

THE UNIVERSITY OF ARIZONA® SCIENCE AND TECHNOLOGY PARK

Technology's Best Address





Expansion Plan January, 2001

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Preface

Technology and Tucson: Pursuing the Next Level of Excellence

"If it ain't broke, don't fix it," the old saying goes.

At first blush, some may feel this adage applies to the notion of expansion at the University of Arizona Science and Technology Park. Certainly, by almost anyone's standards, the Park is an unprecedented success.

In six years the Park has grown from two tenant companies with about 1,700 employees to over 30 companies and enterprises with 6,000 employees.

It's home to established technology giants, such as IBM and Raytheon Missile Systems, and start-ups, such as Protein Therapeutics.

Its technology incubator is assisting the next generation of entrepreneurs to turn dreams into reality.

It houses an innovative high school program and continuing professional education programs for scientists and engineers.

It's financially self-sufficient.

It contributes almost \$1 billion a year to the economy of Tucson and Southern Arizona.

And virtually all of the Park's leasable space – 1.8 million square feet – is leased.

Today at the University of Arizona Science and Technology Park, things are going well.

So why take on the challenge of expansion?

Because technology and technology companies don't stand still -- what's state-of-the-art today isn't tomorrow.

Because Tucson has the talent and the resources to become a real player in the "New Economy" – if we have the will to pursue it.

And because we have an unparalleled opportunity to take Tucson to the next level of prosperity, to make lives better for all of our citizens and our children for years to come.

We believe that the University of Arizona Science and Technology Park's Phase One Expansion Plan is about more than bricks and mortar in the southeast corner of Tucson. It's about shaping a future of limitless possibilities.

We can achieve all of this, but it won't come easy. To do so, we need to keep pace with the relentless march of technology. We need the courage and the foresight to welcome change, not hide from it. We need to embrace and enhance our growing presence as "Technology's Best Address."

As a center for science and technology, Tucson's potential for growth and prosperity is awe-inspiring. We believe that the University of Arizona Science and Technology Park's Phase One Expansion is a key to our pursuit of the next level of excellence. We invite you to join us.

I. Introduction

A. The University of Arizona Science and Technology Park: An overview

The University of Arizona Science and Technology Park is located in southeast Tucson. The 1,345-acre site includes 345 acres that are currently developed. The remaining 1,000 acres of the site are undeveloped at this time.

IBM developed the site that is now the University of Arizona Science and Technology Park in 1978. In August 1994, the Arizona Board of Regents purchased the site from IBM.

Over the past six years, the facility has grown to become an important vehicle through which the University of Arizona fulfills its mission of teaching, outreach and research. It has also become a significant component of Southern Arizona's economic development strategy.

Today, the Park houses high technology companies of all sizes and in all phases of development. In addition, it is home to a technology incubator that helps start-up companies to succeed, educational facilities serving high school through graduate-level students, a conference center, and state-of-the-art University laboratory facilities. Nearly 6,000 employees work at the site.

With almost no assistance from state or federal sources, the University of Arizona Science and Technology Park is financially self-sufficient. In 1999, it contributed \$996.5 million to the economy of Pima County and Southern Arizona.

B. Why expand?

The University of Arizona Science and Technology Park is one of the newest university-related science and technology parks in the United States and, by almost any measurement, one of the most successful. Its 345-acre developed section contains 1.8 million square feet of leasable space, and today this space is virtually full.

Yet the Park fields inquiries on a regular basis from high technology companies, both local and national, that are looking for space to expand. To better position itself to play a vital role in the information economy, Tucson must embrace this growth. And to do so, Tucson needs specialized facilities that will meet the needs of these dynamic companies.

The University of Arizona Science and Technology Park – with 21 high technology companies in residence and a thousand acres of undeveloped land – is a logical focal point for this growth.

II. Preparing for expansion

A. Setting the stage

To understand the Park's plans for expansion, one must first understand the unique character of its site.

The Park's 345-acre developed portion lies within a statutorily designated "research and development" zone. Under Arizona law, companies within this zone can engage in specific research-related activities and receive certain tax advantages aimed at encouraging research activities.

The remaining 1,000 acres of the site are outside of the official research and development zone and, therefore, can host a broader range of activities. This portion of the Park is largely flat, open land characterized by native vegetation. It also contains several environmentally sensitive areas, including ten archaeological sites and 163 acres of floodplain and riparian zones.

Shortly after its purchase of the site, the University of Arizona engaged NBBJ, a Seattle-based planning firm, to assist in developing a land use plan for the University of Arizona Science and Technology Park. Following a comprehensive planning process, the Arizona Board of Regents adopted the Park's initial Master Plan in 1998.

The plan divided the Park's 1,000 undeveloped acres into a series of zones, each earmarked for a specific type of activity – for example, research and development, assembly and manufacturing, commercial and hospitality. Land use zones were positioned on the site with respect to environmental, community and functional needs and requirements.

The Park operated successfully under this "broad-brush" Master Plan for several years. As the Park's existing facilities were filled, however, additional questions arose: What would be the best way to tackle the development of new facilities? Where should they go? What kind of facilities should they be?

B. Researching the environment

To address these questions, the University again engaged NBBJ along with The Planning Center, a Tucson-based planning firm. Their goal was to develop a plan that would enable the Park to respond to the increasing demand of local and national high technology companies for high quality office and laboratory space. The plan also needed to provide space for existing Park companies to grow and to add amenities that would enhance the overall value of the Park's work environment.

To accomplish this task, planners first needed to learn more about the needs of high technology companies. To do so, they initiated a comprehensive planning process. The process included a survey of the Park's tenant companies, other Tucson high technology companies and national high technology firms. It also included a market analysis of the demand for office, laboratory, hotel and retail space in Tucson. A final component analyzed and compared the features of multi-tenant buildings constructed at 27 research parks within the past decade.

C. What do high technology companies want?

The planning process painted a powerful picture of today's fast-moving, high-energy technology companies. It both identified their values and defined their facility needs.

Companies surveyed indicated the following priorities:

- Connections to university researchers and resources: Smart companies need smart employees.
 Companies value the ability to establish close ties with a research university, which provides a source of potential employees as well as opportunities for fruitful partnerships.
- Flexible facilities: High technology companies' needs change rapidly. They value facilities that can be re-configured or adapted to reflect new situations or new priorities.
- A vibrant and energetic work environment: Companies that are trying to attract and retain talented employees look beyond their walls to the context in which they work. Many companies surveyed placed a high value on an active, appealing community environment.

- A site that projects a prestigious image or identity: While many high technology companies are
 relatively new, they want to be perceived as solid and well established. Therefore, an environment
 that confers a sense of stature is important.
- Site and facilities that support a 24-hour/7-day work environment: Many high technology companies
 work non-traditional hours, and a site that is secure, active and accessible around-the-clock is
 important.
- Recreational amenities: As lines between work life and personal life blur, companies look for facilities that allow their employees the opportunity to exercise and relax close to their work environment.
- Convenient retail and commercial support: Companies that want to attract and retain talented
 employees value amenities that make life easier for their workforce including the proximity of
 restaurants, cleaners, shopping opportunities, child care facilities and other retail and commercial
 support.
- Hospitality and conference facilities: Success in the high technology arena is often dependent on
 the ability to form partnerships and to work collaboratively. Therefore, the ability to host business
 guests and to conduct effective meetings is important to high technology companies.

In addition, companies were asked to identify the factors they considered important in their buildings and facilities. Factors identified included:

- Appropriate cost: Companies surveyed were very conscientious of the bottom line, but were willing
 to pay for enhancements that add value to the work environment.
- "Smart" technology, sophisticated facilities: High technology companies value facilities that are built with science in mind. They are looking for sophisticated telecommunications infrastructures, laboratory facilities that can meet their needs, and structural and environmental features that support the type of work that they do.

Low maintenance and facility management requirements: Administrators of high technology
companies have little patience with building and maintenance needs. Their focus is on their
technology – therefore, they value facilities that "take care of themselves," particularly in regard
to meeting environmental requirements.

D. Developing the plan

The question that faced planners, then, was compelling: How can we configure development at the University of Arizona Science and Technology Park to best meet the needs of high technology companies? And how can we accomplish this development in a manner that is fiscally responsible and sensitive to community needs and concerns?

Given those parameters, it made sense to begin the Park's expansion by maximizing use of the currently developed 345-acre research and development zone and then expanding into the undeveloped areas for activities that go beyond the scope of research and development, as defined by Arizona law.

Guided by their research, planners developed and evaluated a set of alternative development concepts. Each concept was rated on a series of evaluation criteria. These included:

- Responsiveness to multi-tenant usage and multiple tenant identities,
- Support of community businesses,
- Flexibility to adapt, based upon changing economic trends,
- Compatibility with the existing infrastructure, Master Plan, and surrounding community,
- Management of vehicular and pedestrian movement, and
- Impact and costs of infrastructure and roads.

From these options, the alternative that best supported the Park's vision and the needs of high technology companies was selected. Section III describes the major components of the Park's Expansion Plan.

III. Realizing the Park's potential

A. Refining land uses

The Park's Expansion Plan is a significant step towards realizing its potential as a world-class science and technology center. Planning for the Park's expansion began with refinement of the land use zones identified in the Park's original Master Plan. Figure 1 depicts the Park's 1,345-acre site and identifies areas earmarked for the following land usages:

- Affiliated Uses
- Assembly/Manufacturing
- Business Support
- Commercial
- Flexible
- Commercial/Hotel
- Office
- Open Space
- Park Center
- Research and Development

Activities that may take place within each of these land use zones are defined in the Appendix.

Figure 2 presents a detailed view of land uses within the expansion area. The plan allows for additional expansion within the areas designated as the research and development zone. It also allows for commercial and hospitality development outside the research and development area, close to Rita Road. Assembly and manufacturing usages are located to the north of the existing ring road.

B. Planning for new buildings and facilities

In keeping with the needs expressed by high technology companies, new construction at the Park will include "smart shell" buildings as well as office and laboratory space and support facilities. "Smart shell"

buildings are designed and engineered to accommodate the needs of companies involved in lasers and optics, biotechnology, environmental sciences, and electronics and avionics. "Smart shells" differ from traditional construction in their structural and architectural characteristics as well as in their infrastructures for heating and cooling, utilities and telecommunications.

Figure 3 illustrates a concept design for the configuration of new buildings and facilities at the Park. The figure identifies the placement of new research and development facilities, both for new tenants as well as for expansion of existing tenants. It also identifies the configuration of new office buildings outside the existing research and development zone and of assembly and manufacturing facilities.

The concept also includes areas designated for commercial and/or convenience facilities that will be accessible both to Park companies and the community as well as for a hotel and conference center. An open "mall" maintains the campus-like feel of the site and allows for pedestrian activity. Both surface parking and a potential parking garage are included in the plan.

Figure 4 provides additional information on the types of facilities that may be constructed in the expansion area. The table indicates acreage, square footage, building height and site coverage for each type of construction. The chart indicates the maximum development in this area – it is not intended to depict plans for immediate or near-term development.

Figures 5 – 8 illustrate concepts of the Park's expansion, including an aerial view, entryway concept and interior views.

C. Next steps

At build-out, it is projected that the University of Arizona Science and Technology Park may serve as many as 25,000 employees. However, planning for that growth and development must take place thoughtfully and carefully if the facility is to realize its potential to enhance the well-being of Tucson and its people.

This Expansion Plan is the first step of that process. It provides a blueprint that will allow the Park to respond to the needs of local and national high technology companies. It also provides a platform for new development that will benefit the surrounding community in this rapidly-growing sector of Tucson.

The University of Arizona Science and Technology Park is unique among its peer institutions because it receives virtually no funding from state and federal sources. Therefore, to make the expansion a reality, the University of Arizona will be working to develop creative partnerships with developers and other private sector entities to finance the expansion project. As a result, development will take place incrementally and over time.

While expansion presents some challenges, we welcome the opportunities it will bring – for the University, for Tucson and for the State of Arizona. We believe that the University of Arizona Science and Technology Park is already -- and will continue to be -- "Technology's Best Address." Through thoughtful, careful expansion, we can continue to bring the benefits of a technology-based economy to the community we serve.

IV. Appendix

A. Definitions of land uses

The following are descriptions of the land uses referred to in this report.

Affiliated Uses: Affiliated land use areas are reserved for future use by either the University of Arizona or other public entity.

Assembly/Manufacturing: This land use is intended to support or complement research activities as products move out of the laboratory and prototype development stage and into the marketplace. Assembly and manufacturing activities at the Park may be driven by research firms located within the Park or outside of it.

Business Support: Business support land uses are intended to accommodate business-related services associated with research and development and assembly and manufacturing at the Park. Permissible uses include marketing and sales, accounting, legal services, financial or banking operations, and corporate or administrative offices for research and development firms.

Commercial and Commercial/Hospitality: Commercial and hospitality development is intended to support Park and regional community needs.

Flexible: Activities that may take place in the areas designated for flexible use have not yet been defined.

Office: Office land uses will accommodate single and/or multi-tenant office buildings.

Open Space: Open space will provide for a mix of riparian habitat, stormwater drainage channels and recreational amenities.

Park Center: The Park Center will be a centrally located, mixed-use activity node. It will be a focal point for Park employees, a central core where people work, shop, learn and congregate. Development of

"pocket" parks and outdoor plazas in between buildings will encourage pedestrian activity and contribute to a sense of community.

Research and Development: Arizona law [ARS §15-1636 (D)] defines the activities that may take place in portions of the Park designated for research and development. These activities are:

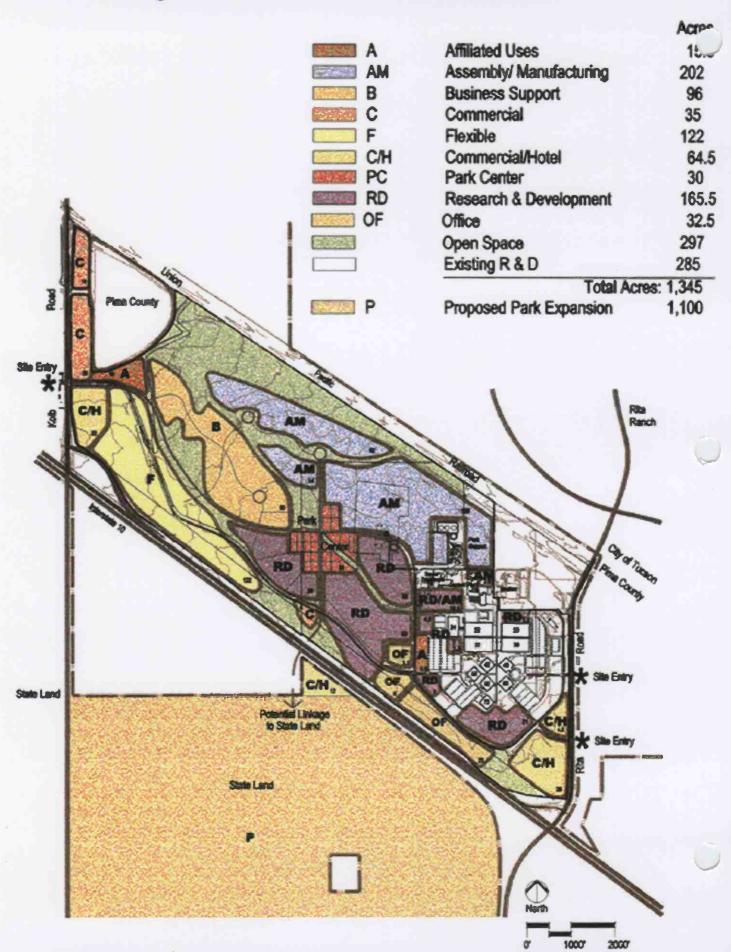
- Laboratories, offices and other facilities for testing, consulting and information processing, related to research and development,
- Production, assembly or sale of products pursuant to research and development activities,
- Pilot plants in which processes planned for use in production elsewhere can be tested and assembled.
- Regional or national headquarters of the lessee or its subsidiaries that are engaged in research and development or education activities,
- · Education and training facilities,
- Operations required to maintain or support any permitted use, including maintenance shops, power
 plants, waste water treatment facilities, the keeping of animals, machine shops, common area
 improvements and facilities, and professional and commercial services supporting permitted uses,
 such as child development centers, food services and post office and mailing centers.

B. Illustrations

These illustrations, which are described in the preceding sections, follow:

- Figure 1. Park Land Use Plan
- Figure 2. Expansion Plan Land Uses
- Figure 3. Expansion Plan Concept Design
- Figure 4. Land Use Parcels and Development Intent
- Figure 5. Expansion Plan Concept Aerial View
- Figure 6. Redeveloped Entry from Rita Road at Interstate 10
- Figure 7. Open Space and Plaza towards Research Buildings
- Figure 8. Typical Pedestrian Mall

Fig. 1 - Park Land Use Plan, revised 2000





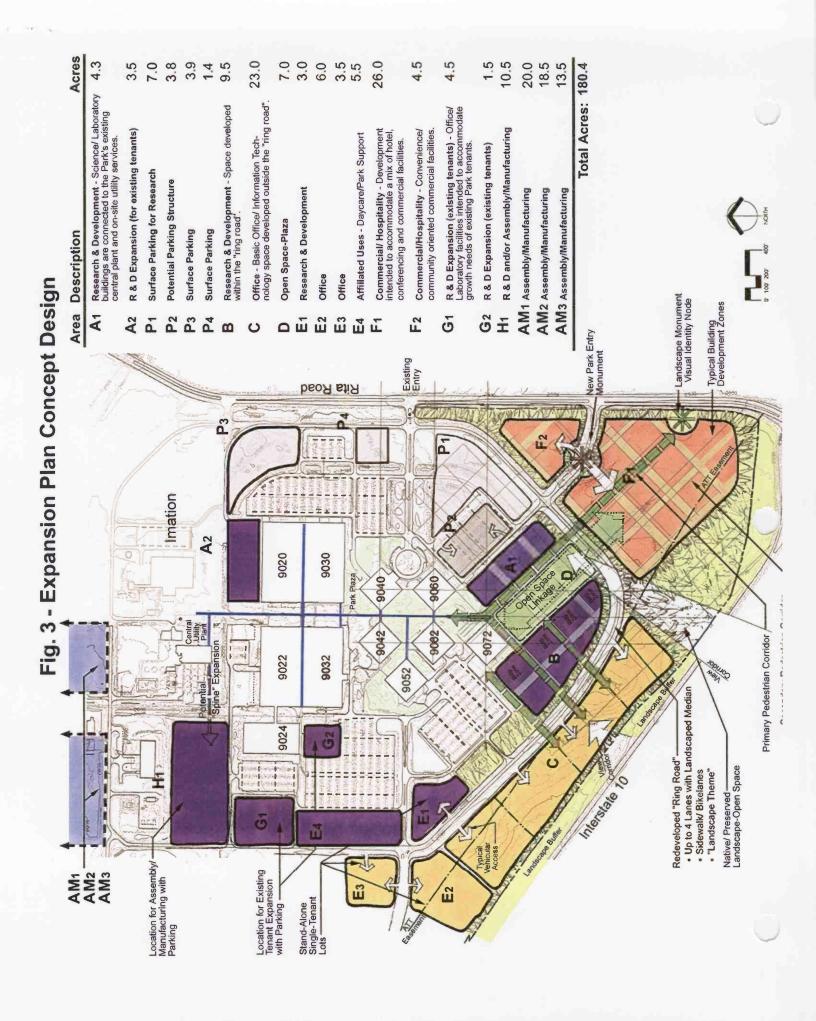


Fig. 4 - Expansion Plan

Land Use Parcels and Development Intent

Parcel	Land Use	Toal Acres	Maximum GBSF	Max. % Bldg. Coverage	Min. % Open Space	Parking @4/1000	Max. Bldg. Ht. /# Levels
A1	Research & Development	4.3	480,000	na	na	1,920	55' (plus mech.) / 4 Levels
A2	Research & Development	3.5	183,000	60	40	730	2 Levels
P1	Surface Parking	7	na	na	5	0	na
P2	Potential Future Parking Garage	3.8	490,000	100	na	0	40' - 4 Levels
P3	Surface Parking	3.9	na	na	na	485	na
P4	Surface Parking	1.4	na	na	na	174	na
В	Reseach & Development	9.5	248,000	20	5	1,000	42' (plus mech.) / 3 Levels
С	Office	23	500,000	20	10	2,000	32' (plus mech.) / 2 Levels
D	Plaza- Open Space	7	na	na	100	0	na
E1	Research & Development	3	120,000	15	25	480	46' (plus mech.) / 3 Levels
E2	Office	6	60,000	15	15	240	46' (plus mech.) / 3 Levels
E3	Office	3.5	60,000	15	15	240	46' (plus mech.) / 3 Levels
E4	Affiliated Uses	5.5	167,706	35	15	167*	2 Levels (max.)
	Subtotal	81.4	2,125,706			7,269	

*Parking @ 1/1000

Area#_	Land Use	Total Acres	Max. BGSF	Max. % Bldg. Coverage	Min. % Open Space	Parking Required	Max. Bldg. Ht. /# Levels
F1 F2	Hotel* - Retail** Retail	26 4.5	395,000 70,000	35 35	15 15	625 140	42' / 3 Levels 14' / 1 Level
	Subtotal	30.5	465,000			765	

^{*}Hotel - Approximate 200-300 rooms with meetings room facilities

^{***}Hotel Parking is based on 6 spaces per 1,000 nsf of meeting and space - without meeting space assume 1 space/room

Area#	Land Use	Total Acres	BGSF	Max. % Bldg. Coverage	Min. % Open Space	Parking @4/1000	Max. Bldg. Ht. /# Levels
G1	R&D Expansion	4.5	80,000	20	25	320	32' / 2 Levels
G2	R&D Expansion	1.5	130,700	100	na	0	32' / 2 Levels
H1	R&D or Assembly/Manfc. Expansion	10.5	183,000	20	30	730	32' / 2 Levels
	Subtotal	16.5	393,700			1,050	

Area#	Land Use	Total Acres	BGSF	Max. % Bldg. Coverage	Min. % Open Space	@1/1000	Max. Bldg. Ht #
AM1	Assembly/Manfc.	20	523,000	30	25	520	32' / 2 Levels
AM2	Assembly/Manfc.	18.5	483,000	30	25	480	32' / 2 Levels
AM3	Assembly/Manfc.	13.5	353,000	30	25	350	32' / 2 Levels
	Subtotal	52	1,359,000			1,350	

 Total
 Acres
 BGSF
 Parking

 180.4
 4,343,406
 10,434

^{**}Retail - Ground level retail to support hotel, Park and community/neighborhood needs

Fig. 5 - Expansion Plan Concept—Aerial View



Fig. 6 - Redeveloped Entry from Rita Road at Interstate 10



Fig. 7 - Open Space and Plaza Toward Research Buildings



Fig. 8 - Typical Pedestrian Mall—From Office Tech 1 Toward Research Buildings



FORESIGHT

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UNIVERSITY
OF
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PARK
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TECH PARK POISED FOR EXPANSION Barely

Barely four years after its dedication, the University of Arizona Science and Technology Park is preparing to launch a major expansion of Park facilities.



"The Park has 1.8 million square feet of leasable space, and today our facilities are full," says Bruce Wright, Chief Operating Officer. "We need to respond to an increasing demand from high tech companies for high quality space. We also need to respond to our tenants' interest in amenities that will add value to their work environment."

To begin that process, the Park has recently completed a significant revision of its *Master Plan*. The original plan was adopted by the Arizona Board of Regents almost

five years ago to guide growth and development of the 1,345-acre Park.

The revised plan outlines the development of additional facilities for research and development, information technology, commercial, and assembly and manufacturing functions. Development will focus on the southeast end of the Park, both inside and outside of the existing ring road.

The plan will be presented to the public in a series of meetings during January and February and submitted to the Arizona Board of Regents for review and approval at their March 1-2 meeting.

The Expansion Plan calls for the development of office and laboratory buildings, totaling over 1.9 million

Continued on page 2

GOOD NEIGHBORS Park Welcomes Growth on Tucson's Southeast Side



When IBM developed the site that is now the University of Arizona Science and Technology Park in 1978, not even the finest crystal ball could have foreseen the dynamic growth that would take place on Tucson's Southeast Side.

Once characterized by vast,

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The Tech Park Takes Off: A Planner's Perspective

When the University of



Arizona purchased the site that was to become the University of Arizona Science and Technology Park from IBM in 1994, it was clear

that the property had tremendous potential: 345 acres contained 1.8 million square feet of office and laboratory space, and beyond that spanned 1,000 acres yet to be developed.

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POISED FOR EXPANSION continued from page 1

square feet, to house new Park tenants. Additional buildings, totaling almost 400,000 square feet, will allow for expansion by existing Park companies.

In addition, the plan calls for development of hotel and retail space along Rita Road. A focal point of this development will be a 250-300 bed executive hotel with comprehensive conference facilities. The hotel will serve guests of Park companies as well as the surrounding community.

Assembly and manufacturing sites will be located north of the ring road, along the Union Pacific Railroad line. Figure 1 presents a concept design for the expansion.

Planning process

The Expansion Plan is the culmination of an extensive planning process. NBBJ, an internationally recognized planning firm, spearheaded the effort, along with Park administration.

"We wanted development to be consistent with our vision of the Park as one of the nation's premier research and development facilities," says Wright. "We see this expansion as an opportunity to bring the Park - and Tucson – to the next level as a high technology community."

To guide the planning process, NBBJ and Park administration surveyed the Park's tenant companies, other Tucson high technology companies and national high technology firms. "We wanted to know what these companies want and need in terms of facilities and amenities," says Wright. "We also examined the competition to look at what other state-of-the-art research and development parks are offering."

Survey results, presented in Figure 2, paint a compelling picture of these company's values. "These are fast moving, high energy companies that demand a great deal from their work environment," says Wright. "They value affordability, image, and a comfortable, flexible work environment – attributes that help them attract and retain skilled employees."

In addition, survey results reflected an increasing emphasis on nonconventional work schedules and an integration of professional and personal lives. "These companies function 24/7," says Wright, "so a safe, secure environment is critical. So is availability of 'branded' food service, shopping and recreational opportunities that are convenient to the workplace."

Nationally, these companies are looking for "selfcontained high technology facilities," says Wright. Needs cited by existing Park companies were in line with national trends. For example, companies indicated a strong interest in accessible, name-brand food outlets. A health club facility and child care services were also identified as valued amenities.

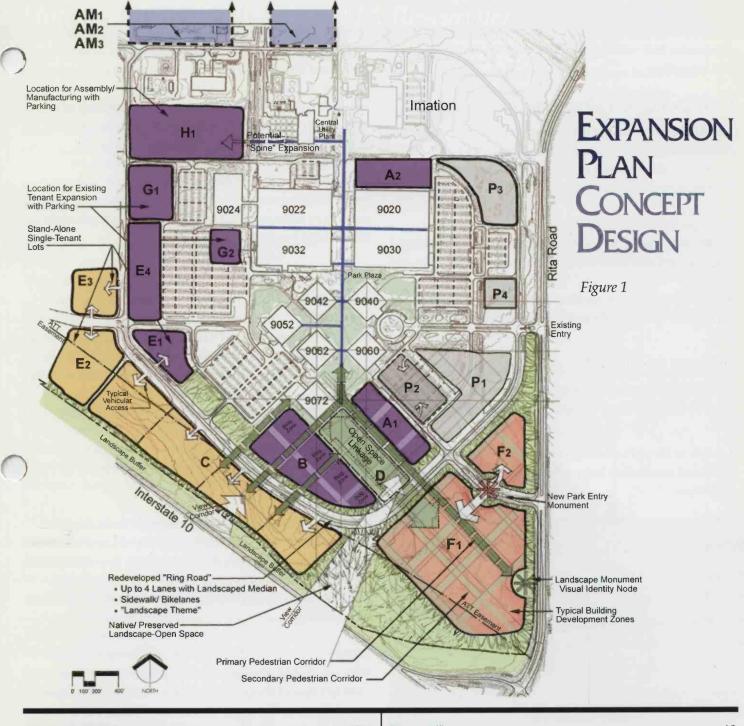
To address these needs in the short-term, the Park will soon be home to a Starbucks Coffee kiosk in the cafeteria lobby. Future plans call for expansion to a stand-alone facility and development of additional food outlets within the commercial and retail area. In addition, discussions are underway with Vail School District and the University of Arizona to develop a child care facility.

Market analysis

The next step in developing the Expansion Plan was a comprehensive market analysis, conducted by the University's Office of Economic Development. "We looked at the financial implications of development, including hotel and retail space, offices and laboratories," says Wright. "We compared Tucson costs with those of other high technology centers around the country."

The analysis indicated that the Park can compete favorably in attracting technology-based companies from higher-cost cities, such as San Francisco, Boston, New York, and Seattle. "Office space that rents for \$75-\$80 a square foot in the Bay area will be half that price here," says Wright. "Affordability, combined with a steady stream of technology-oriented University of Arizona graduates, makes the Park an attractive venue for knowledge-based companies."

The analysis also emphasized the importance of providing additional space for the expansion of existing Park companies as well as for new Tucson-based



AREA	DESCRIPTION	ACRES	E2	Office	6.0
AKEA	DESCRIPTION	ACKES	EZ	Office	
A1	Research & Development – Science/Laboratory buildings are connected to the Park's existing central plant and on-site utility services	4.3	E3	Office	3.5
A2	R & D Expansion (for existing tenants)	3.5	E4 F1	Affiliated Uses – Daycare/Park Support Commercial/Hospitality – Development intended to accommodate	5.5
P1	Surface Parking for Research	7.0		a mix of hotel, conferencing and commercial facilities.	20.0
P2	Potential Parking Structure	3.8	F2	Commercial/Hospitality – Convenience/community oriented commercial facilities.	4.5
P3	Surface Parking	3.9	Ca		4.5
P4	Surface Parking	1.4	G1	R & D Expansion (existing tenants) – Office/Laboratory facilities intended to accommodate growth needs of existing Park tenants.	4.3
В	Research & Development – Space developed within the "ring road."	9.5	G2	R & D Expansion (existing tenants)	1.5
)	Office – Basic Office/Information Technology space developed outside of the "ring road."	23.0	H1	R&D Expansion and/or Assembly/Manufacturing	10.5
		7.0	AM1	Assembly/Manufacturing	20.0
D	Open Space – Plaza	7.0	AM2	Assembly/Manufacturing	18.5
E1	Research and Development	3.0		, °	
			AM3	Assembly/Manufacturing	13.5
				TOTAL ACRES	180.4

Poised for Expansion continued from page 2

companies that will benefit from the Park's environment and amenities.

Configuring new development

The final component of the planning process focused on determining how to configure new Park development – where should new buildings be located and what types of buildings should they be?

To begin the process, NBBJ and Park administration developed a set of principles to guide decision making. They agreed that Park expansion must:

- be compatible with existing design and encourage connection between the existing and new portions of the Park,
- maintain the campus-like feel of the current site,
- be designed for incremental development, so that it can be built over time without looking "unfinished," and
- relate to the surrounding community in a way that facilitates connection between the Park and its neighbors.

What do high technology companies want?

- Connections to university researchers and resources
- Flexible facilities
- · A vibrant and energetic work environment
- A site that projects a prestigious image or identity
- · Recreational amenities
- Convenient retail and commercial support
- Hospitality and conference facilities
- Site and facilities that support a 24/7 work environment

Figure 2

Park administration and NBBJ developed and weighed the advantages and disadvantages of numerous building configuration plans. The concept presented in *Figure 1* was determined to be the option that allows for development in a manner most consistent with the Park vision and guiding principles.

To learn more about the types of buildings to develop, NBBJ and Park administrators analyzed the experience of some of the nation's leading university-related research parks. "What we saw is the emergence of a new view of facilities," says Wright. "Leading edge research parks are building 'smart-shell science buildings' – buildings with a heavy emphasis on telecommunications infrastructure that can house a variety of science-based enterprises, including university laboratories, high technology companies and technology incubators."

Competitive edge

Wright believes that Tucson needs these facilities in order to stay competitive in an increasingly technology-based economy. "We're looking to create the type of environment that doesn't exist anywhere in Southern Arizona. To successfully compete with cities such as San Diego, Phoenix, San Francisco and Austin, we need facilities that will meet the needs of high technology companies. And to do that, we need to create an environment that will help them with what's most important – attracting and retaining qualified employees."

The greatest challenge the Park faces is financing this development. "Unlike other university-related research parks, we have no federal or state funds to work with," says Wright. "Therefore, we have to convince banks, builders, and developers to partner with us. We need to be creative in our financing and development."

Wright is encouraged at the level of interest that has been expressed during this early phase of planning. "There's been a lot of interest from national developers and investors," he says. "In the near future, we'll solicit proposals from developers and investors locally and around the country and begin to evaluate our options." Among the options are conventional financing, partnerships with the city and/or county, or joint ventures with private sector developers.

The University of Arizona Science and Technology Park had an economic impact on Tucson and Southern Arizona of nearly \$1 billion in 1999. According to Wright, full implementation of the *Expansion Plan* could result in an economic impact of five or six times that amount.

Hotel Outlook Bright, Says UA Researcher

If you build it, they will come.

In a nutshell, that's the result of University of Arizona senior Jason Martin's market research at the University of Arizona Science and Technology Park.

Jason, an Entrepreneurship and Marketing major, recently completed a semester-long study of the feasibility of building a hotel at the Science and Technology Park. The study was part of his requirements for the University's 15-credit Entrepreneurship Program.

His conclusions? "The outlook is really bright. It's completely feasible for this area to support a 300-bed hotel. And within ten years, there will be need for further expansion."

As part of his research, Jason collected information from Park companies and analyzed economic and demographic data concerning growth in southeast Tucson. In particular, he found work by UA researchers Alberta Charney and the late Julie Leones to be helpful.

"Their 1996 study looked at visitors to Tucson, characteristics of their stay, and whether the visit was business or non-business related. I used their numbers as a basis for many of my projections. I think I generated some pretty solid numbers."

Jason is enthusiastic about growth prospects in southeast Tucson. "This whole area is going to be huge," he says. "There are tremendous opportunities here." He notes that the Science and Technology Park is projected to serve 25,000 employees when the 1,345-acre site is completely developed.

The hotel analysis was Jason's second research project involving the UA Science and Technology Park. "Last summer I worked for the University's Office of Economic Development, which is located at the Park," he says. "For that project I analyzed industrial, office and retail markets in southeast Tucson and generated information regarding lease rates."

Jason's work at the Park concluded in December, but

he's not taking much time off. His next focus is on preparing for several national entrepreneurial competitions that begin in February. He has been working with a partner, a UA agricultural student, to develop a business plan for their entry. "Our company is called 'Express Feed, LLC.' We're marketing a proprietary technology that decreases the germination time in seeds," he says.

Jason, who hails from Washington, D.C., will graduate from the University of Arizona next December. What's next? "I'm an entrepreneur at heart," he says. "I'd like to gain some experience by working for a high tech company in the marketing department. Eventually, I'd like to run my own company."

Jason's next employment, however, will be on familiar territory. He's recently accepted a job with IBM at the Science and Technology Park.



"This whole area is going to be huge. There are tremendous opportunities here."

JASON MARTIN
UA ENTREPRENEURSHIP AND MARKETING MAJOR

GOOD NEIGHBORS continued from page 1 Park Welcomes Growth on Tucson's Southeast Side

unpopulated desert land, today the area surrounding the University of Arizona Science and Technology Park is one of the fast-growing sectors of greater Tucson.



Residential growth came first. In 1990, there were only about 100 homes in Rita Ranch, the master-planned community between East Valencia and South Houghton Roads. Today there are thousands of homes in Rita Ranch, and many more in growing developments

such as Civano, Rancho del Lago, and Academy Village.

Commercial and light industrial growth will highlight the next phase of development. Leading this development, *Slim-Fast Foods* broke ground last month for a 550,000-square foot plant to be built on 85 acres adjacent to the University of Arizona Science and Technology Park.

Slim-Fast is a national manufacturer and distributor of nutritional products for weight management. Currently, its only plant is located in Covington, Tennessee. The Tucson facility will allow the company to expand distribution of its products in the western states.

According to Plant Manager Mark Johnson, *Slim-Fast* conducted an extensive evaluation of sites in the western United States before deciding to locate its new facility in Tucson. "No city meets all of the requirements, but Tucson was the best of the best," says Johnson. "We were impressed with Tucson's business climate and the quality of life for our future employees."

In addition, Johnson notes, "Our particular site is close to I-10, which is important to us. For customer service and transportation considerations, we knew we needed to be in the western states, but how far west was the question. Tucson best balances our transportation needs west and east to our customers."

Slim-Fast is also pleased to be a neighbor of the Park. "The proximity to the U of A Science and Tech Park was

a plus," says Johnson. "We felt we could utilize common technical resources and recruit locally from a highly skilled employee base."

Slim-Fast plans to hire approximately 135 people prior to opening its new facility in July 2002. Hiring will take place primarily in late 2001 and 2002.

Further growth may be in the future, says Johnson. "Slim-Fast is a dynamic brand and company. With our recent acquisition by Unilever, we anticipate that our growth will continue. Tucson would be the logical choice for that growth."

To allow that growth, the facility is being designed to accommodate expansion. Phase I, which begins this month, will be a 550,000 square-foot facility. Phase II, which is anticipated in 2002 or 2003, depending on market conditions, will expand the plant to up to 1 million square feet.

The new plant is being designed with the unique qualities of its environment in mind. "We plan on being a good neighbor," says Johnson. "We've designed this facility to blend into the community in a desirable manner. We're developing a campus-like environment, so our neighbors and employees will be proud to work here.

"We're also aware of the fragile environment we are located in. We've taken proactive steps with the City of Tucson to identify and incorporate recycling efforts into the design of the plan, instead of as an afterthought."



The *Slim-Fas*t facility is one component of a 244-acre parcel that is being developed by Diamond Ventures, Inc., a real estate development and investment firm. The site, known as Rita 244, is zoned for commercial and light industrial usages.

According to Ken Abrahams, Vice President of Diamond Ventures, "We're currently platting the Rita



244, including the 85-acre portion that has been sold for the *Slim-Fast Foods* facility. With the *Slim-Fast* sale and about 25 acres of open space for the Julian Wash, we are left with about 135 acres for development. About 25 acres is currently envisioned for commercial uses."

Plans for the commercial area are taking shape. "We will actively market the site as a 'state-of-the-art' tech campus, adjacent to – but not part of – the U of A Science and Technology Park," says Abrahams. "We are also in negotiation with hotel and restaurant users for the commercial area."

Diamond Ventures officials are optimistic about the potential of southeast Tucson. "We believe that the southeast area will be a dominant growth center for the metro area over the next two decades," says Abrahams.

In addition to the site adjacent to the Park, Diamond Ventures holds a significant amount of land for future development in the southeast area of Tucson and Pima County – approximately 6,000 acres for residential and mixed use communities and about 600 acres for employment campus development.

No city meets all of the requirements, but Tucson was the best of the best.

We were impressed with Tucson's business climate and the quality of life for our future employees.

MARK JOHNSON
PLANT MANAGER
SLIM-FAST FOODS

We believe that the southeast area will be a dominant growth center for the metro area over the next two decades.

KEN ABRAHAMS
VICE PRESIDENT
DIAMOND VENTURES, INC.

The Tech Park Takes Off: A Planner's Perspective continued from page 1

Determining the best way to utilize the facilities and site represented a considerable challenge for University administrators. Yet in just a few years, the Park has undergone a remarkable transformation from the nearly empty "old IBM site" to a nationally recognized technology center.

Few people have a better understanding of that



Foresight: Let's start at the beginning. How did you become involved with the University of Arizona Science and Technology Park?

Regge: In June 1995 we were

selected through a competitive bid process to evaluate options for the location of Arizona International Campus. That was our first introduction to the Park...and we discovered there was a lot to learn about the site. It was important, because it set up the next piece of the process.

Foresight: What was that?

Regge: Development of a long-range Master Plan for the site. That process began in late '96. We did an extensive investigation of the site – topography, archeological sites, flood plains, everything. We also looked at the existing buildings, the organization of space, the features of the central plant. It was a two-year

effort that culminated in the presentation of a Master Plan to the Arizona Board of Regents.

Foresight: What projects were you involved with after that?

Regge: We were involved with two more major pieces of work. The first was the design of the University's Optical Materials and Technology (OMAT) Laboratory in Building 9030 and the Park Plaza. The most recent was the completion of the Park's Expansion Plan, which will be presented to the Board of Regents this month.

Foresight: That's four major studies in five years. What's been the most exciting aspect for you?

Regge: It's been wonderful to see the evolution and rapid success of this park. It's very different from most university-related research parks.

Foresight: In what ways?

Regge: This park is unique among its peers because it's not just about real estate. It's about the connection between technology companies and the research and teaching mission of



transformation than the planning team at NBBJ. The Seattle-based firm has worked closely with University administrators since mid-1995, exploring every corner of the 1,345-acre site. They have been largely responsible for developing both the Park's Master Plan and its Expansion Plan.

What have they learned from the Park's formative years? Recently Foresight sat down with Martin Regge, Senior Associate at NBBJ, to discuss a planner's perspective on the University of Arizona Science and Technology Park.

the university – that's very much in line with the development of an information economy.

Foresight: That's not typical?

Regge: No. Most parks are financially driven, not mission-driven like this one.

Foresight: Was that a challenge for you as a planner?

Regge: It's what made it fun. We



were constantly challenged to define our values and to define what this park is about. And we had to do that without relying on other research parks as a guide. That kind of process generated an energy that's pretty rare.

Foresight: Do you think what's happening here will have an impact on other university-related research parks in any way?

Regge: I see it happening already.
The University of Arizona Science and Technology Park is really responsible for the development of a whole new language within the Association of University Related Research Parks. It's forcing other parks to rethink their own missions and to work more closely with university research entities.

Foresight: Looking back over the last five years, what's impressed you the most?

Regge: I think it's been the tenacity of Bruce Wright and his staff in keeping sight of their values and the Park's mission. Also, it's good to see the University of Arizona's growing realization that a significant asset exists at the Park – I'm glad they're capitalizing on it, rather than ignoring it.

Foresight: What challenges do you see for the Park?

Regge: It's always been assumed that the only way a university-related research park can be successful is to be as close to the university as feasible – right next door if possible. This park is proving that in the New Economy that assumption may not hold water – strong linkages can exist without physical proximity. But it's still a struggle. Keeping close ties to the University will be critical to the Park's success.

Foresight: What do you see in the future for the University of Arizona Science and Technology Park?

Regge: I'm excited about the idea of growing the Park in modules that

allow for its development over time – developing flexible, multiple-use oriented facilities that can accommodate different types of science activities and tenant companies. Unlike the traditional model, which is more suburban, the campus environment of this park allows for the interrelationship of buildings where companies can grow and share.

The University of Arizona is lucky to have this facility. It's a great opportunity to further the mission of the University as a teaching, learning and research center. In the limited time the Park has existed, it's exceeded everyone's expectations. It needs continued support so it can grow and prosper.



DESIGNING THE FUTURE Park Becomes Lab for Architecture Students

For the past semester, the University of Arizona Science and Technology Park has taken on a new role. The unique facility has provided real-world design experience for a group of University of Arizona architecture students.

Under the direction of Professors Larry Medlin and Fred Matter, the students have completed three major projects this semester. They've analyzed the Park's Master Plan; they've developed plans for the redesign

of one of the Park's multitenant buildings, and they've developed designs for a "Park commons" facility.

"The program at the Park is one of five Design Studio options that the College of Architecture offers," says Professor Medlin. "It offers students the opportunity to apply what they've been studying in a real-world environment."

The ten UA students who selected the Park as their Design Studio option were a diverse group. The group included both undergraduate and graduate students, hailing from the United States, Germany, China and Jordan.

"The greatest challenge for the students at the Park was getting a grasp of its scale," says Professor Medlin. "It's a

huge place. You could walk forever. The issue is how to make it personal, how to create connections."

Working in teams of two, students created models to showcase their ideas for Building 9040, the Park's central multi-tenant building. "IBM designed the Park as a single-user facility, so it was internally-oriented,"

explains Professor Medlin. "As a multi-tenant facility, Building 9040 needs to have a more open feel. We wanted students to re-design the space to encourage interdisciplinary activity and sharing."

Students added a variety of features, including new circulation corridors, skylights, a central courtyard, and a variety of ideas to reduce energy consumption.

Students presented their designs at a competition last

month. Judges were Dean Richard Eribes of the UA School or Architecture, Kay Brown of TL Roof and Associates, Bud Walters of Southwest Gas as well as Bruce Wright and Marshall Worden of the UA Science and Technology Park.

Winners for the competition were:

Xiaolu Zhou and Jian Hu, Overall Park Redevelopment Design and Planning

Brent Campbell, *Redesign of Building* 9040

Nina Wawra, Design of Park Master Plan

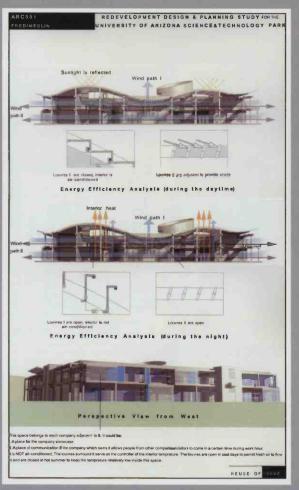
Kristen DiBone and Allison Park, Design of Park Commons

Peter Ohnrich, Special Mention, Experimental Potential

Professor Medlin was pleased with the students' efforts.

"They showed a wealth of imagination in how they

tackled their projects. Some of the designs may have been too utopian to be implemented, but they all contained seeds of ideas that are viable and worthy of consideration."



Redesign of Building 9040 by Xiaolu Zhou and Jian Hu.



TECH NOTES

An update on activities at the University of Arizona Science and Technology Park

The University of Arizona Science and Technology Park has launched its new Web site. The site features updated information on the Park and its tenant companies. Be sure to visit us at www.uatechpark.org.

The Tucson Technology Incubator (TTI) has approved three new ventures for admission into the incubator:

- Collaborate Solutions, Inc. is developing a highly secure, online workplace to enable financial planners, attorneys, investment advisors, insurance agents and others to interface with clients and collaborate to plan and implement clients' financial activities.
- eHR Newsourcing, LLC will provide human resources outsourcing over the Internet to help small and medium sized businesses improve their human resources performance and lower costs.
- Materials Focus, Inc. is developing specialty products of Silicon Carbine (SiC) to meet the demands of the semiconductor industry.

NP Photonics, Inc., was awarded \$1.99 million by the National Institute of Standards and Technology under the Commerce Department's Advanced Technology Program. The award will support research on low-cost amplifying splitters, made possible by the development of a technology for merging glass and plastic polymers.

The firm also recently entered into an exclusive License Agreement with the University of Arizona. The \$1 million agreement is the largest in the University's history.

Bruce A. Wright, University of Arizona Associate Vice President for Economic Development and Chief Operating Officer of the University of Arizona Science and Technology Park, received the High Technology Industry Cluster's Chairman's Award at this year's Arizona Innovator of the Year Award Program. This award was presented on behalf of the Board of Directors of the Governor's Strategic Partnership for Economic Development (GSPED) to recognize Wright's efforts in promoting the high technology industry in Arizona.

HIGH-TECH TENANTS

These high-technology companies currently make their home at the University of Arizona Science and Technology Park:

Collections Connections, Inc.

Collections-related Internet marketplace

Phone: (520) 663-3597

Electronic Post Systems, Inc.

Internet communication services

Phone: (520) 745-5006

eHR Newsourcing, LLC

Human resources outsourcing over the

Internet

Phone: (520) 760-0728

Hearing Innovations, Inc.

Audiology research and products

Phone: (520) 663-0544

IBM

Computer systems and storage

Phone: (520) 799-1000

Ingram Micro

Technology products and services

Phone: (520) 545-1000

Integrated Biomolecule Corporation

Synthetic biomolecules Phone: (520) 799-7566

Inversionista Online Inc.

Spanish language online discount

stockbroker

Phone: (520) 664-2001

Keane, Inc.

Information technology consulting and

support services Phone: (520) 388-1000

Lunar Research Institute

Exploration of the moon and its resources

Phone: (520) 663-5870

Moltech Corporation

Lithium batteries Phone: (520) 799-7500

Morningstar Systems, Inc.

Collaborative knowledge management

software

Phone: (520) 574-1150

NorthWest Research Associates, Inc.

Research on the effects of Earth's near-space

environment

Phone: (520) 663-3570

NP Photonics, Inc.

Optoelectronic and waveguide devices

Phone: (520) 799-7404

Protein Therapeutics, Inc.

Non-toxic therapies for chronic diseases

Phone: (520) 574-1632

Raytheon Missile Systems Company

Tactical missile systems Phone: (520) 663-6000

Roadrunner Software

Aerospace and industrial software

Phone: (520) 663-3300

Softworks, Inc.

Data storage and systems management

software

Phone: (520) 574-7980

Southwest Border Technology Project

Technology to facilitate transborder

shipping

Phone: (520) 626-9431

Supplement Sciences, LLC

Nutritional supplements and other health-

related products

Phone: (520) 799-7523

Systems Integration Drug Discovery Company (SIDDCO)

Pharmaceutical research and development

Phone: (520) 663-4001

Tucson Technology Incubator

Growth and development of technology

companies

Phone: (520) 663-3597

University of Arizona Optical Materials and Technology Laboratory

Materials to facilitate the storage, display and movement of information

Phone: (520) 574-0456



Business and Educational Tenants

Donald Pitt Technology Education and Conference Center

Phone: (520) 626-7159

Eurest Dining Services

Phone: (520) 799-6597

Hughes Federal Credit Union

Phone: (520) 794-8341

JACME²T

Phone: (520) 574-1800

Meriwest Credit Union

Phone: (520) 790-4857

University of Arizona Extended

University

Phone: (520) 626-3327

University of Arizona Office of Economic Development

Phone: (520) 626-4088

1

Vail High School

Phone: (520) 762-2500

The Science and Technology Park is owned by the University of Arizona. It is managed by the University's Office of Economic Development. It is marketed and leased by the private, non-profit Campus Research Corporation. Park facilities are operated by Facility and Plant Services, Inc., a Fluor Daniel company.

The University of Arizona Office of Economic Development

Phone: (520) 621-4088

Campus Research Corporation

Phone: (520) 621-5287

Facility and Plant Services, Inc.

Phone: (520) 799-7999

The University of Arizona Science and Technology Park

9040 South Rita Road, Suite 1400 Tucson, Arizona 85747 (520) 621-5287

Bruce Wright, Chief Operating Officer e-mail: wrightb@u.arizona.edu

Marshall Worden, Park Director e-mail: worden@email.arizona.edu

Please visit our Web site: www.uatechpark.org

January 15, 2001 Arizona Daily Star

UA sci-tech park to grow

more acreage hotel, special could include buildings and Expansion

By Megan Rutherford ARIZONA DAILY STAR

Arizona's Science and Technology change the look of the University of Park on Tucson's Southeast Side. A rezoning proposal and a possible expansion could soon

said chief operating officer Bruce technology space called "smart-shell" other related commercial businesses, buildings to the 1,345-acre complex, more offices and sophisticated high Officials hope to build a hotel and

attention to conditions such as air flow and vibration control. technology fields such as optics and Smart-shell buildings cater to high special

across Interstate 10. south of the park's existing boundary, swap for 1,100 acres of state land negotiate a purchase price or land Board of Regents' permission to Wright said he will also ask the

by tenants or through joint venture additional buildings are to be paid for estimate yet for the state land. Wright said there is no price

agreements between the university

will be presented to the Board of Regents on Jan. 26 at Arizona State Land use changes and proposals

residential neighbor, fast-growing Rita Ranch. undoubtedly, affect New development at the park will its nearest

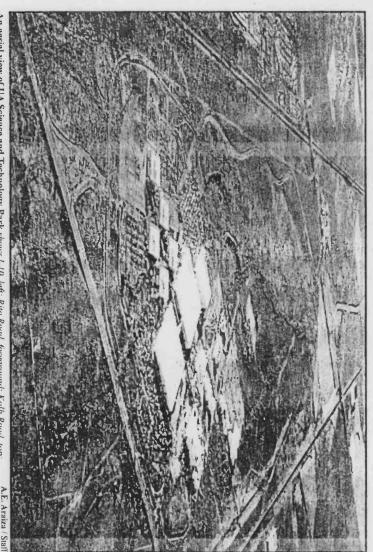
road improvements, Wright said. the Julian Wash and possibly make regional park in the area, preserve relationship with plans to develop a representatives enjoy a working Members of the neighborhood and tech

exempt from property taxes that private office areas. district, Vail, some residents eagerly the commercial, hospitality and exempt portions of the park, such as anticipate build-out of non-taxwould benefit the area's school And because the park remains

said neighborhood association Vice President Mary Ann Cleveland. the park) is the tax-free incentive," "The only problem I have (with

connection with the UA through from property taxes under state law, just as other educational institutions research and development, is exempt The park, because of its

income and vehicle license taxes. other taxes, such as sales, motor fuel, city, and county budgets in 1999 from contributed \$38.9 million to the state, Development showed that the park But a study released in June by the Economic



An aerial view of UA Science and Technology Park shows 1-10, left: Rita Road, foreground: Kolb Road, top: Union Pacific Railroad, right

plan. The second presentation of the to 24 months after approval of the first new buildings to be finished 18 l, meeting. proposal will be at the regents' March Wright said he would expect the

park, according to park studies and feedback from current and room areas, as well as more research buildings, are in high demand for the prospective tenants. and development and smart-shell He said the hotel and conference what we could get from taxes at the state gives us is the pits compared to community activist, said, "What the board few years ago.

Marge Hildebrand, a district school

took over

member and Rita Ranch

Calvin Baker said the loss in school taxes since the UA bought the park from IBM in 1994 decreased when responsibility for school funding a Vail School District Superintendent primary now building a high school, a middle alleviate ballooning enrollment from school and an elementary school to Rita Ranch, Corona de Tucson and surrounding developments such as The 425-square-mile Vail district is

presentation at the Rita Ranch Road. at 7 p.m. Wednesday at 9040 S. Rita comment meeting about the proposal Neighborhood Association meeting at The park will host a community There will also be a

Arizona Daily Star January 15, 2001 Page B3 7 p.m. Thursday at

7 p.m. Thursday at Mesquite Elementary School, 9452 E. Rita Road.

The UA Science and Technology Park covers 1,345 acres bounded by Interstate 10, the Union Pacific Railroad, South Kolb Road and South

For more information about the science and technology park, the Vail School District or Rita Ranch visit the following websites:

www.uatechpark.org

Rita Road.

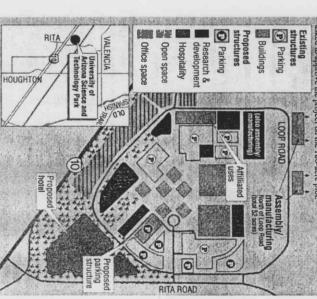
www.theriver.com/Public/rma

www.vail.kl2.az.us

Contact Megan Rutherford at 573-4176 or meganr@azstarnet.com

UA Sci/Tech park expansion Planners at the 1.345 acre University of Arizona Science and Technology Park on Tueson's Southeast Side have big plans for the research park,

Planners at the I-345 acre University of Arizona Science and Iechnology Park on Tueson's Southeast Side have big plans for the research park, includings hotel and conference room facilities, more research and development buildings, office space and high technology buildings. This map shows a corner of the park's property. The Board of Regents will be asked to approve the project on the 180-acre plot.



Neighborhood Q

QUESTION: Would a hotel and other related commercial businesses, more offices and sophisticated high-technology space at the University of Arizona's Science and Technology Park be a welcome addition to the East Side? How will this affect nearby neighborhoods?

▶ Tell us — and your neighbors — by writing to the Arizona Daily Star, East Side Neighbors, Attn: RuthAnn Hogue, Neighbors editor, P.O. Box 26807, Tucson, AZ 85726-6807; 573-4140 (fax); or e-mail rhogue@azstarnet.com. Responses will appear on a future Neighbors page. Include your full name and the name of your neighborhood.

Arizona Daily Star January 18, 2001

Front Page, Business Section

Chairman chides firms for lack of support

pleads for donations

By Richard Ducote
ARIZONA DAILY STAR

Private-sector backing for Tucson's economic development agency is in "pretty sad" shape, the group's chairman said yesterday.

Larry Aldrich, chairman of the Greater Tucson Economic Council, said annual contributions from companies and individuals to GTEC operations fell to less than \$350,000 in the last fiscal year -down from \$620,000 four years ago.

Aldrich said he has "heard all the excuses" from people who withhold support and just want to "let the other guy do it."

He spoke at GTEC's quarterly board meeting at the Arizona Inn.

About two-thirds of GTEC's \$1.5 million annual operating budget is borne by the city of Tucson and Pima County.

Aldrich said proof of GTEC's effectiveness is that Tucson recently ranked No. I in the nation for job growth at the end of a decade of sizzling economic growth nationwide.

"We are not remotely resting on our laurels," Aldrich said. "If we are to have a growing, dynamic economy, we have to have resources."

While Aldrich singled out UniSource Energy Corp. for its strong backing of

GTEC, he challenged other utilities, financial institutions and real estate development and brokerage firms to "find a way to contribute."

UniSource, the parent company of Tucson Electric Power Co., has committed \$100,000 annually for four years to GTEC's operation.

About 250 member companies and individuals contribute to GTEC operations, Aldrich said.

After the meeting, Aldrich said the board is continuing to search for a permanent CEO for the organization. A "headhunter" company is helping with the search, and a new executive could be named within three or four months.

John Grabo, GTEC interim president and CEO and a candidate for the permanent job, said the organization is beefing up its efforts to sell Tucson to potential new employers by integrating its marketing plan with other local groups. They include the Tucson Metropolitan Chamber of Commerce, Tucson International Airport, the Metropolitan Tucson Convention & Visitors Bureau and the University of Arizona Science and Technology Park.

Such efforts leverage all the area's marketing efforts to enhance Tucson's image and attract businesses, he said.

In the fiscal year that began July 1, GTEC counts seven new "corporate citizens" bringing 740 jobs to the community and accounting for 611,000 square feet of facility space, most of it new construction.

The largest new employers are:

- Slim Fast Foods, which is building a 500,000-square-foot facility near the UA Science and Technology Park to be completed next year, employing 150 workers.
- Card Management Corp., a teleservices firm that will employ 300 people at 3870 N. Oracle Road.
- Plastic Moldings Corp., a manufacturer for the cellular phone industry expected to employ 150 people in a new 70,000-square-foot facility in Century Park Research Center on the Southeast Side.

Focusing on the UA's involvement in economic development efforts, Bruce Wright, chief operating officer at the Science and Technology Park, said the facility is fully leased and needs to expand to accommodate both existing tenants and new activities, including more research and development facilities. A proposal for the expansion is expected to go to the Arizona Board of Regents soon, he said.

The Science and Technology Park is "not so much a facility but an

environment" for growing high-tech firms, Wright said, and represents a strong bid by the university to compete in the high-tech industry.

The park includes the Tucson Technology Incubator Inc., a nonprofit organization supported by the university, the city of Tucson, businesses and individuals. It takes a small equity stake in start-up businesses and provides management, marketing and financial expertise.

Also at yesterday's meeting, GTEC elected three new members to its 48-seat board of directors. They are: Steven E. Rosenberg, publisher of Tucson Lifestyle magazine; Bob Hagen, president of HCS, a Web development company; and Jackie Norton, director of the Arizona Department of Commerce.

Contact Assistant Business Editor Richard Ducote at 573-4178 or at ducote@azstarnet.com.

lech park may le in size

University of Arizona officials hope to get approval from the Board of Regents.

By LORRIE COHEN

The University of Arizona Science and Technology Park would nearly triple in size under a proposal UA officials are pitching to the state Board of Regents.

UA says the once-struggling park is fully occupied, forcing it to turn away prospective tenants.

"It is critical for the park that we expand. We are out of space," said Bruce A. Wright, the park's chief operating officer.

Under a proposal announced sterday:

Space available for lease at the far Southeast Side park would expand to 4.3 million square feet from the current 1.8 million square feet.

 An 1,100-acre parcel south of Interstate 10 would be added to the park, giving it a total of 2,445 acres.

About 345 acres of the existing 1,345 acres have been developed.

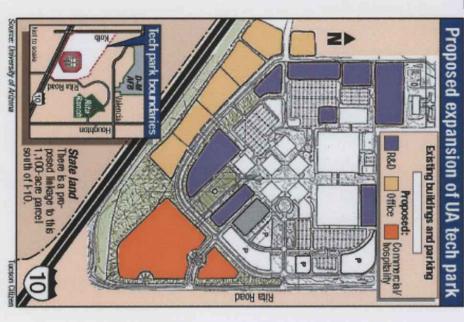
"We are planning for the long term," Wright said. "We don't want to be in the position where we can't accommodate future growth."

He said UA officials will discuss expansion plans with regents Jan. 26, with hopes of winning approval by March. Construction would start this summer and last about five years, he said. Wright did not give a cost for the expansion but said the work would be privately funded. If regents approve the plans, Wright said he plans to start meeting with investors, banks and developers by mid-April.

"We have 60 to 70 names in our database," he said. "But first we need Board of Regents' approval, and then we will bring them in and show them our vision."

That vision includes developing more facilities for research and development, information technology, and assembly and manufacturing work.

Offices and laboratories would take up about 1.9 million square feet of the new space. About 400,000 square feet would be used for expansions by existing tenants. The park's current



Front Page January 18, 2001 Tucson Citizen

companies. support services arm for software Missile Systems Co. and Keane Inc., a tenants include IBM Corp., Raytheon

retail shops. Rita Road with up to 300 beds, and Plans also call for a hotel along

anything would definitely hurt the local expansion if the national economy should turn sour, but he said not doing economy. Wright acknowledged the risks in

the companies go somewhere else." "Then Tucson loses," he said. "and

UA officials say the park's tenants pump about \$1 billion a year into Fucson's economy.

companies with 6,000 employees. ago, it has grown from two tenants with 1,700 employees to more than 30 Since the park opened six years

in the country. largest university-related research park In 1999, it was ranked as the sixth-

average of \$30,200, he said. compared with the Pima County average of about \$47,000 a year, And those employees would earn an UA's expansion plans become reality. employees would work at the park if Wright estimated that up to 12,000

working on designs for the park's expansion though a joint project with Southwest Gas Corp., which donated \$100,000 to the college, Wright said. UA architecture students have been

> Park officials hope many of the students' ideas would be used in the expansion.

Arizona Daily Star January 19, 2001 Front Page, Business Section

UA to present ambitious plan to Board of Regents

ech park seeks expansion

By Alan D. Fischer ARIZONA DAILY STAR

The University of Arizona Science and Technology Park is filled to capacity, and officials there unveiled an ambitious expansion plan this week.

The three-pronged growth plan calls for revising the facility's land use plan to allow for up to 4.3 million additional square feet of development in the southeast portion of the park, designating an additional 129 acres of the park as a tax-exempt research and development area, and acquiring an additional 1,100 acres of state trust land for long-term park expansion needs, said Bruce A. Wright, chief operating officer.

The plan will be presented to the Arizona Board of Regents next Friday, and that group is expected to vote on the matter in early March, Wright said.

Park director Marshall A. Worden said that 6,000 people earning an average of \$48,000 per year now work at the site. When fully developed, the facility could have up to 25,000 employees, Worden said.

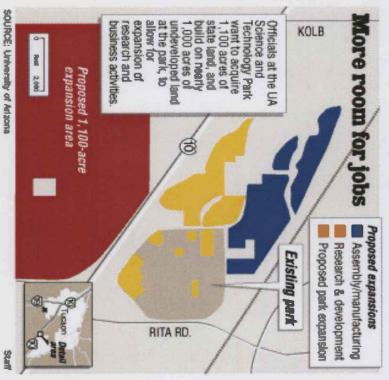
Worden said the park's \$1 billion annual local economic impact is expected to grow as the facility expands.

"We're out of space," Wright said Wednesday night at a public meeting announcing the expansion plans. "We've leased every single inch of space, and there is demand to bring more space on line."

Wright said 345 of the site's current 1,340 acres are developed, and include 1.8 million square feet of leasable space that currently houses 21 high-tech companies that include Keane Inc., IBM, Imation Corp. and Raytheon Missile Systems, along with other operations.

But with no more space available, park officials have been turning away potential tenants, some of whom located in other cities. Wright said park officials are currently in discussions with 15 potential tenants, seeking facilities ranging in size from 2,000 to 250,000 square feet.

Park officials want to revise the existing land use plan to build additional facilities for research and development, offices, and commercial



Arizona Daily Star January 19, 2001 Front Page, Business Section

and hospitality businesses on 180 acres adjacent to existing buildings. The existing utility infrastructure could handle some of the growth, but outside sources for water and sewers will be needed too, he said.

The park plans to build new "smart shell" structures to accommodate high-tech firms by offering clean rooms, telecom wiring, wet labs and the ability for fast-growing companies to expand their square footage.

Wright said such buildings are extremely expensive, with shell-and-core costs of up to \$225 per square foot, compared with typical office construction costs of \$60 to \$70 per square foot.

square foot.
"This is risky," he said. "High-tech companies change very rapidly, and the economy could change very quickly."

Wright said no state or UA funds will be used for the expansion. Instead, joint ventures, private investors and developers will provide the cash. He said numerous investors who have already expressed interest in the project will be invited to a mid-April bidders conference. He declined to speculate on a price for the project.

Assuming rapid regent approval. Wright said, the first new buildings could be ready within 18 to 24 months.

Wright said the park also hopes to expand the existing 345 acres designated as research park space by an

additional 129 acres. This would extend the area exempt from real property taxes, he said. He said that despite the research park designation covering part of the park, the operation paid \$39 million in taxes in 1999.

And looking at long-term needs, park officials are asking for the regents' approval to move forward with plans to acquire 1,100 acres of state land south of the existing park, across Interstate 10.

Wright said many other university-affiliated science and tech parks have run out of room to expand, and the UA wants to avoid that by acquiring additional land now.

Wright said now is the time to acquire the land needed for future growth, before prices rise and availability dwindles.

Area residents attending the meeting said they generally supported the expansion plans, but some had concerns about what growth would mean to area traffic - already a problem with the existing operations at the park.

"They've been an excellent neighbor," said Anne Lopez, who also said that roads feeding into the park, which include Rita, Valencia, Houghton and Old Vail, are inadequate, and with planned park growth, traffic will become an even bigger problem.

She also urged that public transportation and shuttles linking the park with the UA be implemented.

Wright said road expansion and traffic signals are planned, with improvements to be paid for with traffic improvement district bond sales.

The money would be repaid by owners of property adjacent to the improvements, which include the UA, Slim-Fast Foods Co., Diamond Ventures Inc. and Imation.

* Contact reporter Alan D. Fischer at 573-4175 or at afischer@

azstarnet.com

Inside Tucson Business January 22, 2001 Page 2

Tech Park to expand

ventures and private investors, must still be approved by the and research space. The project, acres, of which 345 are developed. With further area growth plan, hoping to expand the current 6,000 job capacity to will see the plan Friday. Arizona Board of Regents, which which would be funded by joint purchase of 1,100 nearby acres, designated tax exempt and the up to 25,000 jobs in a few years. million square feet of industrial the park could add up to 4.3 Park last week presented their Arizona Science and Technology The tech park now covers 1,340 Officials at the University of



The University of Arizona will accept public comment on the proposed expansion of the University of Arizona Science and Technology Park. The Master Plan calls for the addition of 4 million square feet of office and laboratory space and support facilities over the next 10 years.

Where:

The University of Arizona Science and Technology Park 9000 S. Rira Road, Building 9040, Presentation Room 1350

Whe

January 17, 2001, 7:00-9:00PM

For additional information, including directions, please call (520) 621-5287.

Arizona Daily Star Tucson Citizen January 16 & 17, 2001

Inside Tucson Business January 15 - 20, 2001



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9000 S. Rita Road, Building 9040, Presentation Room 1350

January 17, 2001, 7:00-9:00PM

For additional information, including directions, please call (520) 621-5287.

FOR IMMEDIATE RELEASE 2 February 2001

As of the above date, Students Against Sweatshops is releasing a suggested reply to Nike from the University of Arizona. SAS feels that this letter is the only appropriate response that the University can make to the Kuk Dong situation in Mexico.

Mr. Dusty Kidd Vice President, Corporate Responsibility Nike, Inc. One Bowerman Drive. Beverton, OR 97005

Dear Mr. Kidd:

The University of Arizona wishes to express its dissatisfaction about the labor abuses and physical violence against workers at the Kuk Dong Factory in Atlixco, Puebla, Mexico and about Nike's recommended course of action. Despite the testimonies and reports issued by the Kuk Dong workers themselves, United Students Against Sweatshops, the Worker Rights Consortium, and the International Labor Rights Fund revealing and documenting these abuses, Nike has recommended nevertheless that more research be conducted. Of greatest concern is the fact that Nike does not appear to be willing to uphold its code of conduct requiring that the management of its subcontracted factories uphold the right of workers to organize unions which they choose through free and fair elections. The event that has focused our attention, indeed, international attention on Kuk Dong is the January 9 walkout of 800 workers in support of their five fellow workers who were organizing an independent union at Kukdong. The workers felt that an independent union was required given that management had enrolled them in a government union, the CROC, without their knowledge.

Although this latest incident violates Nike's promise to enforce just labor practices among its subcontractors, Nike has also knowingly allowed Kuk Dong to be in violation of other provisions of its code for quite some time. The testimonies and reports released thus far have already established that the actions taken against the workers at the Kuk Dong Factory violate Nike's own Code of Conduct, the FLA Code of Conduct, the WRC's charter, and indicates a breach of the labor provisions in the UA/Nike contract. Because Nike has admitted knowledge of many of the abuses against the Kuk Dong workers on Friday, 12 January, it is currently in 'material breach,' which is defined in the contract to mean: 'recurring material code violations by a contractor which Nike has, despite knowledge of a contractor's RECURRING, failed to remedy.' See, for example, the Nike-sponsored student monitoring report of the Kuk Dong factory published on Nike's website (www.nikebiz.com). This report, dated March 12, 2000, reveals that workers were deprived of their right to organize. Thus, it is clear that Nike has known about these problems for quite some time.

No amount of further research is needed to remedy the plight of the workers at Kuk Dong. On the contrary, if research is Nike's only course of action in the near future, that research will be to delay action, not take action. Concrete action, and not research, must be taken now, action that only Nike can initiate.

Regretfully, on February 2, 2001, Nike released a statement that seems to reveal exactly what it hopes to accomplish through these delays—the elimination of the rights of workers to organize an independent union. It that statement, Nike states: "Since January 29th, two independent observers have been on-site at the factory working solely to facilitate workers' safe and fair passage back to their jobs in accordance with Mexican labor laws. For your information, Mexican labor law, and the current collective bargaining agreement signed by Kukdong and the CROC union, requires that in order for workers to return to their jobs at the factory, they must recognize CROC as their representative union. However, once re-employed, workers do have the right to seek an election and a new representative union. The observers have already reported back some instances where CROC may have sought to penalize workers who did not support the union in the recent strike. Nike and Kukdong management are working closely with local government officials and NGOs to assist workers' return to their jobs at Kukdong without reprisal or loss of compensation. Nike unequivocally supports the Kukdong factory workers' right to select a union that best represents their interests, in accordance with Mexican laws. Toward that end, Nike will soon schedule Freedom of Association and Collective Bargaining training - as enshrined in ILO Conventions 87 and 98 - for Kukdong factory management and workers to ensure that they are aware of workers' rights to select their own union."

While this statement seems to be addressing the concerns we are expressing here, Nike has failed to point out that, had Kuk Dong been required to respect the rights of workers to freely organize, rather than enrolling them in the CROC without their knowledge, the legal bind with Mexican labor law they now claim they are in would have been avoided. In addition, we find it distressing that Nike can't find a more creative way of dealing with the presence of CROC at Kuk Dong, such as questioning the manner in which CROC was forced upon the workers in the first place. Finally, it is insulting to the workers who have literally risked their lives to fight for an independent union to suggest that they need to be trained in collective bargaining.

Therefore, the University of Arizona demands that Nike immediately require Kuk Dong management to rehire all workers who: 1) have been arrested by Mexican police at the behest of Kuk Dong management; 2) were forced to sign letters of resignation by Kuk Dong management; 3) were fired by Kuk Dong management; and 4) have been threatened and terrorized by the CROC in collusion with the Kuk Dong management.

We demand that all 800+ workers be rehired immediately, even if they refuse to recognize the CROC as their union.

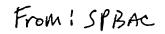
We look forward to Nike's immediate action.

The Office of the President, The University of Arizona

Chair of the Faculty's Report

Faculty Senate, February 5, 2001

- I. The SPBAC Near-term Budget Recommendations for2001 (handout) --- SPBAC Chair to return in March
- II. Bills related to the Universities now in the Legislature (see handout)
- III. The status of any progression toward Arizona Regents
 University (ARU) recent Regents meeting



Near-Term Budgeting Guidelines 2001 - 2003 December 22, 2000--Revised 1/25/01

Mission: To discover, educate, serve, and inspire.

Description

The University of Arizona, an outstanding public, land-grant, educational, and research institution, is dedicated to preparing students for an increasingly diverse and technological world and to improving the quality of life for the people of Arizona and the nation. The University provides an environment for discovery where distinguished undergraduate, graduate, and professional education are integrated with world-class basic and applied research and creative achievement to enhance everyday life at the community, national, and international levels.

Vision: To be a preeminent student-centered research university.

Strategic Plan Goals

Goal A: To be a distinguished and accessible center of learning and discovery.

Goal B: To enhance the University community as learner centered and to create a genuine sense of belonging.

Goal C: To improve the quality of life of the people of Arizona through outreach.

Goal D: To gain and retain the human and physical resources and environments required to achieve the university's vision and goals.

Priorities

Student Recruitment

- Provide financial aid, adequate compensation, reasonable teaching loads, and other incentives to successfully compete for top quality graduate students.
- Provide financial aid and other incentives to more successfully compete for the top high school and community college transfer students.
- Provide adequate resources to identify and successfully recruit a student applicant pool that reflects the diversity and quality necessary to assure a valuable and well-rounded university experience.

<u>University Programs</u>

 Enhance the quality of university programs by ensuring competitive faculty, graduate student, and staff compensation.

- Increase support for programs with steadily increasing student demand.
- Support only those student services that have demonstrated effectiveness in improving student success, learning, and retention.
- Support high quality programs that are nationally ranked; are rapidly becoming recognized at the international, national, or regional level; or that otherwise demonstrate excellence.

State Issues

Address critical issues of importance to the State including:

- Access
- Economic Development
- Quality of Life
- Workforce Development

Infrastructure

Support infrastructure activities, facilities, technologies, compliance, training and/or development that are critical to achieving the University's priorities for instruction, research, and outreach.

General Considerations

Promote:

- Investments that complete the necessary conditions for achieving an individual goal or objective of the strategic plan.
- Investments essential to the physical operation of the University.
- Investments made now for a central program or activity that avoid substantially larger investments later to achieve the same result.
- Investments that make significant contributions to two or more of the strategic plan goals and objectives.
- Small investments to achieve an entire strategy.
- Investments that promote increased additional revenues for the university.

SPBAC Recommends Holding The Line in the Following Areas

- Avoid overall reductions in workforce capacity for academic units.
- Protect existing library dollars.
- Refrain from using new state dollars beyond proposition 301 to fund state issues in the short term.
- Reexamine increasing support for programs with a steady record of low student demand.

Funding Sources That Should Be Acknowledged/Examined

- Internal Volunteers (i.e. on campus legal help to address diversity issue)
- Dollars from released completed commitments
- Campaign Arizona
- New State dollars
- Gift dollars
- Research funds including IDC
- Student fees or differential tuition
- Proposition 301 and the long term resource opportunities it provides
- Potential reallocations or unit efficiencies
- Auxilliaries

For the Chair of the Faculty's Report, Faculty Senate, February 5, 2001

Board of Regents Meeting January 25 and 26, 2001 Item #3 Page 1 of 5

Bills Affecting Arizona's Public Universities First Regular Session – 45th Legislature (2001)

Bills that would help the university system, or that favorably impact students, faculty or other employees, or that enhance the ability of the board and the universities to carry out their mission and roles effectively:

HB 2048 Retirement; ASRS Multiplier

Changes the way the multiplier is applied to calculate retire ment benefits, depending on years of service. Multiplier remains 2.1 for employees having less than 15 years of service, and increases incrementally to 2.5 for 25 years or more of service.

Main Sponsor: Rep. Brimhall

HB 2049 Retirement; ASRS Multiplier

Changes the multiplier from 2.1 to 2.5 for all retiring employees to determine retirement benefits.

Main Sponsor: Rep. Brimhall

HB 2093 Pima College/UA Appropriation

Appropriates 5.2 M to UA and 4.7 M to Pima Community College from the state general fund to construct a joint classroom, library, bookstore and foodservice facility at the Pima Northwest Campus.

Main Sponsor: Rep. Huffman

HB 2141 Teachers; Master's Degree; Loans

Establishes a student loan fund for teachers to obtain their Master's degrees. Fund is to be administered by the Board. Contains a blank appropriation from the state general fund. *Main Sponsor:* Rep. May



Board of Regents Meeting January 25 and 26, 2001 Item #3 Page 2 of 5

Bills Affecting Arizona's Public Universities First Regular Session – 45th Legislature (2001)

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Bills that would affect the university system but that may require additional discussion before a position is adopted; or that may require a position of neutrality at this time:

HB 2108 Parkinsons Disease Research

Appropriates \$1M from the state general fund to the AZ Disease Control Research Commission to establish research contracts.

Main Sponsor: Rep. Weason

HB 2111 Retirement; state service credits; transfer

Allows inactive members of a retirement plan to transfer retirement credits from one system to another. Previously only active members could make transfers.

Main Sponsor: Rep. Blendu

HB 2143 Hazing Prohibition; Fraternity

Defines and prohibits hazing. Main Sponsor: Rep. May

HB 2192 Alzheimer's Disease Research Appropriation

Appropriates \$2M from the state general fund to the Dept. of Health Services for distribution to universities, hospitals and research centers for Alzheimers research recruitment and retention efforts.

Main Sponsor: Rep. Huppenthal

HB 2207 Yuma Education Complex, Appropriation

Appropriates \$6M from the state general fund in FY 2002 to ABOR for a higher education and science complex to aid NAU UA and AZ Western College Main Sponsor: Rep. Carruthers

HB 2250 Rural Telemedicine

Appropriates \$250,000 from the state general fund to UA for a Telemedicine Behavioral Health Program.

Main Sponsor: Rep. Knaperek

HB 2299 Fredonia Learning Site Appropriation

Appropriates a blank amount from the state general fund to ABOR for an NAU distance learning site in Fredonia.

Main Sponsor: Rep. Laughter

Board of Regents Meeting January 25 and 26, 2001 Item #3 Page 3 of 5

HB 2417 State Employee Salaries

Appropriates \$188.8M in FY 2002 and \$379.9M in FY 2003 for salary increases based on merit and classified maintenance review.

Main Sponsor: Rep. Brimhall

Salories: CSA Included

SB 1026 Community Colleges; Universities; Indian Reservations

Requires universities and community colleges to enter into an intergovernmental agreement with a an Indian Tribe, Council or Organization before establishing a facility or program on a reservation.

Main Sponsor: Sen. Jackson

SB 1038 Rural Medical Services

Doubles to \$500,000, the allocation from tobacco tax money appropriated for telemedicine pilot programs for FY 2002.

Main Sponsor: Sen. Arzberger

SB 1040 Tax Credit for Rural Health Providers

Allows for a tax credit of up to \$2,000 for primary care physicians, dentists and optometrists, or mid-level providers who practice in rural areas.

Main Sponsor: Sen. Arzberger

SB 1109 Medical Student Loans

Changes language to define rural and underserved areas. Limits loans to amount charged at public medical schools in Arizona.

Main Sponsor: Sen. Smith

SB 1126 Appropriation; Capital Grants; Health Services

Appropriates \$2.5M from the tobacco tax medically needy account in each FY 2002 and FY 2003 to fund capital project grants for rural health services.

Main Sponsor: Sen. Arzberger

SB 1172 Schools; Character Education

Moves administration of the character education matching grant program from the (Poblem?)

Department of Education to the K-12 Center at NAU.

Main Sponsor: Sen. Petersen

SB 1180 Uniform Athlete Agents Act

Repeals Athletes Agent statute; Secretary of State would register, regulate agents (fine up to \$25,000/violation); Contract for student athletes is outlined; blanks included to designate class for violations; allows schools to recover penalties.

Main Sponsor: Sen. Bennett

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Board of Regents Meeting January 25 and 26, 2001 Item #3 Page 4 of 5

Bills Affecting Arizona's Public Universities First Regular Session – 45th Legislature (2001)

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Bills that are potentially detrimental to the university system, or that adversely impact students, faculty or other employees, or the ability of the board and the universities to carry out their mission and roles effectively:

HB 2262 Performance based incentives program

Requires ABOR and DOA to develop a performance based employee appraisal system based on goals and objectives. 80 percent of vacancy saving could be used to reward employees in the program. Establishes oversight committee for program.

Main Spansor: Rep. Huppenthal

The following bill would not directly affect the university system, but may require close monitoring:

HB 2317 Postsecondary Textbook Accessibility

Requires publishers of community college textbooks to provide material for the production of Braille and alternative format materials. Intent clause also requires universities to participate in bill implementation.

Main Sponsor: Rep. Hershberger

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Board of Regents Meeting January 25 and 26, 2001 Item #3 Page 5 of 5

Bills Affecting Arizona's Public Universities First Regular Session – 45th Legislature (2001)

Posposed Legislation that may affect the universities or the Board:

Changes to the ABOR Optional Retirement Plan that would lift the restriction on distributing funds to employees before retirement, allowing employees to withdraw their funds upon leaving the universities or ABOR office.

An appropriation of \$500,000 for a master articulation plan to be developed by ABOR, the State Board of Directors for Community College and the Board of Education. The plan was recommended by the Arizona Town Hall.

An increase in the State's match for the Arizona Financial Aid Trust Fund. Arizona Students Association (ASA) has found legislative support and is drafting a bill to increase the State's match to a 2:1 match.

BOARD OF REGENTS STUDY SESSION January 25, 2001 ARU Tab #3 Page 1 of 12

Developing an Operational Model for Arizona Regents University

Summary

Arizona Regents University is a cooperation among the three state-funded Arizona universities, coordinated by ABOR staff, to develop and share e-learning resources. The rapid growth of web-based and other electronic coursework holds substantial promise for expanding access to higher education, not only for prospective students living far from a university campus, but also for matriculated students resident on one campus but drawing on other universities' distance offerings. The explosion of distance learning opportunities made possible by the Internet encourages 'cross-enrollment' among multiple providers. Students on campuses remain the strongest market for distance-deliverable courses, but as distance programs grow stronger and more diversified, new students will be attracted into the market.

Redeeming the promise of expanded access requires more than availability of distance courses, however. For a student drawing from multiple providers, administrative support (including registration, transcript evaluation, financial aid administration) and academic support (library resources, computer services, advising) must be made more convenient and more coordinated. Since most enrollments in distance courses are by campus-resident students, cross-enrollments tend to involve affiliation with both a 'home' institution and a remote course provider, and lack of cost- and revenue-sharing between the two institutions create disincentives to cooperation in arranging co-registration. Students will benefit greatly if higher education institutions find ways to cooperate in both instruction and administration.

The purpose of this proposal is to advance toward seamless sharing of courses within the Arizona university system, removing disincentives to cooperation through explicitly negotiated sharing of revenues among institutions contributing to a student's education. Assuming satisfactory resolution of administrative, financial, and academic issues identified below, we will agree to accept one another's courses as 'imports' and will make registration in these imported courses seamless from the student's standpoint. This will be accomplished by each campus registering its own students (including newly admitted 'distance' learners) into courses offered by any combination of providers and dividing tuition and other revenues equitably between import course providers and 'home' institution.

Background

In 1998, 62% of four-year higher education institutions were offering distance courses, and by 2002, this is expected to rise to 84%. Distance course enrollments will exceed 2 million by 2002, as compared with less than a third that number in 1998 (Web-Based Education Commission, 2000, p. 77). Most of these enrollments will come from students

Draft for Discussion Last revised: January 16, 2001 Contact: Sally Jackson (sjackson@u.arizona.edu, 520-626-7418) currently studying on university campuses (National Education Association, 2000, p. 34), although increasingly, working adults and even students making an immediate transition from high school to college may opt to study entirely at a distance rather than undertake the expense of setting up a student residence on or near a university campus (Twigg & Oblinger, 1997, p. 1). Distance courses are now entirely mainstream, and the emergence of education brokers and aggregators has made it easy for students, regardless of location, to find courses in almost any desired subject.

For a campus supporting a resident student population, the growth of electronically delivered education is a very mixed blessing. Being able to deliver courses to students geographically separated from the campus is desirable, especially for public institutions, since it expands the capacity of the institution to serve its constituents. However, since this capacity is also available to other providers, any particular campus can incur unreimbursed costs to the extent that students resident on the campus take advantage of campus resources while diverting enrollments (and tuition revenues) to other providers. In the extreme case, a university might find itself supporting a large population of resident students who 'import' significant numbers of electronically-delivered courses from other providers but rely on the home institutions for free goods like the library, computer labs, student services, and so on.

The problems this can create for universities are widely noted but poorly understood. Universities are generally far more willing to export courses than to import them (Smith, 1998), for the perfectly sensible business reason that tuition and enrollment are the means by which both direct and indirect costs of instruction are financed. When it is recognized that most enrollments in electronic courses will be by students located on campuses and requiring services from those campuses, the viability of a "free market" business model becomes much more uncertain. When one institution delivers instruction to another institution's resident student, both institutions contribute value and both incur costs (one as direct costs for the course and the other as overhead—for example, maintenance of computer labs and libraries). But in a straightforward import/export model, only one of the two institutions recovers any costs through collections.

No publicly funded institution can afford to finance material and administrative support for students without also collecting tuition and other funds currently linked to enrollment in courses. Revenue loss and other costs are a serious concern for universities importing more credits than they export. For Arizona universities, where state funding is closely linked to enrollment growth and decline, the importation of courses from other providers would have immediately visible effects on the individual campuses and the system as a whole. Should we experience a significant loss of enrollment to providers outside the system, the funding base of the universities would shrink without corresponding reduction in the cost of operation. Even significant shifts of enrollment within the system

(for example, through heavy enrollment of one institution's resident students in another institution's courses) present serious budget problems that make the entire arrangement unstable.

What keeps this from happening too broadly and too quickly is the thick layer of institutional practices that make it hard to do anything with a distance course from a provider other than the home institution. In other words, while it is easy to find distance courses, and possible to enroll in them and successfully complete them from a distance, it is still very difficult to assemble a full-time degree-leading aid-eligible program of study by picking and choosing among multiple providers. Relatively few of the students currently enrolled in distance courses are importing them from remote providers to their home institutions; instead, they are taking distance courses from their own institution or from another campus of the same institution (National Education Association, 2000, p. 34). To make courses more accessible to students working from a distance, it is critical not only to make them available electronically, but also to make it much easier for students to enroll in them and combine them with home institution offerings.

Not surprisingly, even most consortia created with the express purpose of pooling distance learning resources have retained separate, campus-dependent registration processes that put obstacles in the way of student decisions that would shift enrollments from home institutions to remote course providers. The Southern Regional Education Board's Electronic Campus, one of the most cooperative and successful distance education consortia, still requires students to register separately at each institution from which a course is taken. The problems this presents to students go far beyond inconvenience: A student enrolling part-time at several distinct institutions may find it impossible to maintain eligibility for federal financial aid and other forms of financial support.

Reducing barriers to enrollment in remote providers' courses increases opportunities for students, but it also increases costs to the home institution (for directly and indirectly provided services) while reducing revenue. If our goal is to expand opportunities for anytime/anyplace learning, means must be found to manage the impact of enrollment shifts occurring around distance courses so as to fairly apportion revenue among all contributors to a student's education.

High-level administrative coordination among education providers is therefore a critical component of an e-learning strategy, second only to course and curriculum development. To build sustainable opportunity, balanced consideration must be given to interests of individual students, interests of existing institutions, and interests of the State in how universities contribute to general economic well being. Long-standing policies must be re-examined for unsuspected consequences on personal and institutional decision-making, and careful thought must be given to the complicated cost components of college education.

Students gain most from arrangements that make it easy for courses to be imported and exported among institutional partners. To be sustainable, such arrangements much provide for money to divide equitably between those institutions providing basic material conditions required for study and those institutions providing individual courses. Under this proposal, the difficulty of importing courses from particular sources will be managed very deliberately to make it easy for students to take courses from any Arizona provider but relatively difficult (as it is now) to take courses from other unknown sources.

In broad outline, this is what has been implemented for Arizona Learning Systems, a statewide consortium of community colleges sharing electronically delivered courses (including interactive television and web courses). Each campus may decide autonomously whether to accept any given course for import, but once the course is accepted, responsibility for enrolling and billing students remains with the local (receiving) campus. The originating campus receives payment from the receiving campus as a flat rate based roughly on tuition charged to students. To extend this model to the university system requires solution to several problems particular to the university system, most notably assimilation of remote coursework into the home schedule of classes, movement of student data among university information systems, and negotiation of a fair division of tuition revenue and enrollment credit.

Present Status of Arizona Distance Learning

For several years the three state-funded Arizona universities have been working with Arizona Board of Regents staff to devise ways of getting best possible value for investments in electronically delivered courses. Each of Arizona's public universities offers a number of electronically delivered courses (web-delivered, televised, or video-based), and through the Arizona Distance Learning website (azdistancelearning.org), these offerings are theoretically available to any student with access to the technologies required for the course. In practice, the usefulness of the shared catalogue is limited by the difficulties students face in registering for distance courses and coordinating them with a program of study at the home institution.

As matters stand now, students enrolled in any of the three universities can take courses from the others, but doing so requires effort far beyond what is required to register in courses at the home institution. A student must be admitted to each institution providing coursework, and once admitted, the student must register with each university for that university's courses. Special arrangements may be required to qualify for financial aid, and tuition payment can become quite complex. Present procedures and policies are summarized in Appendix A, a briefing document that initiated and guided campus-level and system-level deliberations over how best to manage cross-enrollment traffic generated by azdistancelearning.org.

Goals and Constraints

Our goal in developing an operational model for Arizona Regents University activities is to make co-registration as "seamless" as possible, in order to really redeem the promise of increased access to electronically delivered coursework. Students admitted to one Arizona university should be able to take courses from other Arizona providers without running an administrative obstacle course. Students not presently admitted should be able to apply to the most appropriate of the institutions and gain in that step such access to electronically delivered courses, as is available systemwide.

Responsible planning for the growth of electronically delivered education requires attention not only to the availability of individual courses, but also to the quality of the courses and to the assembly of these courses into coherent programs of study. Control of curriculum is a matter of faculty governance and cannot be delegated to administration (Council of Higher Education Accreditation, 2000). Accreditation of distance programs as well as hybrid (campus + distance) programs is highly likely to require evidence of overall coherence (see the Draft Guidelines developed by the eight regional accrediting organizations at http://www.ncacihe.org/resources/draftdistanceguide/distguid.pdf). Faculty must be involved in approval of courses to appear in the university's schedule of classes, not only in order to assure fit with an overall program of study but also to be able to confidently vouch for quality. For this reason, finding means to systematically evaluate one another's courses is an important component of a sustainable business model for cross-enrollments. Our goal is to make it as easy as possible to register for courses that make sense within coherent programs of consistent quality.

A major constraint on any proposed method of creating seamless registration procedures is the need to recognize a difference between courses designed to fit a coherent program of study and courses transferred in to supplement that program. The philosophy behind the present registration systems of the three Arizona universities and the statewide community college system is that a course from any institution other than the home institution is a "transfer" course, and to make transfer courses indistinguishable from home courses would eliminate information that is very important to advising and academic planning. We assume that we will maintain the distinction between transfer courses and home institution courses, and that we will find ways of communicating the nature and significance of this distinction to students. This is a matter of institutional integrity, popularly described as protecting our "brands" but understood by professionals in registration and curriculum as a matter of maintaining organizational identity and data integrity.

The following requirement summarizes our goals and the major constraints we must respect in meeting these goals:

Any proposed operational model for tri-University collaboration in distance education must address two basic interests: an interest in making student access to Arizona high education as seamless as possible and an interest in protecting institutional integrity, understood most fundamentally to involve faculty authority over curriculum and administrative authority over records and credentials.

Planning Framework

In developing an operational model for Arizona Regents University activities, the range of alternatives worthy of consideration is limited by the goals and constraints described above. The goal of seamless co-registration means, at a minimum, that:

- courses offered through Arizona Distance Learning should be as accessible to students as regular offerings from the home institution, subject to restrictions on transfer credit.
- for these courses, students will have a single point of contact for registration, payment, transcript requests, financial aid, advising, etc. (Students seeking to register in and transfer courses other than azdistancelearning org courses are still free to do so, but at their own initiative and on their own responsibility.)
- cost of instruction at the provider institution will be reimbursed by the home institution, invisibly from the student's point of view.

One model that has already been widely discussed can be rejected for failure to achieve seamlessness in this sense. Were we to create any independent registration process outside the basic business services of the individual campuses (for example, an independently functioning Arizona Regents University office), we might suppose that students admitted directly through that process would have seamless access to offerings of all three universities. This is of course not true, since unless the procedures of the universities themselves change, an ARU student would have to be admitted to each provider institution and would have to register individually with each one upon electing a particular class. More importantly, this solution would do nothing to assure seamless access for students choosing to enroll at one of the three universities but to take electronic courses from one or both of the others. The changes that are necessary for seamlessness are internal to the three campus administrations and must ultimately be worked out at the campus-to-campus level.

Seamless registration is not our only requirement, however. Seamlessness must be achieved without sacrifice of institutional integrity, an issue that depends jointly on who certifies the quality and relevance of coursework and who guarantees the authenticity of student records and institutional data. At a minimum, any acceptable model must preserve and recognize a distinction between home institution courses and transfer

courses and must protect the authority of the degree-grantor to accept or refuse particular transfer credits. (This follows directly from the recently circulated Draft Guidelines for the Evaluation of Electronically Offered Degree and Certificate Programs developed by WCET and adopted by the nation's eight regional accrediting commissions.) A model that satisfies these basic requirements will include the following elements:

- Courses offered anywhere but the home (or degree-granting) institution are considered transfer courses and are so noted on all records.
- Courses from institutions other than the home (or degree-granting) institution appear on the official transcript as transfer courses and are subject to any limitations in force for admissibility and applicability of transfer credit. Special arrangements may be required for jointly administered programs such as the tri-University Master of Engineering, for which curriculum is shared.
- Since grading scales and grading norms differ from institution to institution, courses taken from remote providers cannot count in computation of the student's home institution GPA.
- Each institution retains authority over its own curriculum and degree programs; in other words, electronically delivered courses are subject to the same requirements and restrictions as other potential transfer courses.

Proposed Structure

Making seamless procedures a reality will involve many different tasks done by many different problem-solvers. The following proposed structure is an outline of what would be possible if agreements could be reached on particulars noted as Action Items.

- Each student is admitted to one of the three Arizona universities (unless already matriculated at some other institution willing to accept azdistancelearning.org courses as imports). The admitting university is known as the 'home' university.
- An admitted student registers for any combination of courses from the home catalog, including azdistancelearning.org courses open at the time of registration. Each institution is free to open its courses to the others through addition to the azdistancelearning.org database, and each institution is free to accept or decline particular courses proffered and to "filter" these before publishing azdistancelearning.org courses to prospective students, as is done by the Arizona Learning Systems consortium (see http://als.cc.az.us). Although need to protect enrollments in home institution courses is a valid reason to refuse competing offerings from another provider, it is expected that institutions will negotiate efficient rotation of offerings for interchangeable courses with low demand.

- Action Items (for faculty governance on each campus, working with the Arizona Faculties Council): Develop approval method for evaluating electronic courses for inclusion (as an azdistancelearning org course) in the home institution's course catalog or schedule of classes. Develop "principles of good practice" or other quality standards to codify these methods and satisfy accreditation requirements (such as the principles adopted jointly by the members of the Southern Regional Education Board for their Electronic Campus -- see http://www.srec.sreb.org/student/srecinfo/publications/principles.asp).
- Registration in any course offered by a partner provider launches an exchange of data necessary for record-keeping (identity, admission status, etc.).
 - Action Item (for campus-level data stewards and registrars, with ABOR staff coordination): Develop data model for system or for each individual institution and method for creating an appropriate student record at the time of course registration.
- Fees are collected and aid disbursed by the home institution.
- Twice yearly "reckonings" will be made by the three institutions to remit flat-rate payments based on enrollment exchanges. The flat rate must be determined to be equitable and to provide incentives for expanded access. A flat rate payment set too high will discourage acceptance of imports; a flat rate payment set too low will discourage exports. There is at present no accepted method for determining the total cost of instruction whether delivered on-campus or electronically, and it is inadvisable to try to base the institution-to-institution reckoning primarily on direct costs associated with courses. (See Institute for Higher Education Policy, 2000, and Jones, 2001, for discussion of issues associated with trying to isolate costs of instruction, with or without technology as a factor.)
 - Action Item (for bursars and budget officers, with ABOR staff coordination): Develop an algorithm for the reckoning that takes into account cost of delivering course, cost of maintaining home services, tuition differentials, instate/out-of-state proportions, etc. The default solution might be to pay over tuition (in full or as a weighted average of in-state and out-of-state levels) to the course provider, with all enrollment-related public funding remitted to the home institution.

- FTE is awarded to the home institution.
 - Action Item (for enrollment research offices and ABOR staff): Study consequences of closing home registration in remote-providers' courses on the 21st day of each home calendar. Review 21st-day census and other funding-related practices that might create disincentives for developing broadly accessible electronic courses
- Courses taken from institutions other than the home institution are automatically noted on the transcript as transfer credit and do not figure in computation of the cumulative grade point average at the home institution or in satisfaction of 'residency' requirements.
- At each institution, enrollments of students from the partner institutions are treated as equivalent to enrollments of home institution students in all workload measures. (That is, while FTE is reported by the home institution, internal measures of faculty workload are based on actual course enrollments.)
 - Action Item (for provost staff and/or institutional research offices, working with ABOR staff): evaluate and adjust accountability measures to assure accurate and consistent reporting of activity, most notably faculty workload.

Conclusion

Creating seamless student registration procedures for simultaneous enrollment in several different schools is a formidable task, even within a highly integrated state system like the Arizona university system. We propose to work first on the task of creating seamless procedures within the university system, then to extend this with appropriate modifications to the Arizona community college system, and finally to consider where and how to open these procedures to other private and public education providers.

From the beginning of this process, it should be understood by all that the ease or difficulty with which students at a given institution can import courses from other institutions is a highly malleable device we can use to guide enrollments in preferred directions. The creation of systemwide seamless registration encourages increase in cross-enrollments among the three Arizona universities. The decision not to extend these to all potential providers does not prevent students from shopping for distance courses elsewhere, but limits the exercise of this alternative by making it less attractive as compared with the system's own offerings.

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Glossary

Co-registration: management of registration, including rostering of students into particular courses, between two different institutional information systems.

Cross-enrollment: enrolling in courses offered by two or more institutions within the same academic term.

Home institution: a student's primary academic affiliation, identifiable through residence on campus, candidacy for degree, continuing full-time status, receipt of financial aid, or other similar attachments.

Imports and exports: courses delivered from one institution to another institution's matriculated students. These concepts apply very specifically to the exchanging of courses among current student populations, not to the extension of courses to new or otherwise unaffiliated students.

Seamless co-registration: registration in courses offered by more than one institution through a single set of transactions that appear to students no different from registration in courses from a single (home) institution.

Appendix A: Current Policy Related to Cross-Enrollment (Circulated within ARU planning group as "Disclosure elements for each university's website")

Registering

- Students must be 'admitted' to each university from which they take classes
- Travelling Scholar authority may be used in some cases

Financial aid

- Students may receive financial aid from only one institution at a time
- Students must be degree-seeking to be eligible
- "Load" (full-time/part-time) must be documented through Consortium Agreement for students co-enrolled at more than one institution
- Correspondence courses cannot count in determining financial aid eligibility

Transfer of credit

- Applicability of transfer credit should be determined in advance of registration
- Credits transfer only with grade of C or better
- Co-enrollment may require the exchange of student information between campuses

Grievance Policies and Procedures for Faculty draft 02/05/01

Purpose: To provide for hearing procedures for members of the General Faculty

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

I. Grievance Principles

A. The Board of Regents and the president, administrators and faculty of The University of Arizona (UA) recognize the importance of providing a prompt and efficient procedure for fair and equitable resolution of grievances without fear of prejudice or retaliation for initiating a grievance or participating in the grievance process.

Note: "Grievant" and "respondent" may refer to one or more individuals

- B. Each individual's attempt to rectify a perceived wrong is considered consistent with UA's role as an upholder of individual rights.
- C. The existence of a grievance process in no way diminishes the responsibility of faculty and administrators for the exercise of sound academic judgment.
- D. All grievants shall have clearly defined avenues of appeal and redress that may include mediation and/or a hearing before a faculty committee that reports to the president. The president decides the matter and his or her decision is final. The grievant's rights to further judicial appeal shall not be abrogated by this policy.
- E. Faculty grievance procedures apply to general faculty as defined in the Constitution, Article II.
- F. The preferred option is to resolve grievances internally at the level closest to the grievant. By using internal conciliation and hearing procedures first, the grievant should be able to obtain acceptable results without escalation to a formal charge with an outside agency.
- G. At each level of decision-making, the grievant shall be informed of the informal and formal options available for redress and appeal if the grievance is unresolved.
- H. In cases involving suspension without pay or dismissal, conciliation is mandatory before proceeding to a more formal hearing. In other cases, grievant may choose either a conciliation route that may then be followed by a grievance route or may directly choose a grievance hearing.
- I. The grievant may choose to have legal counsel present at his or her expense in all hearings. If grievant chooses not to have counsel at a hearing, the respondent shall not have counsel at the hearing either. Grievant must notify the respondent within one week of the scheduled hearing whether or not he or she intends to have counsel present at the hearing. Any party may obtain legal advice and assistance in preparation for a hearing, even if a legal advisor will not be present at the hearing itself.
- J. Each grievant has the right to a fair, full, and reasonably speedy investigation and judgment by members of the appropriate committee.

- K. Two or more faculty members experiencing the same grievance have the right to seek redress jointly or individually, unless the basis for the grievance is release solely for reorganization based on either budgetary or financial emergency or programmatic changes, in which case, the grievants shall all seek redress jointly.
- L. Written records of grievance-related matters at each level are to be kept and made available to all parties in the case, except privileged communications or documents that are confidential pursuant to state or federal laws or regulations.
- M. All parties to a grievance are entitled to frequent notification of the status of their case, at least at the conclusion of each stage of the process.
- N. Grievances involving faculty members who teach off the main UA campus shall be handled by grievance procedures prescribed herein, unless overridden by local administrative policies.
- O. Grievants and witnesses are assured freedom from reprisals related to their testimony. A separate whistle blower policy describes whistle blower protections, and when those protections are applicable.
- P. Allegations of sexual harassment may be filed with the University Equal Opportunity/Affirmative Action Office (EO/AAO) following the procedures developed by that office. A separate sexual harassment policy describes the policy and procedures.
- Q. Allegations of discrimination based on gender, sexual orientation, age, race, national origin, religion, disability and/or veteran status may be filed with EO/AAO. Separate discrimination policies describe the policies and procedures.
- R. Generally, a member of the faculty is not entitled to more than one internal grievance process on the same matter. If a faculty member alleges that an adverse decision concerning his or her promotion, tenure, nonrenewal, or release from employment based on a reorganization for budgetary or program changes, was based on unlawful discrimination, the faculty member may proceed to a CAFT hearing following an investigation by the EO/AAO.

II. Grievance Resolution Procedures

A. Introduction

- 1. Informal problem resolution may be requested, or formal grievances may be filed if the grievant believes:
 - a. There has been a violation, a misinterpretation, or an arbitrary or discriminatory application of university policy, regulation, or procedure which, applied personally to that faculty member, infringes upon his or her privileges, responsibilities, or terms and conditions of employment.
 - b. There have been salary, teaching assignment, equipment access or other inequities.

- c. He or she has been discriminated against on the basis of gender, sexual orientation, race, religion, national origin, age, disability and/or veteran status.
- d. There has been an infringement on his or her academic freedom.
- e. There has been improper suspension or dismissal.
- 2. Grievance resolution procedures differentiate among ombudsperson and conciliation processes and grievance hearings. An ombudsperson provides impartial, informal, confidential problem solving and conflict resolution. Conciliation is a more formal process involving the faculty and others (e.g., department chair, dean, other faculty members) who are conferred with individually or assembled by a neutral conciliator. A grievance hearing, the most formal method of resolution, is requested by a faculty member, and conducted by the Committee on Academic Freedom and Tenure. A fourth process involves the filing of a harassment or discrimination complaint with the Equal Opportunity/Affirmative Action Office.
- 3. In most cases, faculty may choose an informal route (ombuds or conciliation), which may be followed (if necessary) by the grievance hearing route or the grievance hearing route alone. In cases involving recommendations for suspension without pay or dismissal from employment, ABOR rules require conciliation be attempted before a grievance hearing can be held. Grievances alleging discrimination or sexual harassment may be filed with either the Grievance Clearinghouse Committee (see section II, C, below for composition of Grievance Clearinghouse Committee) or EO/AA.
- 4. The recommended starting point for resolving grievances is at the head or dean level, whichever is applicable. If, however, the grievant does not wish to follow this route, or this route has not provided acceptable resolution, a grievant has the option of using an ombudsperson, conciliation or a more formal grievance hearing process.

B. Informal Resolution Procedures

1. Introduction

Informal resolution procedures are provided for the faculty member who desires informal assistance in the resolution of a complaint. An ombudsperson, Committee on Conciliation member or professional mediator will mediate, conciliate, and coordinate communication among the grievant, respondent, and others related to the complaint. The purpose of this process is to air differences between the parties and to resolve the complaint to the satisfaction of both parties without resorting to formal hearings. Informal resolution is strongly recommended.

The names of university ombudspersons and members of the faculty Committee on Conciliation are available from the Faculty Center.

2. Ombudsperson Committee

- a. The ombudsperson is an informal process used to prevent disputes where possible, or facilitate problem resolution.
- b. The ombudsperson is a designated neutral who helps manage conflict or perceived conflict by listening and generating options to help the faculty member

resolve his or her problem. The ombudsperson may work with one, both, or all parties to reach a mutually satisfactory agreement and prevent disputes from escalating.

- c. The purpose of this informal process is to provide confidential, informal assistance in resolving disputes or questions in a neutral setting before resorting to formal grievance processes, preserving or improving working relationships and creating a better working environment.
- d. The ombudsperson will not take any action nor disclose any information without the permission of the person seeking assistance, unless required by law to do so.

3. Conciliation Process

- a. The faculty member seeking conciliation shall file a complaint with the Committee on Conciliation within 30 days of the occurrence of the actions which form the basis of the complaint.
- b. The grievant shall not be represented by an attorney during conciliation. He or she may have an adviser from the university community who can attend meetings and review written documentation. Access shall not be given to information deemed confidential or privileged under federal or state laws or if access would constitute an invasion of privacy. If the denies access, all parties will be given a written explanation. If the grievant disagrees with the conciliator's determination, the grievant may terminate mediation and file the complaint within 15 days to the Grievance Clearinghouse Committee.
- c. The conciliator shall have 30 days after receiving written statements from the grievant and respondent to try to resolve the conflict.
- d. Conciliation process results shall be summarized in a report prepared by the conciliator and sent to the parties and to the president.
- e. If a mutually satisfactory resolution results from the conciliation, the process ends. If the parties cannot resolve the differences, the grievant may, if he or she chooses, seek a grievance hearing with a request to the Grievance Clearinghouse Committee. The request shall be filed within thirty (30) days of receipt of the conciliator's report.

C. Grievance Hearing Procedures

- 1. Whether or not a grievant has sought conciliation, he or she may request a hearing by a grievance hearing committee through the Grievance Clearinghouse Committee. If the grievance involves unlawful discrimination, the grievant may file a complaint directly with the Equal Opportunity/Affirmative Action Office (EO/AOO) without first going through the Grievance Clearinghouse Committee.
- a. The Grievance Clearinghouse Committee consists of the chairs of the Committee on Academic Freedom and Tenure (CAFT), the Committee on Conciliation, the Committee on Ethics and Commitment, and a representative of the Equal Opportunity/Affirmative Action Office.

- b. The chair of CAFT will function as the ex-officio chair of the Grievance Clearinghouse Committee. Requests for hearings by a grievance committee should be filed with the chair of CAFT. Faculty may locate the chair of CAFT by visiting the CAFT web page (http://w3fp.arizona.edu/caft/) or by phoning the Faculty Center (621-1342).
- 2. No fewer than three faculty members shall constitute a hearing panel. Members shall not participate in hearings when there is a conflict of interest.
- 3. The grievance procedure will involve the following steps:
 - a. Within 30 days of receipt of the conciliator's report or within 30 days of the occurrence of the actions which formed the basis for the grievance, the grievant shall make a written request for a formal hearing to the chair of the Grievance Clearinghouse Committee. Written requests should be marked confidential and sent to the Chair of Grievance Clearinghouse Committee. If any Board of Regents or University policy provides shorter time limits, the shorter limits will apply.

The request must be filed by the grievant by hand delivery or by certified mail, return receipt requested, with the chair of the Grievance Clearinghouse Committee at his or her university office address and shall state: grievant's name, address, telephone number, a statement of the complaint, remedies sought, and the name and address of grievant's attorney, or that grievant is proceeding without an attorney.

- b. The Grievance Clearinghouse Committee shall decide which committee or process will hear the case based on the following jurisdictional guidelines:
 - 1. Alleged discrimination.

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

- 2. Other faculty grievances, including alleged infringement on academic freedom and tenure, will be handled by the Committee on Academic Freedom and Tenure (CAFT).
 - i. CAFT shall hear any faculty allegation that a decision affecting his or her employment relation with the university was not determined in substantial compliance with regular university procedures. This includes dismissal, nonrenewal of contracts, promotions, sabbatical leaves, and leaves. When, however, the matter concerns the basis or reasons for administrative decisions on promotion or leaves, the committee shall not have jurisdiction.
 - ii. If the allegation asserts that a decision on nonretention or denial of tenure was not determined in accordance with regular university procedures or was based on discriminatory or other unconstitutional grounds, the committee may hear the case. In performing its function of assessing the procedural regularity of the tenure and promotion process, CAFT has an important

fact-finding role, similar to that of a board of inquiry. To the extent possible, this role should be carried out in a non-adversarial, collegial way.

- iii. CAFT shall hear disputes on the amount of salary due a nontenured faculty member who has been suspended or dismissed before the expiration of the employment period.
- iv. CAFT shall hear other faculty grievances, such as alleged unfair treatment because no policies or procedures exist or existing policies or procedures have been misinterpreted, misapplied, or violated by a university administrator.
- c. The chair of the Grievance Clearinghouse Committee shall forward the request for a hearing within seven days after it is filed to respondent, with instructions to respond within 15 days. The response shall contain the name, address, telephone number of respondent, a statement of respondent's position on the issue, and the name and address of the respondent's attorney if grievant elects to be represented by an attorney. Respondent is not obligated to have an attorney.
- d. Within 15 days of the original request, the grievant and respondent will receive written notification from the chair of the Grievance Clearinghouse Committee as to which committee will hear the case and a statement of procedures of that committee.
- e. The grievant may ask the Grievance Clearinghouse Committee to reconsider its decision on case assignment. The reconsideration decision by the Grievance Clearinghouse Committee is final.
- f. The chair of the designated hearing committee will set a hearing date in conjunction with all parties involved in the case. The hearing should begin within 60 days of the date of the original request. The sixty-day period includes only the time when the university is in session. Semester breaks and summer recess are not included. The parties shall receive notice of the hearing date at least 20 days before the hearing date.
- g. A grievance shall not proceed if the grievant, after due notice, fails to be present or fails to obtain a continuance. A grievant may withdraw his or her grievance at any stage in the grievance procedure by writing the chair of the committee designated to hear the grievance.
- h. The grievant shall be advised of relevant statutes of limitation that would affect his or her ability to file for a hearing or investigation outside the university. Specifically, in the case of discrimination, the grievant must file a complaint with the Arizona Civil Rights Division, U.S. Dept. of Education Office of Civil Rights, or the U.S. Dept. of Labor within 180 days of the occurrence of the action complained of. He or she has 300 days from the
- date of occurrence to file with the U.S. Equal Employment Opportunity Commission.
- i. If a grievant commences a grievance with an outside agency based on the same or other grounds, either the conciliator or the chair of the hearing committee, depending on the progress of the internal grievance, will continue the internal grievance, unless the grievant desires to postpone the hearing process or withdraw the internal grievance.

Grievant shall be advised by the chair of the hearing committee to consider filing charges with an outside agency if the deadline to file may pass pending the outcome of the internal process.

- j. No later than 15 days before the hearing date, the grievant and respondent will submit complete written documentation about the complaint and a list of witnesses to the chair of the hearing committee.
- k. The chair of the hearing committee shall send a copy of the written documentation and witness lists submitted by the grievant and the respondent to the committee members within three days after receipt. The grievant's witness list and documentation will be forwarded to respondent and the respondent's witness list and documentation will be forwarded to grievant by the chair within three days after receipt.
- l. The chair of the committee may call witnesses upon request of either party or on the chair's initiative. The chair may also require the production of books, records, and other evidence. Request shall be made either by personal delivery or by certified mail.
- m. Hearings by grievance committees shall be conducted according to the following rules:
 - 1. Hearings shall be recorded on tape. In addition, ABOR requires cases involving suspension without pay or dismissal to be recorded using a court reporter. Deliberations are not part of the hearing.
 - 2. Unless overriding reasons under law or ABOR policy are given to grievant, respondent, and other appropriate parties, all parties shall have access to all information that is presented to the hearing body at no expense to them.
 - 3. While a grievance is being processed, grievant and respondent should be informed about the status of the grievance.
 - 4. Grievant may have legal counsel in any hearing. If grievant elects to proceed without counsel present at a hearing, respondent shall also proceed without counsel present. Either party may have the advice of counsel prior to the hearing. If the grievant has counsel, generally, an attorney in the University Office of General Counsel will advise the respondent.
 - 5. Advice to the grievance committee
 - i. A University attorney may provide advice to the grievance committee if neither party is advised or represented by counsel and the University Attorney has not been involved in the case on behalf of either party.
 - ii. An outside counsel may be obtained to provide legal advice to the committee if the University Attorney is precluded from providing advice to the committee.
 - iii. Legal advice is limited to procedural and evidentiary matters, not substantive issues related to the case.

- 6. In the interest of fair treatment, it is expected that any member of the university community called to give testimony shall testify. Members of the General Faculty are obligated, under Article IV, Section 9 of the Faculty By-laws, to appear and to testify when called as witness.
- 7. The grievant and respondent shall hear all testimony.
- 8. Upon request of either party and for good cause shown, the chair may continue the proceedings to another time.
- 9. Either party may demand that witnesses be excluded except while testifying. Generally, the committee will allow all witnesses to testify and documents to be presented which are related to the complaint or the response.
- 10. Each party may present an opening statement of his or her position. Generally, the grievant will then present all of his or her witnesses and documents. The committee members may question the witnesses and ask questions about documents presented. The respondent may question the grievant and witnesses. After the grievant has presented his or her case, the respondent shall have an opportunity to present witnesses and documents, and the committee members may question the witnesses and ask questions about documents presented. The grievant may question the respondent and witnesses. The members of the committee may question the parties throughout the hearing.
- 11. At the completion of the hearing, the chair will notify the parties that within 30 days the committee will forward a report of its findings, conclusions, and recommendations to the president, who will make the final decision.
- 12. Within 45 days of receipt of the committee report, the president shall decide the matter and forward a written statement to the grievant, the respondent, and the members of the hearing committee. If the president cannot issue a decision within the 45-day period, the president will notify the parties within the 45-day period of a delay in the issuing of the decision, the reasons for the delay, and the date on which the decision can be expected. The decision of the president shall be final.
- 13. An employee who is dissatisfied with the President's decision may request reconsideration of the decision pursuant to Arizona Revised Statutes, Sec. 41-1062 by filing a written request with the President no later than 15 days following receipt of the President's written decision. The request shall be based on one or more of the following grounds:
 - i. irregularities in the proceedings, including any abuse of discretion or misconduct by the CAFT panel or hearing officer which deprived the employee of a fair and impartial hearing;
 - ii. newly discovered material evidence which with reasonable diligence could not have been presented at the hearing; or
 - iii. the decision is not justified by the evidence or is contrary to law.

Following receipt of the request for reconsideration, the President shall conduct whatever review he/she deems necessary to resolve the issues that have been raised. The President will provide a written response to the request to all parties. When the employee does not request reconsideration, the President's decision following the hearing becomes final 15 days from the employee's receipt of the decision and concludes the grievance process. When the employee requests reconsideration, the President's decision following reconsideration is final and concludes the grievance process.

The President's decision following the hearing shall advise the employee that he/she has 35 days from the date on which the decision becomes final to seek review of the decision in the superior court pursuant to the provisions of the Administrative Review Act, Arizona Revised Statutes, Sec 12-901, et seg.

- 14. The hearing report shall be provided to the parties by the president on request.
- 15. When CAFT determines that there has been a material failure by an academic unit to adhere to procedures governing the tenure and promotion process, it should advise the senior vice president and provost through its report to the president, so that the following steps can be taken.
 - i. The senior vice president and provost will consult with the faculty and/or head of that unit to ensure that such a failure does not happen again.
 - ii. If CAFT determines that such a failure was a deciding factor in a recommendation that the candidate be denied tenure or promotion, it should so advise the senior vice president and provost.
 - iii. The advice is not the functional equivalent of a recommendation to grant tenure or promotion. Tenure and promotion can only be granted when there has been an appropriate showing that the candidate has met the standards of the academic unit in which he or she is to be tenured or promoted. A determination by the senior vice president and provost, based on the recommendation of CAFT or otherwise, that a candidate's review has been procedurally flawed is not a showing that the standards of the academic unit have been met.
 - iv. The senior vice president and provost will take steps to determine whether the standards have been met. He or she may return the application to the academic unit from which it arose, with instructions to reconsider the application in the following academic year in accordance with proper procedures.
 - v. If, based on the advice of CAFT or otherwise, the senior vice president and provost determines that it is not likely that the candidate can receive fair reconsideration from the academic unit to which the application would ordinarily be returned, the senior vice president and provost, in consultation with the candidate and the chair of CAFT, will devise an ad hoc procedure to determine if the candidate has met the standards of the academic unit. Such a procedure, for example, might involve submitting the candidate's tenure (or promotion) application and the unit's standards to a committee consisting of faculty in the relevant discipline from another university.

vi. When the senior vice president and provost determines that an application for tenure must be reconsidered under points (d) and (e), above, the candidate's contract should be adjusted to ensure that he or she will have an additional year under the terminal contract in which to find a new position (if the reconsideration results in a denial of tenure).

n. Grieving Dismissal or Suspension on the Grounds of Unfitness for Duty

- 1. When reason arises to question the physical or mental fitness of a faculty member who has tenure or whose term of appointment has not expired, the appropriate administrative officers, s designated by the president on a case-by-case basis, should ordinarily discuss the matter with the faculty member in a personal conference. Both parties will assess the situation in terms of applicable policies on sick leave, family medical leave, long or short term disability, etc., looking for solutions to the problem through appropriate benefits policies. ABOR 6-201 (Conditions of Faculty Service) and ABOR 6-301 (Conditions of Professional Service) provide guidance on cases involving the inability to perform duties based on physical or mental incapacity. ABOR 6-201 (J) (3) addresses situations where a faculty member's continued presence on campus is likely to be a substantial interference with the orderly functioning of the University or one of its units.
- 2. If the parties cannot agree on the application of some form of leave, or if no form of leave is appropriate in a particular situation, and the administrative officer designated by the president therefore recommends dismissal or suspension without pay, the faculty member may grieve this recommendation in accordance with procedures outlined in Part II of this document.

Cross-References

For the composition of grievance committees, see "Academic Constitution and Bylaws."

For the Board of Regents' official conditions policy, see "Conditions of Faculty Service" and "Conditions of Professional Service."

Underlined segments are recent additions, nearly all of which reflect the recommendations of Tom Devine, Legal Director of the Government Accountability Project (GAP).

For Agenda Item #7, Faculty Senate

January 22, 2001

Board Meeting Item # 4
January 25 & 26, 2001
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EXECUTIVE SUMMARY

6-914 Protection of Employees PROTECTION OF EMPLOYEES FROM REPRISAL FOR WHISTLEBLOWING

Each university and the central office shall establish a policy, procedure, rule and/or provision for the protection of its employees from reprisal for disclosure of information to a public body that involves an alleged violation of law, mismanagement, gross waste of monies or an abuse of authority. Such a policy, procedure, rule and/or provision shall also address the issue of employees who knowingly make false accusations of those issues addressed above.

A. PURPOSE

TO PROHIBIT SUPERVISORY PERSONNEL FROM TAKING ADVERSE PERSONNEL ACTION AGAINST AN EMPLOYEE, OR FAILING TO TAKE AN OTHERWISE APPROPRIATE ACTION, AS A RESULT OF THE EMPLOYEE'S GOOD FAITH DISCLOSURE OF ALLEGED WRONGFUL CONDUCT TO A PUBLIC BODY OR TO A DESIGNATED UNIVERSITY OFFICER ON A MATTER OF PUBLIC CONCERN. AN EMPLOYEE WHO DISCLOSES AND SUBSEQUENTLY SUFFERS AN ADVERSE PERSONNEL ACTION AS A RESULT IS SUBJECT TO THE PROTECTION OF THIS POLICY.

B. SOURCE

ARIZONA REVISED STATUTES §38-531; §38-533; §41-1062

C. APPLICABILITY

ALL EMPLOYEES AND SUPERVISORS OF EMPLOYEES OF THE ARIZONA BOARD OF REGENTS OR A STATE UNIVERSITY UNDER THE BOARD'S JURISDICTION WHO DISCLOSE ALLEGED WRONGFUL CONDUCT, AS DEFINED IN THIS POLICY, AND, WHO, AS A RESULT OF THE DISCLOSURE, ARE SUBJECT TO AN ADVERSE PERSONNEL ACTION.

D. POLICY

NO ADVERSE PERSONNEL ACTION MAY BE TAKEN AGAINST A UNIVERSITY EMPLOYEE IN KNOWING RETALIATION FOR ANY LAWFUL DISCLOSURE OF INFORMATION ON A MATTER OF PUBLIC CONCERN TO A PUBLIC BODY, INCLUDING A DESIGNATED UNIVERSITY OFFICER, WHICH INFORMATION THE EMPLOYEE IN GOOD FAITH

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BELIEVES EVIDENCES: (1) A VIOLATION OF ANY LAW, (2) MISMANAGEMENT, (3) GROSS WASTE OF PUBLIC FUNDS, (4) A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH AND SAFETY; OR (5) AN ABUSE OF AUTHORITY, COLLECTIVELY REFERRED TO HEREIN AS "ALLEGED WRONGFUL CONDUCT."

NO SUPERVISOR, DIRECTOR, CHAIR, DEAN, DEPARTMENT HEAD, OR ANY OTHER EMPLOYEE WITH AUTHORITY TO MAKE OR MATERIALLY INFLUENCE SIGNIFICANT PERSONNEL DECISIONS SHALL TAKE OR RECOMMEND AN ADVERSE PERSONNEL ACTION AGAINST AN EMPLOYEE IN KNOWING RETALIATION FOR DISCLOSING ALLEGED WRONGFUL CONDUCT TO A PUBLIC BODY. ANY EMPLOYEE FOUND TO HAVE SO VIOLATED THIS POLICY SHALL BE DISCIPLINED, UP TO AND INCLUDING TERMINATION, IN ACCORDANCE WITH EXISTING UNIVERSITY RULES, POLICIES, AND PROCEDURES.

E. DEFINITIONS

- 1. ABUSE OF AUTHORITY: ACTION OR DECISION WHICH IS OUTSIDE THE SCOPE OF THE ALLEGED VIOLATOR'S POSITION, SCOPE OF DUTIES, OR LEVEL OF AUTHORITY AS AUTHORIZED BY THE UNIVERSITY PRESIDENT OR DESIGNEE. HOWEVER, EVEN ACTIONS OR FAILURE TO TAKE ACTIONS WHICH ARE WITHIN THE ALLEGED VIOLATOR'S AUTHORITY MAY CONSTITUTE ABUSE OF AUTHORITY IF THE VIOLATOR'S MOTIVE OR PURPOSE IS TO HARASS, INTIMIDATE, OR TREAT THE EMPLOYEE UNREASONABLY OR CAPRICIOUSLY UNDER THE APPLICABLE FACTS AND CIRCUMSTANCES.
- 2. ADVERSE PERSONNEL ACTION: AN EMPLOYMENT-RELATED ACT OR DECISION OR A FAILURE TO TAKE APPROPRIATE ACTION BY A SUPERVISOR OR HIGHER LEVEL AUTHORITY WHICH AFFECTS AN EMPLOYEE NEGATIVELY. THE FOLLOWING ARE ADVERSE PERSONNEL ACTIONS IN THE UNIVERSITY'S PERSONNEL SYSTEM:
 - a. TERMINATION OF EMPLOYMENT, INCLUDING DENIAL OF TENURE, DENIAL OF CONTINUING STATUS, NON-RENEWAL, OR DISMISSAL FOR CAUSE;
 - b. DEMOTION;

- c. SUSPENSION;
- d. WRITTEN REPRIMAND;
- e. RETALIATORY INVESTIGATION;
- f. DECISION NOT TO PROMOTE;
- g. RECEIPT OF AN UNWARRANTED PERFORMANCE RATING;
- h. WITHHOLDING OF APPROPRIATE SALARY ADJUSTMENTS;
- i. IMPOSITION OF INVOLUNTARY TRANSFER OR REASSIGNMENT:
- j. ELIMINATION OF THE EMPLOYEE'S POSITION, ABSENT A REDUCTION IN FORCE, REORGANIZATION, OR A DECREASE IN OR LACK OF SUFFICIENT FUNDING, MONIES, OR WORK LOAD;
- k. DENIAL OF AWARDS, GRANTS, LEAVES, BENEFITS, OR TRAINING FOR WHICH THE EMPLOYEE WOULD NORMALLY BE ELIGIBLE:
- I. OTHER SIGNIFICANT CHANGE IN JOB RESPONSIBILITIES OR WORKING CONDITIONS WHICH ARE INCONSISTENT WITH THE EMPLOYEE'S POSITION, SALARY OR GRADE.
- 3. ALLEGED WRONGFUL CONDUCT: VIOLATION OF LAW, MISMANAGEMENT, GROSS WASTE OF MONIES, <u>SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH AND SAFETY</u> OR ABUSE OF AUTHORITY.
- 4. DAY: CALENDAR DAY. IN CASES OF FACULTY, ACADEMIC PROFESSIONALS, AND OTHER EMPLOYEES APPOINTED ON AN ACADEMIC YEAR (NINE MONTH) BASIS, DAY DOES NOT INCLUDE SUMMER, MID-SEMESTER, SEMESTER, OR OTHER SIMILAR BREAK PERIODS.
- 5. DISCLOSER: AN EMPLOYEE WHO REPORTS ALLEGED WRONGFUL CONDUCT TO A PUBLIC BODY, AS DEFINED HEREIN.

- 6. DISCLOSURE: ORAL OR WRITTEN REPORT BY AN EMPLOYEE TO A PUBLIC BODY OF ALLEGED WRONGFUL CONDUCT ON A MATTER OF PUBLIC CONCERN.
- 7. DISCLOSURE INVESTIGATION: REVIEW AND DETERMINATION MADE BY THE APPROPRIATE UNIVERSITY OFFICER AND/OR DESIGNEES OF A DISCLOSURE.
- 8. FILING: RECEIPT BY THE OFFICE WHERE FILING IS REQUIRED.
- 9. GROSS WASTE OF PUBLIC FUNDS: ACTION OR DECISION WHICH IS OUTSIDE THE SCOPE OF THE ALLEGED VIOLATOR'S SPENDING OR BUDGETARY AUTHORITY, OR EVEN WHEN THE ACTION OR DECISION IS WITHIN BUDGETARY AUTHORITY, THE ACTION WOULD BE CONSIDERED BY A REASONABLE PERSON TO BE GROSSLY EXCESSIVE OR WASTEFUL OF PUBLIC FUNDS.
- 10. KNOWING RETALIATION: AN ADVERSE PERSONNEL ACTION TAKEN BY A SUPERVISOR OR OTHER AUTHORITY AGAINST AN EMPLOYEE <u>BECAUSE OF</u> A PRIOR DISCLOSURE OF ALLEGED WRONGFUL CONDUCT.
- 11. MISMANAGEMENT: ACTION OR DECISION WHICH EXCEEDS THE SCOPE OF THE ALLEGED VIOLATOR'S RESPONSIBILITIES, OR EVEN IF THE ACTION IS WITHIN RESPONSIBILITIES, THE ACTION WOULD BE CONSIDERED BY A REASONABLE PERSON TO BE GROSSLY EXCESSIVE OR UNFAIR.
- 12. PERSONNEL ACTION: AN EMPLOYMENT-RELATED ACTION OR DECISION WHICH AFFECTS AN EMPLOYEE POSITIVELY OR NEGATIVELY.
- 13. PUBLIC BODY: THE ARIZONA ATTORNEY GENERAL; THE ARIZONA LEGISLATURE; THE GOVERNOR OF ARIZONA; A FEDERAL, STATE, OR LOCAL <u>REGULATORY</u> OR LAW ENFORCEMENT AGENCY; THE LOCAL COUNTY ATTORNEY; A MEMBER OF THE ARIZONA BOARD OF REGENTS, A UNIVERSITY PRESIDENT, PROVOST, VICE PRESIDENT, VICE PROVOST, COLLEGE DEAN, OR NON-ACADEMIC DEPARTMENT DIRECTOR.

- 14. SERVICE PROVIDER: INDEPENDENT ENTITY WHICH HAS CONTRACTED WITH THE UNIVERSITY TO PROVIDE HEARING OFFICER SERVICES. THE HEARING OFFICER WILL BE SELECTED BY THE SERVICE PROVIDER THROUGH A PROCESS WHICH INCLUDES CONSULTATION WITH THE PARTIES.
- 15. SUPERVISORY EMPLOYEE: ANY SUPERVISOR, DIRECTOR, CHAIR, DEAN, DEPARTMENT HEAD, OR OTHER EMPLOYEE WHO HAS AUTHORITY TO MAKE OR MATERIALLY INFLUENCE SIGNIFICANT PERSONNEL DECISIONS.
- 16. UNIVERSITY OFFICER: PRESIDENT, PROVOST, VICE-PROVOST, VICE-PRESIDENT, DEAN, OR NON-ACADEMIC DEPARTMENT DIRECTOR.
- 17. VIOLATION OF LAW: <u>A VIOLATION OF LOCAL, STATE, OR FEDERAL LAW OR REGULATION THAT IS APPLICABLE TO THE UNIVERSITY OR ITS EMPLOYEES.</u>
- 18. WHISTLEBLOWER COMPLAINANT ("COMPLAINANT"): A CURRENT OR FORMER EMPLOYEE WHO DISCLOSED ALLEGED WRONGFUL CONDUCT TO A PUBLIC BODY AND WHO SUBSEQUENTLY IS SUBJECT TO AN ADVERSE PERSONNEL ACTION AS A RESULT OF MAKING THE PRIOR DISCLOSURE.
- 19. WHISTLEBLOWER COMPLAINT: A COMPLAINT FILED BY A COMPLAINANT WITH A UNIVERSITY OFFICER ALLEGING THAT AN ADVERSE PERSONNEL ACTION WAS TAKEN IN RETALIATION FOR A PRIOR DISCLOSURE OF ALLEGED WRONGFUL CONDUCT TO A PUBLIC BODY.
- 20. WHISTLEBLOWER COMPLAINT REVIEW: A REVIEW BY A UNIVERSITY OFFICER OR COMMITTEE OF A WHISTLEBLOWER COMPLAINT, RESULTING IN A WRITTEN DECISION WHICH THE UNIVERSITY OFFICER PROVIDES TO THE COMPLAINANT.
- 21. WHISTLEBLOWER EXTERNAL HEARING: A HEARING CONDUCTED BY AN EXTERNAL HEARING OFFICER SELECTED BY THE COMPLAINANT AND UNIVERSITY TO CONDUCT A HEARING IF THE COMPLAINANT IS DISSATISFIED WITH THE DECISION OF THE UNIVERSITY OFFICER FOLLOWING A WHISTLEBLOWER COMPLAINT REVIEW.



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F. MAKING A DISCLOSURE

AN EMPLOYEE WHO BECOMES AWARE OF ALLEGED WRONGFUL CONDUCT IS ENCOURAGED TO MAKE A DISCLOSURE TO ANY PUBLIC BODY AS SOON AS POSSIBLE, BUT IN ANY CASE MUST MAKE THE DISCLOSURE NO LATER THAN 365 DAYS AFTER BECOMING AWARE OF THE CONDUCT.

IN ORDER TO ALLOW THE UNIVERSITY AN OPPORTUNITY TO INVESTIGATE ALLEGED WRONGFUL CONDUCT AND TO TAKE NECESSARY INTERNAL CORRECTIVE ACTION, EMPLOYEES ARE ENCOURAGED TO REPORT IN WRITING A DISCLOSURE OF ALLEGED WRONGFUL CONDUCT TO A UNIVERSITY PRESIDENT, PROVOST, VICE PRESIDENT, VICE PROVOST, DEAN, OR NON-ACADEMIC DEPARTMENT DIRECTOR.

IF THE EMPLOYEE IS UNWILLING OR UNABLE TO PUT AN ORAL DISCLOSURE IN WRITING. THE UNIVERSITY OFFICER WHO INVESTIGATES THE DISCLOSURE WILL PREPARE A WRITTEN SUMMARY OF THE EMPLOYEE'S DISCLOSURE AND PROVIDE A COPY TO THE EMPLOYEE. NO LATER THAN 10 DAYS AFTER RECEIPT OF THE SUMMARY. THE EMPLOYEE MAY SUBMIT A WRITTEN SUPPLEMENT TO THE UNIVERSITY OFFICER WHO PREPARED THE SUMMARY. FAILURE TO SUBMIT A SUPPLEMENT WITHIN 10 DAYS WILL CONSTITUTE ACCEPTANCE OF THE SUMMARY AS AN ACCURATE STATEMENT OF THE DISCLOSURE MADE BY THE EMPLOYEE. THE UNIVERSITY OFFICER AND/OR DESIGNEES WILL CONDUCT AN INVESTIGATION INTO THE ALLEGATIONS OF THE DISCLOSURE AND WILL TAKE NECESSARY CORRECTIVE ACTION, AS WARRANTED. THROUGHOUT THIS PROCESS, THE CONFIDENTIALITY OF THE DISCLOSER WILL BE MAINTAINED TO THE GREATEST EXTENT POSSIBLE. AT THE CONCLUSION OF THE INVESTIGATION, THE UNIVERSITY OFFICER WILL NOTIFY THE DISCLOSER AND OTHER AFFECTED EMPLOYEES IN WRITING OF THE DETERMINATION. A COPY OF THE DETERMINATION SHALL BE RETAINED BY THE PROVOST, THE DISCLOSER, AND THE ALLEGED VIOLATOR. THE INVESTIGATION SHALL BE CONDUCTED BY A UNIVERSITY OFFICER WHO DOES NOT HAVE A CONFLICT OF INTEREST IN THE MATTER BEING INVESTIGATED. A DISCLOSER MUST SUFFER ADVERSE PERSONNEL ACTION AS A RESULT OF MAKING A DISCLOSURE TO FILE A WHISTLEBLOWER COMPLAINT AND RECEIVE A HEARING.

WHERE THE UNIVERSITY OFFICER DETERMINES THE EMPLOYEE'S ALLEGATIONS DO NOT MEET THE DEFINITION OF DISCLOSURE UNDER THIS POLICY. THE UNIVERSITY OFFICER SHALL REFER THE EMPLOYEE TO OTHER AVAILABLE UNIVERSITY GRIEVANCE OR APPEAL PROCESSES TO ADDRESS THE EMPLOYEE'S CONCERNS. FURTHERMORE, WHERE THE EMPLOYEE'S ALLEGATIONS CONSTITUTE A COMPLAINT OF DISCRIMINATION ON A BASIS COVERED BY THE UNIVERSITY'S NON-DISCRIMINATION OR SIMILAR POLICY, THE EMPLOYEE'S ALLEGATIONS SHALL BE REFERRED TO THE UNIVERSITY OFFICE CHARGED WITH INVESTIGATING ALLEGATIONS OF DISCRIMINATION, RATHER THAN INVESTIGATED AS A DISCLOSURE OF ALLEGED WRONGFUL CONDUCT UNDER THE WHISTLEBLOWER POLICY.

FALSE ALLEGATIONS OF WRONGFUL CONDUCT G.

AN EMPLOYEE WHO KNOWINGLY MAKES FALSE ALLEGATIONS OF ALLEGED WRONGFUL CONDUCT TO A PUBLIC BODY SHALL BE SUBJECT TO DISCIPLINE, UP TO AND INCLUDING TERMINATION OF EMPLOYMENT, IN ACCORDANCE WITH UNIVERSITY RULES, POLICIES, AND PROCEDURES.

LEGITIMATE EMPLOYMENT ACTION H.

THIS POLICY MAY NOT BE USED AS A DEFENSE BY AN EMPLOYEE AGAINST WHOM AN ADVERSE PERSONNEL ACTION HAS BEEN TAKEN FOR LEGITIMATE REASONS OR CAUSE UNDER UNIVERSITY RULES AND POLICIES. IT SHALL NOT BE A VIOLATION OF THIS POLICY TO TAKE ADVERSE PERSONNEL ACTION AGAINST AN EMPLOYEE WHOSE CONDUCT OR PERFORMANCE WARRANTS THAT ACTION SEPARATE AND APART FROM THAT EMPLOYEE MAKING A DISCLOSURE.

1. WHISTLEBLOWER COMPLAINT

NO LATER THAN 30 DAYS AFTER A CURRENT OR FORMER EMPLOYEE
IS NOTIFIED OF AN ADVERSE PERSONNEL ACTION, HE OR SHE MAY
PROTEST THE ACTION BY FILING A WRITTEN WHISTLEBLOWER
COMPLAINT WITH A UNIVERSITY DESIGNATED OFFICER OR
COMMITTEE IF THE EMPLOYEE BELIEVES THE ACTION WAS BASED
ON HIS OR HER PRIOR DISCLOSURE OF ALLEGED WRONGFUL CONDUCT. THE UNIVERSITY OFFICER OR COMMITTEE, ON RECEIPT OF A WHISTLEBLOWER COMPLAINT, SHALL REVIEW THE COMPLAINT

EXPEDITIOUSLY TO DETERMINE: (1) WHETHER THE COMPLAINANT REPORTED ALLEGED WRONGFUL CONDUCT TO A PUBLIC BODY ON A MATTER OF PUBLIC CONCERN BEFORE AN ADVERSE PERSONNEL ACTION WAS IMPOSED; (2) WHETHER THE COMPLAINANT SUFFERED AN ADVERSE PERSONNEL ACTION AFTER REPORTING ALLEGED WRONGFUL CONDUCT TO A PUBLIC BODY; (3) WHETHER THE COMPLAINANT ALLEGED THAT THE ADVERSE ACTION RESULTED FROM THE PRIOR DISCLOSURE; AND (4) WHETHER THE COMPLAINANT ALLEGED THE ADVERSE ACTION WAS THE RESULT OF KNOWING RETALIATION FOR THE EMPLOYEE'S DISCLOSURE. THE REVIEW SHALL BE CONDUCTED BY A UNIVERSITY OFFICER OR COMMITTEE WHOSE MEMBERS DO NOT HAVE A CONFLICT OF INTEREST IN THE MATTER BEING REVIEWED.

NO LATER THAN 45 DAYS AFTER RECEIPT OF THE COMPLAINT, THE UNIVERSITY OFFICER SHALL NOTIFY THE COMPLAINANT IN WRITING OF THE RESULTS OF THE REVIEW AND WHETHER THE ADVERSE PERSONNEL ACTION IS AFFIRMED, REVERSED, OR MODIFIED, AND PROVIDE A COPY OF THE DECISION TO THE EMPLOYEE'S SUPERVISOR. THE SUPERVISOR WILL IMPLEMENT THE DECISION AND WILL VERIFY IMPLEMENTATION IN WRITING TO THE UNIVERSITY OFFICER NO LATER THAN 10 DAYS AFTER RECEIPT OF THE UNIVERSITY OFFICER'S DECISION.

WHERE THE DESIGNATED UNIVERSITY OFFICER OR COMMITTEE FINDS THE EMPLOYEE DID NOT MAKE A DISCLOSURE PURSUANT TO THIS POLICY, THE EMPLOYEE SHALL BE REFERRED TO OTHER AVAILABLE UNIVERSITY GRIEVANCE OR APPEAL PROCESSES TO PURSUE THE COMPLAINT. FURTHERMORE, BECAUSE THERE ARE OTHER UNIVERSITY POLICIES AND STATUTES THAT PROVIDE REMEDIES FOR CLAIMS OF RETALIATION FOLLOWING THE FILING OF AN UNLAWFUL DISCRIMINATION COMPLAINT, SUCH RETALIATION CLAIMS WILL BE REFERRED TO THE UNIVERSITY OFFICE CHARGED WITH INVESTIGATING ALLEGATIONS OF DISCRIMINATION RATHER THAN BEING REVIEWED AS WHISTLEBLOWER COMPLAINTS.

A COMPLAINANT WHO IS DISSATISFIED WITH THE DECISION OF THE UNIVERSITY OFFICER ON THE WHISTLEBLOWER COMPLAINT MAY FILE A REQUEST FOR A WHISTLEBLOWER HEARING AND PROCEED UNDER THE FOLLOWING PROCEDURES.

J. PROCEDURES

1. REQUEST FOR HEARING

THE BOARD, THROUGH ITS UNIVERSITIES, HAS CONTRACTED WITH QUALIFIED SERVICE PROVIDERS TO PROVIDE QUALIFIED EXTERNAL HEARING OFFICERS AND A HEARING PROCESS FOR A COMPLAINANT WHO IS DISSATISFIED WITH THE UNIVERSITY OFFICER'S DECISION. THE PURPOSE OF THE HEARING IS TO DETERMINE WHETHER AN ADVERSE PERSONNEL ACTION RESULTED FROM THE COMPLAINANT'S PRIOR DISCLOSURE OF ALLEGED WRONGFUL CONDUCT. NO OTHER ISSUES OR DETERMINATIONS ARE AUTHORIZED. THE HEARING OFFICER WILL BE SELECTED BY THE SERVICE PROVIDER IN CONSULTATION WITH THE PARTIES. THE HEARING OFFICER CANNOT BE A UNIVERSITY EMPLOYEE AND, EXCEPT FOR THE CONTRACTUAL ARRANGEMENT TO PROVIDE HEARING OFFICER SERVICES, CANNOT HAVE SUBSTANTIAL INTEREST IN THE UNIVERSITY.

a. REQUEST FOR HEARING

NO LATER THAN 15 DAYS AFTER RECEIPT OF THE UNIVERSITY OFFICER'S DECISION, A COMPLAINANT WHO IS DISSATISFIED AND DESIRES AN EXTERNAL HEARING MUST FILE A WRITTEN REQUEST FOR HEARING WITH THE UNIVERSITY REPRESENTATIVE OR OFFICE DESIGNATED TO REVIEW THESE REQUESTS.

b. CONTENTS OF REQUEST FOR HEARING

A REQUEST FOR HEARING MUST CONTAIN THE FOLLOWING:

- (1) A SPECIFIC STATEMENT THAT IT IS A REQUEST FOR A WHISTLEBLOWER HEARING BY AN EXTERNAL HEARING OFFICER;
- (2) THE NAME, WORK ADDRESS, WORK TELEPHONE NUMBER AND POSITION OF THE COMPLAINANT;



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- (3) THE NAME, WORK ADDRESS, WORK TELEPHONE NUMBER AND POSITION OF THE UNIVERSITY OFFICER WHO ISSUED A DECISION ON THE COMPLAINANT'S WHISTLEBLOWER COMPLAINT:
- (4) A STATEMENT OF THE REASONS FOR REQUESTING A HEARING INCLUDING THE OBJECTIONABLE PORTION OF THE UNIVERSITY OFFICER'S DECISION;
- (5) A STATEMENT OF THE SPECIFIC RELIEF OR REMEDY REQUESTED; AND
- (6) COPIES OF (a) THE EMPLOYEE'S PRIOR DISCLOSURE OR THE WRITTEN SUMMARY PREPARED BY A UNIVERSITY OFFICER; AND (b) THE UNIVERSITY OFFICER'S DECISION ON THE WHISTLEBLOWER COMPLAINT.

2. APPOINTMENT OF HEARING OFFICER

NO LATER THAN 20 DAYS AFTER RECEIPT OF A REQUEST FOR HEARING, THE DESIGNATED UNIVERSITY OFFICER OR COMMITTEE WHO RECEIVES THE COMPLAINT WILL DETERMINE WHETHER THE COMPLAINANT QUALIFIES FOR AN EXTERNAL HEARING BASED ON THE FOLLOWING:

NOTE*

- a. THE COMPLAINANT IDENTIFIED AN ADVERSE PERSONNEL ACTION IMPOSED ON HIM OR HER AND THE DATE OF NOTICE OF THE ACTION:
- b. THE COMPLAINANT MADE A PRIOR DISCLOSURE OF ALLEGED WRONGFUL CONDUCT TO A PUBLIC BODY ON A MATTER OF PUBLIC CONCERN PRIOR TO THE ADVERSE PERSONNEL ACTION;
- c. THE COMPLAINANT ALLEGES THE ADVERSE PERSONNEL ACTION RESULTED FROM THE PRIOR DISCLOSURE;
- d. THE COMPLAINANT ATTACHED THE DISCLOSURE AND THE DECISION ON THE WHISTLEBLOWER COMPLAINT REVIEW TO THE REQUEST FOR HEARING.

THE REQUEST WILL BE REVIEWED BY A UNIVERSITY OFFICER OR COMMITTEE WHOSE MEMBERS DO NOT HAVE A CONFLICT OF INTEREST WITH RESPECT TO THAT MATTER.

IF THE REQUEST QUALIFIES FOR AN EXTERNAL HEARING, THE DESIGNATED UNIVERSITY OFFICER OR COMMITTEE WILL FORWARD THE REQUEST TO THE SERVICE PROVIDER TO BEGIN THE PROCESS OF SELECTING AN EXTERNAL HEARING OFFICER AND CONDUCTING A WHISTLEBLOWER HEARING.

IF THE REQUEST DOES NOT QUALIFY FOR A WHISTLEBLOWER HEARING, THE REQUEST WILL BE RETURNED TO THE COMPLAINANT WITH WRITTEN REASONS FOR REJECTION. NO LATER THAN 10 DAYS AFTER RECEIPT OF THE DECISION, THE COMPLAINANT MAY FILE A WRITTEN APPEAL OF THE REJECTION TO THE UNIVERSITY PRESIDENT OR DESIGNEE. THE PRESIDENT OR DESIGNEE WILL RESPOND TO THE COMPLAINANT IN WRITING NO LATER THAN 20 DAYS AFTER RECEIVING THE APPEAL. IF THE PRESIDENT OR DESIGNEE REVERSES THE DECISION, THE CASE WILL PROCEED; IF THE PRESIDENT OR DESIGNEE AFFIRMS THE DECISION THAT THE REQUEST DOES NOT QUALIFY FOR A HEARING, THAT DECISION IS FINAL.

SUBMISSION OF THE RECORD

NO LATER THAN 20 DAYS AFTER RECEIPT OF THE REQUEST FOR HEARING, THE SERVICE PROVIDER SHALL NOTIFY THE COMPLAINANT AND THE IDENTIFIED UNIVERSITY OFFICER THAT THE REQUEST FOR HEARING IS ACCEPTED AND ASSIST THE PARTIES WITH THE MUTUAL SELECTION OF THE HEARING OFFICER, THE PROCEDURES FOR A PRE-HEARING CONFERENCE IN PERSON OR BY TELEPHONE, AND THE PROCEDURES WHICH WILL BE FOLLOWED IN CONDUCTING THE HEARING, INCLUDING SUBMISSION OF EVIDENCE, DOCUMENTS, AND WITNESS LISTS. THE HEARING OFFICER MAY REQUIRE THE PARTIES TO SUBMIT SUMMARIES OF THEIR POSITIONS BEFORE THE HEARING COMMENCES.

THE HEARING WILL BE CONDUCTED NO LATER THAN 90 DAYS AFTER THE REQUEST IS RECEIVED BY THE SERVICE



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PROVIDER, UNLESS THE HEARING OFFICER EXTENDS THE TIME FOR GOOD CAUSE.

4. CONDUCT OF HEARING

HEARINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF A.R.S. §41-1062 GOVERNING ADMINISTRATIVE HEARINGS, AS WELL AS THE REQUIREMENTS OF THIS POLICY AND THE RULES AND PROCEDURES OF THE SERVICE PROVIDER. THE PROCEDURES DESIGNATED IN THIS POLICY SUPERSEDE RULES OF THE SERVICE PROVIDER, IF THERE IS A CONFLICT. THE FORMAL RULES OF PROCEDURES OR EVIDENCE DO NOT GOVERN THE HEARING. GENERALLY, THE PARTY ADVOCATING A PARTICULAR POINT OR FACT HAS THE BURDEN OF PROOF ON THAT POINT OR FACT. ULTIMATELY, THE PERSON SEEKING REVIEW HAS THE BURDEN OF PERSUADING THE HEARING OFFICER THAT THE ADVERSE ACTION OCCURRED BECAUSE OF A PRIOR DISCLOSURE OF ALLEGED WRONGFUL CONDUCT TO A PUBLIC THE EVIDENCE STANDARD IS PROOF BY BODY. PREPONDERANCE OF THE EVIDENCE.

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THE HEARING OFFICER HAS SUBPOENA POWER. THE HEARING SHALL EITHER BE RECORDED OR TRANSCRIBED, AS DETERMINED BY AND AT THE UNIVERSITY'S EXPENSE, SO AS TO PROVIDE AN ACCURATE, WRITTEN RENDITION OF THE HEARING.

ATTORNEYS OR ADVISERS

COMPLAINANT, AT HIS OR HER OWN EXPENSE, MAY BE REPRESENTED BY AN ATTORNEY AT ANY STAGE OF THE HEARING PROCESS, INCLUDING BUT NOT LIMITED TO PRESENTATION OF THE CASE DURING THE HEARING. IF THE COMPLAINANT IS REPRESENTED AT THE HEARING BY AN ATTORNEY, THEN THE UNIVERSITY REPRESENTATIVE MAY ALSO BE REPRESENTED AT THE HEARING BY AN ATTORNEY.

6. RESOLUTION BY AGREEMENT

AT ANY TIME, THE PARTIES MAY AGREE UPON A RESOLUTION OF THE MATTER. IN SUCH EVENT, THE WRITTEN AGREEMENT SHALL BE PRESENTED TO THE DESIGNATED UNIVERSITY

OFFICER WHO SHALL CLOSE THE CASE AND NOTIFY THE SERVICE PROVIDER AND THE PARTIES IN WRITING THAT THE MATTER IS "RESOLVED BY AGREEMENT."

7. HEARING OFFICER'S DECISION

NO LATER THAN 30 DAYS AFTER THE CLOSE OF THE HEARING, THE SERVICE PROVIDER SHALL PROVIDE THE HEARING OFFICER'S WRITTEN REPORT TO THE PARTIES AND TO THE UNIVERSITY PRESIDENT. THE REPORT WILL CONTAIN FINDINGS OF FACT AND THE EVIDENCE RELIED UPON TO SUSTAIN THOSE FACTS, CONCLUSIONS INCLUDING REFERENCE TO APPLICABLE LAW, RULES OR POLICIES, AND A DECISION BY THE HEARING OFFICER THAT THE ADVERSE PERSONNEL ACTION WAS OR WAS NOT BASED ON A PRIOR DISCLOSURE, AND WHETHER THE ADVERSE ACTION IS AFFIRMED, REVERSED, OR MODIFIED.

THE UNIVERSITY WILL IMPLEMENT THE DECISION OF THE HEARING OFFICER NO LATER THAN 10 DAYS AFTER RECEIPT, EXCEPT THAT THE HEARING OFFICER MAY NOT DIRECT THAT THE UNIVERSITY GRANT RENEWAL, TENURE, CONTINUING STATUS OR PROMOTION TO A FACULTY MEMBER OR ACADEMIC PROFESSIONAL.

IF THE HEARING OFFICER FINDS THAT AN ADVERSE PERSONNEL DECISION RELATED TO RENEWAL, TENURE, CONTINUING STATUS OR PROMOTION OF A FACULTY MEMBER OR ACADEMIC PROFESSIONAL WAS THE DIRECT RESULT OF THE DISCLOSURE OF ALLEGED WRONGFUL CONDUCT, THE HEARING OFFICER SHALL REMAND THE COMPLAINT TO THE UNIVERSITY FOR FURTHER PROCEEDINGS CONSISTENT WITH ITS INTERNAL PROCEDURES.

K. DISMISSAL OF TENURED FACULTY OR CONTINUING ACADEMIC PROFESSIONALS

BOARD OF REGENTS POLICY 6-201, "CONDITIONS OF FACULTY SERVICE," AND 6-301, "CONDITIONS OF PROFESSIONAL SERVICE," PROVIDE EXTENSIVE DUE PROCESS AND PROCEDURES FOR DISMISSAL OF TENURED FACULTY OR CONTINUING ACADEMIC PROFESSIONALS, INCLUDING REVIEW AND/OR HEARINGS BY

NOTE*

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UNIVERSITY FACULTY COMMITTEES. IN DISMISSAL CASES, THE INTERNAL GRIEVANCE HEARING PROCESS AS SET OUT IN THE HEARING PROVISIONS OF ABOR CONDITIONS POLICIES MUST BE COMPLETED AND INCLUDE A REPORT WITH RECOMMENDATIONS FROM THE COMMITTEE TO THE UNIVERSITY PRESIDENT FOR DECISION. THE GRIEVANCE COMMITTEE WILL CONSIDER THE WHISTLEBLOWER AND OTHER GRIEVANCE ISSUES RAISED BY THE GRIEVANT. IF THE COMPLAINANT DISAGREES WITH THE RESULTS OF THE INTERNAL PROCESS, HE OR SHE MAY REQUEST A WHISTLEBLOWER HEARING AS PROVIDED IN THIS POLICY.

L. REQUEST FOR REVIEW OR REHEARING

- 1. IN COMPLIANCE WITH A.R.S. §41-1062.B, A COMPLAINANT WHO IS DISSATISFIED WITH THE DECISION MAY REQUEST A REHEARING OR REVIEW BY FILING A WRITTEN REQUEST WITH THE SERVICE PROVIDER NO LATER THAN 15 DAYS FOLLOWING RECEIPT OF THE WRITTEN DECISION. THE SERVICE PROVIDER WILL FORWARD THE REQUEST TO THE HEARING OFFICER ON RECEIPT. THE REQUEST SHALL BE BASED ON ONE OR MORE OF THE FOLLOWING GROUNDS:
 - a. IRREGULARITIES IN THE PROCEEDINGS, INCLUDING BUT NOT LIMITED TO ANY ABUSE OF DISCRETION OR MISCONDUCT BY THE HEARING OFFICER OR HEARING PANEL, WHICH HAS DEPRIVED THE COMPLAINANT/GRIEVANT OF A FAIR AND IMPARTIAL HEARING;
 - b. NEWLY DISCOVERED MATERIAL EVIDENCE WHICH WITH REASONABLE DILIGENCE COULD NOT HAVE BEEN PRESENTED DURING THE FACT-FINDING OR HEARING PROCESS:
 - c. EXCESSIVE SEVERITY OF THE SANCTION; OR
 - d. THE DECISION IS NOT JUSTIFIED BY THE EVIDENCE OR IS CONTRARY TO LAW.
- 2. FOLLOWING RECEIPT OF THE REQUEST FOR REVIEW, THE HEARING OFFICER SHALL MAKE WHATEVER REVIEW IS

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DEEMED NECESSARY TO RESOLVE THE ISSUES THAT HAVE BEEN RAISED.

- 3. THE SERVICE PROVIDER WILL PROVIDE THE HEARING OFFICER'S WRITTEN DECISION ON REVIEW TO THE PARTIES AND UNIVERSITY PRESIDENT NO LATER THAN 20 DAYS AFTER RECEIPT OF THE REQUEST FROM THE COMPLAINANT.
- 4. WHEN THE COMPLAINANT DOES NOT REQUEST REHEARING OR REVIEW, THE HEARING OFFICER'S DECISION FOLLOWING THE HEARING BECOMES THE FINAL AGENCY DECISION 15 DAYS AFTER THE COMPLAINANT'S RECEIPT OF THAT DECISION. WHEN THE COMPLAINANT REQUESTS REVIEW, THE HEARING OFFICER'S DECISION FOLLOWING REVIEW IS THE FINAL AGENCY DECISION.
- THE HEARING OFFICER'S DECISION IS SUBJECT TO JUDICIAL REVIEW ONLY UNDER A.R.S. §12-901, ET SEQ. THE HEARING OFFICER'S DECISION FOLLOWING THE HEARING SHALL INCLUDE A STATEMENT NOTIFYING THE COMPLAINANT THAT HE OR SHE HAS 35 DAYS FROM THE DATE ON WHICH THE DECISION BECOMES FINAL TO SEEK REVIEW OF THAT DECISION IN THE SUPERIOR COURT IN ACCORDANCE WITH THE PROVISIONS OF THE ADMINISTRATIVE REVIEW ACT, A.R.S. §12-901, ET SEQ.

M. DISSEMINATION

EACH UNIVERSITY SHALL DEVELOP APPROPRIATE MECHANISMS TO ADVISE ALL EMPLOYEES OF THE EXISTENCE OF THIS POLICY, INCLUDING BUT NOT LIMITED TO MAKING THE POLICY AVAILABLE ON THE UNIVERSITY'S WEB SITE, INCLUDING A REFERENCE TO THE POLICY IN EMPLOYEE HANDBOOKS, AND POSTING COPIES OF THE POLICY WHERE APPROPRIATE.

(ABOR 4/90)

