION; PRESERVATION OF EVIDENCE AND THE RESEARCH RECORD

Upon receipt of written allegations reasonably evidencing misconduct in research, the Research Integrity Officer immediately will notify the Respondent and the Chair of the University Committee on Ethics and Commitment (UCEC) in writing of the alleged violation of this Policy, including the specific allegations raised by the Complainant. The Research Integrity Officer will request that the Chair of the UCEC appoint a Preliminary Inquiry Panel to conduct an inquiry as set forth below.

The Research Integrity Officer will prepare a list of all original research records and materials relevant to the allegation in the presence of or with the assistance of the Respondent, if possible. The Respondent will cooperate with the Research Integrity Officer to obtain and preserve the evidence. In a case where the Respondent is unwilling or unable to cooperate, the Research Integrity Officer will preserve the evidence without the Respondent's assistance and note Respondent's unwillingness or inability to cooperate in making a record of the inquiry.

The Research Integrity Officer will maintain all laboratory notebooks, computer files, research and funding records, and other materials in a secure environment for the duration of the process. This includes computers, computer programs and the contents of computers belonging to, leased by or under the control or jurisdiction of the University, wherever located. The Research Integrity Officer will make copies of this potential evidence available on Respondent's written request so that, if appropriate and possible, the Respondent's scholarship and research may continue. The Research Integrity Officer also will maintain files of all documents and evidence gathered in the course of any inquiry or investigation, and will maintain the security and confidentiality of those files, to the extent permitted by law.

III. INQUIRY

A. INQUIRY PROCESS

~~The Chair of the UCEC will appoint a Preliminary Inquiry Panel (PIP) composed of two UCEC members and one faculty member from the general faculty having expertise in a discipline relevant to the inquiry who has neither a real nor apparent conflict of interest to conduct the inquiry. In the event a panel member has a conflict of interest, the Chair of the UCEC will excuse that member from the panel and appoint a substitute. In the event sufficient UCEC members are not available, the Chair, in consultation with the Research Integrity Officer, may appoint *ad hoc* members from the general faculty, whose expertise is congruent with the needs of the inquiry.~~

The chair of the UCEC will appoint a preliminary Inquiry Panel composed of three UCEC members. In the event that a member of the UCEC does not have expertise in a discipline relevant to the inquiry, the chair, in consultation with the Research Integrity Officer, may appoint an *ad hoc* member of the preliminary Inquiry Panel with such expertise. No member of the preliminary Inquiry Panel will have either a real or apparent conflict of interest in conducting the inquiry. If a panel member has a conflict of interest, then the Chair of the UCEC will excuse that member and appoint a substitute.

The inquiry will consist of information-gathering and fact-finding to determine whether an allegation of misconduct under this Policy warrants an investigation. The inquiry ordinarily will include interviews with the Complainant, the Respondent, and any other persons possessing relevant information. The Preliminary Inquiry Panel also will review any supporting documentation. An inquiry, including preparing the written report, must be completed within sixty (60) calendar days of the UCEC Chair receiving notice of the allegations unless circumstances clearly warrant a longer period. Should it be necessary to extend the period for the inquiry beyond 60 calendar days, the Chair of the Preliminary Inquiry Panel must request an extension from the Research Integrity Officer. ~~The report from the Preliminary Inquiry Panel is due ninety (90) calendar days from the initial written complaint.~~ Extensions may be granted only for good cause, and the Research Integrity Officer must document the reasons for exceeding the 90 60-day period and notify the Respondent of same.

B. FINDINGS, CONCLUSIONS, RECOMMENDATIONS; NOTIFICATIONS

The Preliminary Inquiry Panel will prepare a written report that describes the inquiry process used and the evidence reviewed; summarizes the relevant interviews conducted; and sets forth the Preliminary Inquiry Panel's findings, conclusions, and recommendations. The written report will assess whether sufficient evidence exists to warrant a formal investigation. The Chair of the Preliminary Inquiry Panel will provide the Respondent with a complete copy of the report and will provide the Complainant with a copy of that portion of the report directly related to the evidence brought forth by that individual. The Respondent may comment on the report in writing within 5 days of receiving his/her copy. All written comments will become part of the record. The Panel Chair will provide the inquiry report, together with any comments, to the Research Integrity Officer.

Within ten (10) days of receiving the Preliminary Inquiry Panel's report indicating sufficient evidence to warrant a formal investigation, or if the Research Integrity Officer has separately determined that applicable regulations require an investigation, the Research Integrity Officer will notify the Respondent, the Complainant, the President, the Provost, the Vice President for Research, and the Dean of the college in which the Respondent holds his or her primary appointment that an *ad hoc* Investigative Committee will initiate an investigation. If the Research Integrity Officer determines that, based on the UCEC panel's findings and his or her own separate regulatory assessment, the charge does not warrant an investigation, the Research Integrity Officer will direct that any reference to the charge in the personnel file of the alleged Respondent be removed promptly. The Research Integrity Officer will also notify the Respondent in writing of the decision within seven (7) days. If the UCEC panel does not find any cause for further investigation, but the allegation raises issues that another University office can address, the panel may recommend that the Research Integrity Officer refer the Complainant to those that offices.

After the Research Integrity Officer has circulated his or her decision regarding whether to initiate an investigation, the UCEC Inquiry Panel Chair will send all materials gathered relating to the charge, together with the panel's recommendation and any written comments, to the Research Integrity Officer, who will secure and preserve the records for at least 3 years.

IV. INVESTIGATION

A. AD HOC INVESTIGATIVE COMMITTEE

~~In the event~~ If the Research Integrity Officer determines an investigation is necessary, **then** the University will establish an *ad hoc* Investigative Committee (the "Committee"), as follows: The Research Integrity Officer will appoint **four (4)** ~~up to 3 to 5~~ faculty members who, in the Research Integrity Officer's judgment, have the appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence. The Provost will appoint one (1) **additional** faculty member who either is familiar with or has training in the research or scholarly discipline or is familiar with or has training in the ethical and financial rules applicable to the particular research, scholarly work or other creative endeavors covered by the allegation, who will serve as Chair of the Committee. The Research Integrity Officer will select an additional two (2) members from names offered upon a recommendation from the Dean of the college in which Respondent holds his or her primary appointment, who are familiar with or have training in the research or scholarly discipline, or who are familiar with or have training in the ethical and financial rules applicable to the particular research, scholarly work or other creative endeavors covered by the allegation. Members of the Preliminary Inquiry Panel may not serve on the *ad hoc* Investigative Committee.

After consulting with the other committee members, the Chair of the Committee will select two (2) additional committee members who have appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence. The two additional members ordinarily should be members of the general faculty of the University of Arizona or another University under the jurisdiction of the Arizona Board of Regents (ABOR). In unusual circumstances, outside scholars or persons with expertise in other areas may be included on the Committee where warranted by the nature of the field or allegations. The Committee may seek additional consultation from individuals outside of the ABOR system who have demonstrated expertise in the discipline or area of research or scholarship that is the subject of the investigation.

No member will serve on the Committee if he or she has a conflict of interest. The Research Integrity Officer immediately will notify the Respondent of the individuals selected to sit on the Committee. The Respondent may make a written request to the Research Integrity Officer to disqualify a Committee member alleged to have a conflict of interest; however, the Research Integrity Officer will make the final decision related to a member's participation.

B. PRELIMINARY STEPS TO THE INVESTIGATION

An investigation is the formal examination of all relevant facts and evidence to determine whether misconduct occurred, and if so, to determine the responsible persons and the seriousness of the misconduct. If investigation reveals additional instances of possible misconduct, the Research Integrity Officer will decide whether to broaden the scope of the investigation beyond the original allegation or whether a new and distinct inquiry process should be initiated. The Committee immediately will notify the Respondent in the event that the scope of investigation changes from the initial allegations. **Any additional allegations will be specified in writing.**

At the Respondent's request, the investigation will include a hearing at which evidence is introduced and witnesses are subject to direct and cross-examination. The Respondent must submit a written request for a hearing to the Chair of the Committee within **fifteen** (15) days of receiving notice that an investigation will be initiated. The investigation, including a hearing, if one is requested, and a report, should be completed within 120 days of the Committee's first meeting. The Research Integrity Officer, with the sponsoring agency's concurrence, must approve any extension to the 120-day period.

When requested by the Committee, the Research Integrity Officer immediately will secure any additional pertinent records that were not secured previously during the inquiry. The Committee has the right to access, secure, and preserve any relevant University document, record or tangible object, however preserved, and by whomever held. This includes computers, computer programs, and the contents of computers belonging to, leased by or under the control or jurisdiction of the University, wherever located.

If the Research Integrity Officer reasonably believes that serious harm to anyone would occur if an individual involved in the matter continued his or her duties, the Research Integrity Officer will request the Vice President for Research or the Provost, as appropriate, to take interim administrative actions, including but not limited to suspending individuals from participating further in the research project in question. Any such suspension will proceed under applicable rules of the University and will not interrupt payment of salary.

C. INFORMAL RESOLUTION

If at any time during the investigative process the Committee and the Respondent determine that the charges may be resolved in a manner satisfactory to the University, the research sponsor, and the Respondent, the Committee may enter into an appropriate agreement, subject to the approval of the Provost, in consultation with the Vice President for Research, and subject to the required approval of the Office of Research Integrity or other appropriate agency. In such instances, the resolution must address the interests of all affected parties.

D. FORMAL INVESTIGATION PROCESS

The Committee will begin a formal investigation within **thirty** (30) days of receipt of the UCEC's report and recommendations from the Research Integrity Officer. In the event that the Respondent requests a formal hearing, the hearing will begin not later than **forty-five** (45) days after initiation of the formal investigation. During the investigation, the Committee may consider any evidence actually received and will use its judgment in deciding what evidence is fair, relevant, and reliable. The Committee is not bound by formal rules of evidence applicable to courts of law.

The Committee may schedule, among other things, a meeting with the Respondent to discuss the allegations in confidence, and meetings with all relevant persons with whom the Respondent has collaborated. The Committee may conduct the interviews either by written

questions or in person. The Respondent has the right to respond in writing to the allegations, to appear before the Committee, and to provide names of any additional people with whom the Committee should meet to discuss the allegations. If the Respondent chooses not to participate in the investigation, the Committee will proceed in his or her absence.

If the Respondent requests a hearing, the Chair of the Committee will notify all parties of the scheduled hearing date at least **thirty (30)** days in advance. For good cause shown, upon request of either party or on the Chair's own initiative, the Chair may reschedule or continue the hearing to another time. Not less than **ten (10)** days before the scheduled hearing date, the University and the Respondent will exchange lists of witnesses and copies of documents to be introduced at the hearing. This 10-day rule does not limit the Committee's right to question the parties and witnesses directly during the hearing. The hearing will include opening statements, direct and cross-examination of witnesses, and closing statements. **The Respondent has the right to present testimony of witnesses, the opportunity to cross-examine witnesses, and opportunity to present evidence, including documentary evidence.**

Any member of the University community called to testify at a hearing is expected to testify and any University community member or University office with access to relevant documents is expected to produce them to the requesting party. If necessary, the Committee may compel the attendance and testimony during an investigation of any University employee or student, except the Respondent. The Committee will make every reasonable effort to protect the Respondent and Complainant from third party inquiries about the investigation, however, the Respondent will be informed of the identify of all witnesses contacted by the Committee.

E. RECORD OF THE INVESTIGATION

The Committee will keep a written transcript or an audiorecording of the hearing, if one is requested, or of any meetings at which it receives evidence or interviews witnesses. The University will provide the Respondent with a free copy of the transcripts or audiorecordings on request. In addition to maintaining these transcripts or audiorecordings, the Committee will make and keep accurate and complete records, including originals or legible and complete photocopies of all documents or records obtained and a record of the chain of custody of such documents or records. The Research Integrity Officer will preserve the evidence of each investigation for a minimum of three years in such a manner that it is not subject to unauthorized use or tampering.

F. REPORT OF THE INVESTIGATION

At the conclusion of the investigation, the Committee will prepare a written report indicating the process of the investigation, the Committee's findings, and conclusions and recommendations for an appropriate course of action. Specifically, the report will find whether or not the Respondent or others have engaged in misconduct in violation of this Policy, and with respect to each allegation, the facts and reasons for each of the findings and conclusions. The report will include adequate steps to meet the University's obligations, if any, to third parties affected by the violations, and also may include recommended sanctions.

Within five (5) days of completing its report, the Committee will provide the Respondent with a complete copy of the report and will provide the Complainant with a copy of that portion of the report directly related to the evidence brought forth by that individual. The Respondent may respond to the preliminary report either orally to the Committee or in writing within 10 days of receiving his/her copy. The Committee will add, as an appendix to the report, any written response the Respondent submits.

The Committee will send its final report, including any comments on the preliminary report, to the Research Integrity Officer for transmission to the Vice President for Research and the Provost within five (5) days of completing the final report.

G. RESOLUTION AND OUTCOME

The Provost will consider the Committee's recommendations and, in consultation with the Vice President for Research, produce a written decision as promptly as possible addressed to the Respondent, which will accept, reject or modify all or any part of the Committee report, conclusions and recommendations, based upon a preponderance of the evidence. The Provost will submit the decision to the President describing the investigation and the basis for the decision, and will provide a copy of the decision, together with the Committee's report, to the Office of Research Integrity.

In the event the Provost concurs that misconduct occurred in violation of this Policy, the Provost will determine whether to notify other agencies or affected parties regarding the outcome of the matter. The Provost, in consultation with the Vice President for Research and the Dean of the college in which the Respondent holds a primary appointment, will impose sanctions, up to and including termination, in accordance with established University policies.

If the Provost finds insufficient evidence upon which to determine misconduct occurred or disagrees with the Committee's recommendations that misconduct occurred, the University, including the Research Integrity Officer, Vice President for Research and the Provost, will undertake diligent efforts to restore the reputations of persons alleged to have engaged in misconduct in research or creative endeavors. They also will make diligent efforts to protect the positions and reputations of those persons who, in good faith, made those allegations.

H. RECONSIDERATION

A Respondent who is dissatisfied with the Provost's decision may request reconsideration of the decision by filing a written request with the Provost not later than fifteen (15) days following receipt of the decision. Any request for reconsideration must be based on one or more of the following grounds:

- irregularities in the proceedings, including any abuse of discretion or misconduct by the Committee or the Research Integrity Officer that deprived the Respondent of a fair and impartial hearing;
- newly discovered material evidence that with reasonable diligence could not have been presented to the Committee for consideration; or

- the decision is not justified by the evidence or is contrary to law.

If the Respondent requests reconsideration, the Provost will issue a final decision within **twenty (20)** days of receiving that request. If no request for reconsideration is made, the Provost's decision becomes final at the expiration of the period in which to request reconsideration.

V. LEGAL REPRESENTATION

At his or her expense, the Respondent may employ and be accompanied by legal counsel during any interviews or meetings with the Preliminary Inquiry Panel and *ad hoc* Investigative Committee. **If the Respondent requests a formal hearing is requested, then** the Respondent is entitled, at his or her expense, to assistance or representation by an attorney at the hearing. The Respondent must inform the Chair of the Committee of such assistance or representation not less than 15 days before the scheduled hearing, at which time the University also is entitled to assistance or representation by an attorney at the hearing.

The General Counsel, or his or her designee, will advise the Research Integrity Officer, and the Preliminary Inquiry Panel and Investigative Committee on procedural and legal matters. **The Inquiry Panel and Investigative Committee shall have the right to approach the University Attorneys' office for permission to obtain independent counsel.**

VI. CONFIDENTIALITY

To the extent possible, consistent with fair and thorough procedures, and as allowed by law, knowledge about persons involved in the inquiry and investigation processes, including the identify of the Respondent and the Complainant, will be limited to those who need to know. In addition, the Preliminary Inquiry Panel and *ad hoc* Investigative Committee may request a recipient of confidential information to sign a confidentiality statement or to come to the Committee offices to review the information.

VII. FURTHER ADMINISTRATIVE ACTION

Notwithstanding any investigation or disciplinary proceeding following a finding of misconduct within the University, the United States may, at its sole discretion, take additional action related to the same or different facts and allegations. Action taken by the United States may or may not be based upon the University investigation and findings and is beyond the purview of the University. Members of the academic community will cooperate with any such federal investigation.

RPC Responses to Proposed Amendments, Comments, Questions regarding proposed Policy on Ethics in Scholarly, Creative, and Research Activities and Procedures for Investigations of Misconduct

Amendments supported by RPC and changes agreed upon as a result of questions and comments are highlighted in bold type in the November 18, 2002 version of the proposed policy. Deletions are indicated by strike-throughs. Some corrections of typos and other minor changes for clarity are indicated the same way.

→ Amendments already considered by the Senate on December 2, 2002, have been omitted.

Amendments Proposed by Senator Roy Spece:

(3) Section I. C. 4., add at the end: "No person shall be subject to a sanction not required by the federal government unless the allegation is proven by clear and convincing evidence."

RPC does not support this amendment. The committee supports the reasoning presented by the Office of Science and Technology Policy in the Federal Register "Other Comments" of December 6, 2000, that states "While much is at stake for a researcher accused of research misconduct, even more is at stake for the public when a researcher commits research misconduct. Since 'preponderance of the evidence' is the uniform standard of proof for establishing culpability in most civil fraud cases and many federal administrative proceedings, including debarment, there is no basis for raising the bar for proof in misconduct cases which have such a potentially broad public impact."

(4) Section II. C., add at the beginning: "No person shall be offered anonymity, and no source shall be kept confidential if the person is identifiable."

RPC does not support this amendment. The rationale is that sufficient safeguards are included to guide the assessment of anonymous complaints to protect researchers and scholars from unsupported anonymous complaints. The committee believes that UA must take seriously all complaints. RPC also believes that, in some cases, actual or perceived differences in power or authority could prevent students or junior faculty from reporting misconduct unless they are able to do so anonymously.

(4) Section II. D., six lines down from top of page 6, delete ", if appropriate and possible," and substitute ", whenever possible,"

RPC does not support this amendment. The rationale is that in some cases where misconduct is alleged, such as research involving human subjects, it may be possible to continue research but it would not be appropriate to do so until it has been determined that the allegations of misconduct are unfounded.

(5) Section IV. B., add at the end of the first paragraph: "Any additional allegations will be specified in writing."

RPC supports this amendment. The rationale is that this was assumed, but adding this amendment will make that assumption explicit.

(6) Section IV. B., add to the end of paragraph three: "In all proceedings, the University will respect the Fourth Amendment rights of all persons involved."

RPC does not support this amendment. The rationale is that it is not needed. This policy is not a document that will overturn Fourth Amendment rights. The records, materials, documents, etc. to be secured under this Policy are University property, not personal property.

(7) Section IV. B., four lines from the bottom of the page, add after "serious,": "physical"

RPC does not support this amendment. The rationale is that some research may involve human subjects and misconduct could result in serious psychological, not just physical, harm if continued.

(8) Section IV. D., at the end of the last paragraph on page 9, add: "The Respondent has a right to call and examine any person who has been interviewed at any time in the process, and both sides shall be allotted sufficient time to present their case."

RPC supports the right of respondents to present testimony of witnesses, to cross-examine witnesses, and to present evidence. RPC consulted with the UA Attorneys' Office and developed wording based on the University of North Carolina policy and ABOR policies that will ensure that Respondents have these rights. The ad hoc Investigative Committee has a set amount of time to accomplish its work (with possible extensions if necessary) and needs to work with the Respondent to ensure that the investigation is completed within a reasonable time.

(9) Section V., at the end add: "The preliminary Inquiry Panel and Investigative Committee shall have the right to request independent counsel to advise them on procedural and legal matters."

RPC members were split on this issue, but agreed on compromise wording inserted in the proposed policy that states that Inquiry Panels and Investigative Committees have the right to request that UA Attorneys' Office approve the seeking of independent counsel. A majority of the RPC members believe that it is important to provide a means for Inquiry Panels and *ad hoc* Investigative Committees to clearly indicate situations where they believe outside counsel is needed to help them do their work. A minority of RPC members believes that it is part of the job of the UA Attorneys' Office to advise groups such as these and that Bar ethics rules would prevent members of that office from engaging in activities that might represent a conflict of interest.

Comments from Tom Hixon, UA Research Integrity Officer

Section I. C: The 9/13/02 draft changes the definition of plagiarism given in the 3/6/02 draft. The 9/13/02 definition is different from the current federal definition in that it deletes the clause "including those obtained through confidential review of others' scholarship and research such as by reviewing proposals or manuscripts."

RPC is using the definition from the Office of Science and Technology included in the Federal Policy on Research Misconduct published in the 12/6/00 Federal Register.

Both the 3/6/02 and the 9/13/02 drafts use the term "respondent" in definition #6 and, thereafter, define the term in definition #8. Were definition #8 moved up to become definition #2 in the list of definitions, it would make more sense.

RPC changed the order of these definitions.

Section II. A: The 9/13/02 draft changes the term "Inquiry Committee" proposed in the 3/6/02 draft to "Preliminary Inquiry Panel." This may potentially confuse Office of Research Integrity reviewers of the policy because "Pre-Inquiry" is a designation used in federal training programs for research integrity officers. Pre-inquiry is a standard procedure in which the research integrity officer makes an initial determination to eliminate nuisance or misdirected allegations that have no merit under federal regulations. Furthermore, because there is only a single inquiry panel involved in the policy, it seems unnecessary to designate it as "preliminary."

Several RPC committee members wanted to leave in the word "preliminary" to emphasize that it was the first inquiry, not the formal investigation that would follow an inquiry if the complaint as found to warrant investigation. We decided to remove the capitalization of preliminary so that the text reads preliminary Inquiry Panel.

Section III. A ; The 9/13/02 draft appears to have a typographical error of 90 for 60 in the last sentence under part A. Perhaps the 9/13/02 drafters intend something different than has been the standard in the past. This seems unlikely, however, because the earlier text makes reference to 60 rather than 90 days.

The draft was indeed confusing. RPC revised the first paragraph of Section II B to include a 30-day limit for the RIO's pre-inquiry, to clarify the possible outcomes of the pre-inquiry, and to eliminate the reference to 90 days in this section.

Section IV. A: The 9/13/02 draft changes the text of the 3/6/02 draft to "The Research Integrity Officer will appoint up to 3 to 5 faculty members ..." from "The Research Integrity Officer will appoint 5 faculty members ..." This change allows variation in the size of Committee selected and probably should be avoided for consistency of process.

RPC agreed that consistency was important and that the change created confusion. RPC revised this to be 4 members appointed by the Research Integrity Officer. The additional appointments referenced later in this section will result in a committee of nine people. RPC preferred an odd number as the total to avoid the potential for a four-four or a five-five split.

The 9/13/02 draft adds a statement to the 3/6/02 draft that is as follows: Members of the Preliminary Investigative Panel may not serve on the Ad Hoc Investigative Committee. Note that what is meant here is that members of the Inquiry Panel may not serve on the Ad Hoc Investigative Committee. Presumably the reason for this change is to prevent an Inquiry Panel from influencing the independence of an Investigative Committee. Federal training programs for research integrity officers point out that some representation is not inappropriate. The Inquiry Panel may cover extensive ground, and knowledge of its findings and processes might be useful to the Investigative Committee. Perhaps it would be useful to limit joint membership to a single individual as a compromise. Importantly, there is no federal regulation disallowing such a possibility.

A majority of RPC members felt it was important to compose the Inquiry Panel and the *ad hoc* Investigative Committee of distinct members in order to avoid the possibility that a member of the *ad hoc* Investigative Committee had formed an opinion, during the inquiry, that misconduct had occurred. RPC assumes that the *ad hoc* Investigative Committee will consult with members of the Inquiry Panel if information in addition to the Inquiry Panel's report is needed.

RPC/2002-03/RPC Responses2 v1

Secretary of the Faculty's Report, February 3, 2003

I just wanted to let the Senate know that the Honorary Degrees Committee has met and forwarded its recommendations to the Provost. The process that the Senate outlined, involving faculty votes prior to a Senate vote, is being and will be followed.

I also want to give the Senate a heads up regarding an issue that the Honorary Degrees Committee has encountered, and which I hope to bring to the Senate in due course. It concerns some unwritten traditions regarding who is and is not eligible for honorary degrees from the University of Arizona. There is a tradition, for instance, that these candidates should have some connection to the U of A, or to Arizona, as well as being distinguished in other ways; and there is also a tradition that we don't give honorary degrees to our own faculty members. Neither of these so-called rules appear in the call for nominations, and we have made exceptions to both in the past.

Some members of the Honorary Degrees Committee are comfortable with the ambiguity of written and unwritten rules, while others are not. Since I fall into the latter category, I intend to bring these issues to the Senate for advice, hopefully

CONSENT AGENDA
Faculty Senate Meeting
3 Feb 2003

Instruction and Curriculum Policy Committee

1. **Description:** Approval of a joint degree program allowing a student to earn a Master of Public Administration (MPA) and Master of Arts degree in Latin American Studies (MA) in three years, as detailed in the proposal dated 8/10/02.

Projected effective date: Fall 2003

Justification: Graduate students in both Latin American Studies and Management and Policy will benefit from the new dual program by making their program of study more valuable in the job market, including careers in public, non-profit, national and international sectors.

Approvals:

Undergraduate Council: NA

Graduate Council: 8-23-02

Completed administrative review: 10-21-02

ICPC: 1-21-03

2. **Description:** Approval of a name change of the major and minor of the BS in Agricultural and Biosystems Engineering to the BS in Biosystems Engineering as detailed in the proposal dated 8/01/02.

Projected effective date: Fall 2003

Justification: The name "Biosystems Engineering" is regarded as a more inclusive name than "Agricultural Engineering" and would encompass both biological engineering and agricultural engineering. It is a biologically based engineering discipline employing the design process to solve problems in living systems dealing with plants, microorganisms, animals, humans and the environment.

Approvals:

Undergraduate Council: 10-22-02

Graduate Council: NA

Completed administrative review: 11/18/02

ICPC: 1-21-03

3. **Description:** Approval of a name change for the BS and MS in Biochemistry to Biochemistry and Molecular Biophysics as detailed in the proposal dated 6-25-02.

Projected effective date: Fall 2003

Justification: The name change for the BS and MS programs is to reflect a major shift in both research emphasis and educational programs within the Department of Biochemistry and Molecular Biophysics. Neither the BA nor the Ph.D. name will change. Minors will also remain Biochemistry.

Approvals:

Undergraduate Council: 10-22-02

Graduate Council: 9/20/02

Completed administrative review: 11/18/02

ICPC: 1-21-03

4. **Description:** Approval of a new academic first professional degree program for audiologists, the Doctor of Audiology (A.U.D.), in the Department of Speech and Hearing Sciences, College of Science as detailed in the proposal dated 9-5-02.

Projected effective date: Fall 2003

Justification: The M.S. and Ph.D. degrees currently offered by the Department of Speech and Hearing Sciences do not meet the new accreditation and certification requirements of the American Speech-Language-Hearing Association (ASHA). To maintain UA's position as a national leader in the training of audiologists, the new program will fulfill the new accreditation standards for audiologists' certification and for accreditation of programs that train audiologists.

Approvals:

Undergraduate Council: NA

Graduate Council: 8/23/02

Completed administrative review: Academic Council will review 01/27/03 after ICPC review on 1-21-03

ICPC: 1-21-03

PROPOSED POLICY ON
ADMINISTRATIVE DROP WITH PREJUDICE [REVISED]
UNDERGRADUATE COUNCIL 11/19/02
FIRST READING, FACULTY SENATE, 12/02/02

Any student who endangers, threatens, or causes physical harm to any faculty member, teaching assistant or instructional staff, or student in the classroom or any course-related venue may be administratively dropped with prejudice from the relevant course, with the incident documented on the Student Code of Conduct Complaint form. The administrative drop with prejudice will be documented by a notation with prejudice in the Student Information System (SIS), and the Dean of Students Office and UA Police Department will be informed.

Once a student has been administratively dropped with prejudice twice, the student may be expelled from the University.

Any student who endangers, threatens, or causes physical harm to any member of the university community will be documented on the Student Code of Conduct Complaint form, by an administrative notation with prejudice in the Student Information System (SIS) and the Dean of Students Office and UA Police Department will be informed.

Once a student has two documented administrative notations with prejudice, the student may be expelled from the University.



Mailing Address:
Faculty Center
The University of Arizona
PO Box 210473
Tucson, AZ 85721-0473

email: facsen@u.arizona.edu
Faculty Senate

Location:
Faculty Center
1400 E. Mabel St.
Tucson, AZ 85721-0473

Phone: (520) 621-1342
FAX: (520) 621-8844

POLICY ON ADMINISTRATIVE DROP WITH PREJUDICE

As passed by the Faculty Senate, February 3, 2003

Any student who endangers, threatens, or causes physical harm to any faculty member, teaching assistant, instructional staff, or student in the classroom or any course-related venue may be administratively dropped with prejudice from the relevant course, with the incident documented on the Student Code of Conduct Complaint form. The administrative drop with prejudice will be documented by a notation with prejudice in the Student Information System (SIS), and the Dean of Students Office and UA Police Department will be informed.

Once a student has been administratively dropped with prejudice twice, the student may be expelled from the University.

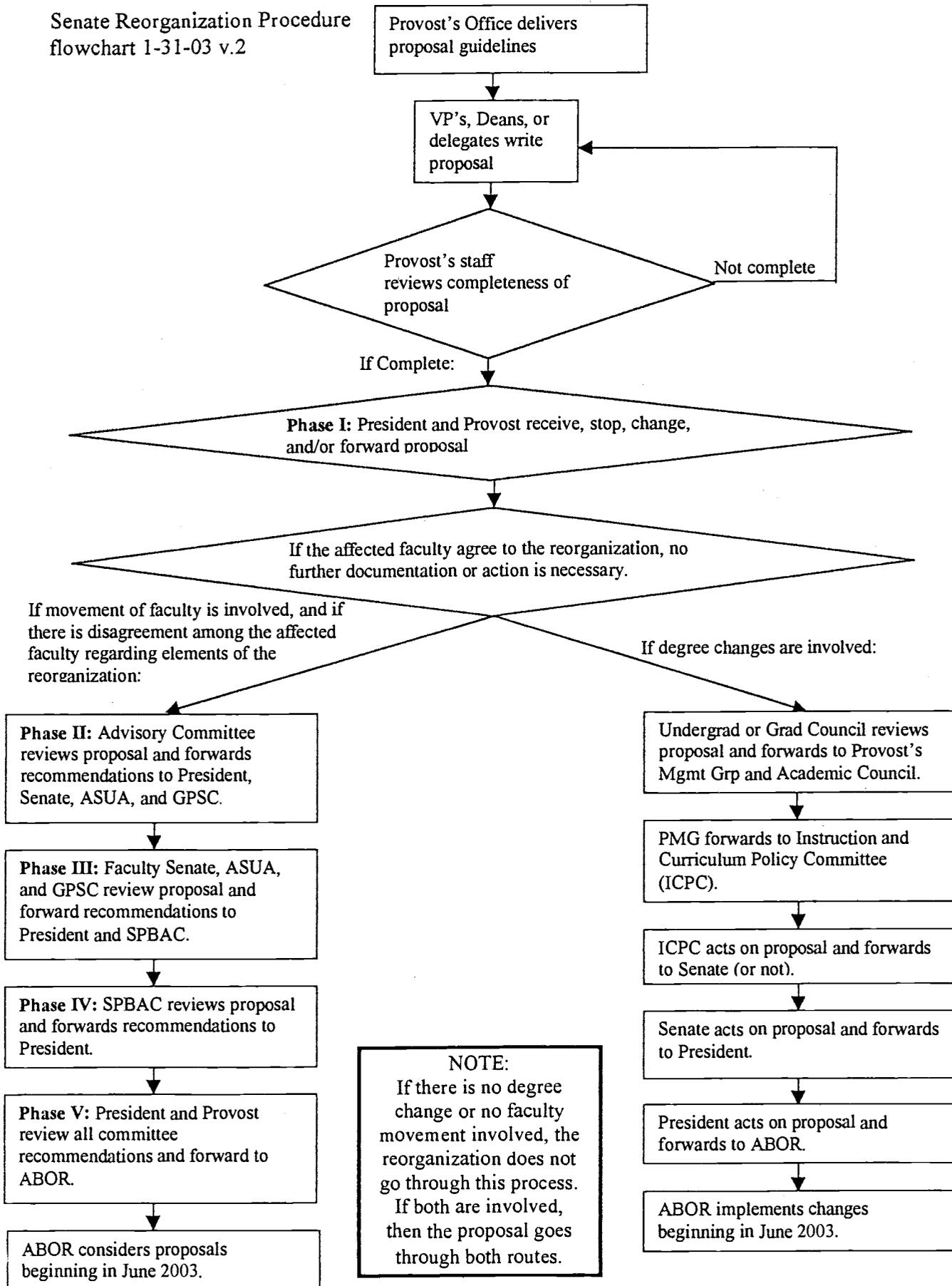
Any student who endangers, threatens, or causes physical harm to any member of the University community may be documented on the Student Code of Conduct Complaint form, and by an administrative notation with prejudice in the Student Information System (SIS). The Dean of Students Office and UA Police Department will be informed.

Once a student has received two documented administrative notations with prejudice, the student may be expelled from the University.

A total of two such documented actions, whether administrative drop with prejudice or administrative notation, may be sufficient to initiate expulsion proceedings.

UNDERGRADUATE COUNCIL 11/19/02
FIRST READING, FACULTY SENATE, 12/02/02
FIRST READING, CAMPUS ADVISORY COUNCIL, 12/13/02
SECOND READING AND ACTION, FACULTY SENATE 2/3/03

Senate Reorganization Procedure
flowchart 1-31-03 v.2





Reorganization Procedures at the University of Arizona
Approved by the Faculty Senate September 9, 2002
Approved by President Likins January 13, 2003

From time to time it is useful for academic units within the University to re-examine their organizational structure and consider whether changes may be appropriate. In 1983 the Senate adopted a set of procedures for considering and implementing such reorganizations; the procedures were revised by the Senate in April 1992, March 1993, and May 1993. The University of Arizona is again entering a period of limited budgets. This may require us to reduce programs, downsize the faculty and explore organizational alternatives that maximize efficiency while retaining quality. Even in such circumstances, academic reorganization proposals must be based on broad-based planning processes within the academic units.

It is understood that the following procedures pertain to reorganizations that would include the transfer of members of the general faculty from one academic unit to another. They do *not* pertain to reorganizations that would involve the release of general faculty prior to the end of an appointment period. The procedure for reorganizations that involve the release of general faculty prior to the end of an appointment period is governed by ABOR policy 6-201K, "Release of Faculty for Reorganization Caused by Budgetary Reasons or Programmatic Changes" for tenured and tenure-eligible faculty and ABOR policy 6-301J, "Release of Professional Employees" for continuing and continuing-eligible professionals.

The following assumptions and clarifications are an integral part of these procedures:

- These procedures do not pertain to reorganizations within a department.
- When the proposed reorganization provides for the transfer of faculty members from one unit to another, the designation "affected faculty" will include those in the receiving unit, those in the sending unit(s), as well as those to be transferred. The proposal should provide for an optimal degree of mutual agreement among the groups in order to facilitate transfers in an amicable manner. Unilateral decisions to move faculty members from one group to another should be avoided.
- These procedures shall not affect negative decisions made by mandated sunset reviews.
- The present procedures do not preclude access to any applicable grievance mechanism in ABOR policy, UHAP, or the Faculty Constitution and Bylaws.

Regardless of the administrative level at which a proposal for academic reorganization originates, it should always evolve from consultation with and participation by the faculty members and academic administrators in the units to be affected. The proposer(s) will submit a proposal to the President with copies to the Provost and Chair of the Faculty. The proposal will include, in the following order:

1. A summary of the proposal;
2. A background statement establishing the basis for the proposal;
3. The alternative(s) considered;
4. The proposal in detail, including:
 - a. a timetable for the action, including an implementation date;
 - b. an assessment of the impact of the proposed change on affected research and instructional programs including a list of the potentially affected faculty members and a description of the impact on affected faculty members, staff, and appointed personnel;
 - c. a review of the types of course and curriculum changes which might be necessary; and
 - d. a preliminary analysis of the costs and of the benefits of the proposed reorganization, including projections for the future.

If the affected faculty agree to the reorganization, no further documentation or action is necessary. If there is disagreement among the affected faculty regarding elements of the reorganization, then the following steps must be followed.

PHASE I

If the President deems the proposal worthy of further consideration, within 15 days of receiving the proposal, the President will ensure that:

1. Each potentially affected employee receives a copy of the proposal.
2. An advisory committee is constituted. The composition of the committee should provide equal representation for affected faculty, the various units that might be affected, as well as the University at large. The membership of the committee will be determined as follows:
 - a. Three faculty members, to include one member elected by the faculty in the sending unit(s), one member elected by the faculty in the receiving unit(s), and one member elected by those whose transfer is proposed. The Chair of the Faculty will conduct nomination meetings with each of the three groupings and will arrange for mail ballots to select the three members.
 - b. Three members appointed by the President.
 - c. One member of the Strategic Planning and Budget Advisory Committee (SPBAC), selected by members of SPBAC.
 - d. The Chair of the Faculty or a designee.
 - e. The President of ASUA or a designee.
 - f. The President of GPSC or a designee.
 - g. The President of the Staff Advisory Council or a designee.
 - h. The Chair of APOC or a designee.

The Chair of the Faculty will convene the first meeting, at which the Advisory Committee will elect a chairperson.

PHASE II

Within 45 days of the creation of the Advisory Committee, the Advisory Committee will:

1. Evaluate the proposal.
2. As quickly and as broadly as possible, present the University community with a summary proposal that includes a tentative schedule for action and a tentative implementation date.

3. Organize discussions with affected faculty members in each unit.
4. Solicit written and oral opinions from the University community outside the affected units.
5. Provide the President with its evaluation and recommendations, which may support, oppose, or suggest modification of the proposal. Copies of the evaluation and recommendation should go to SPBAC, the Faculty Senate, ASUA, and GPSC.

PHASE III

Within 30 days of the publication of the Advisory Committee's report, the Faculty Senate, ASUA and GPSC should review the evaluation and recommendations and separately provide the President and SPBAC with their recommendations.

PHASE IV

Within 30 days of the issuance of the recommendations by the Faculty Senate, ASUA and GPSC, SPBAC will provide the President with its own comments and recommendations, with copies going to affected faculty members, the Faculty Senate, ASUA, and GPSC. The faculty members of SPBAC shall present a report augmenting that of SPBAC as a whole.

PHASE V

If the President accepts an original or amended reorganization plan, then implementation should begin according to the timetable in the approved plan.

Note: These procedures are to control internal arrangements for considering reorganization of academic units. They do not release the University from the obligation to seek the approval of the Regents as required by Arizona Board of Regents Policies 2.204 and 2.301.

Questions regarding the reorganization of academic units should be directed to the Office of the Provost.

Related Links

[UANews: Focused Excellence](#)

[ABC Bulletin 4: Provost's Appraisal of University of Arizona Pathway to More Focused Academic Excellence](#)

[ABC Bulletin 5: Provost's Preparatory Thoughts as We Pursue "Focused Excellence"](#)

[Academic Reorganization Process for Achieving Focused Excellence](#)

[Office of the Provost](#)

[UAINFO](#)



This site is maintained by
Office of the Provost
The University of Arizona
Tucson, Arizona
(520) 621-1856
[email](#)

<http://w3.arizona.edu/~provost/>
January 2003