January 29, 2014

TO ALL MEMBERS OF THE FACULTY SENATE:

The Faculty Senate will meet on Monday, February 3, 2014, at 3:00 PM

in the **College of Law, Room 164.**

PLEASE NOTE: The meeting will begin at 3:00 PM, and we will make every effort to conclude by 5:00 PM.

Bobbi McKean, Secretary of the Faculty

DRAFT 8 (7/18/13)

INTERIM POLICY ON INTERACTIONS WITH NON-ENROLLED MINORS

Policy number:

Contact:

Effective Date:

Approved by: University President

PURPOSE AND PHILOSOPHY

The University of Arizona ("University") is committed to promoting the safety and well-being of minors who participate in: 1) University Programs and 2) activities operated by third-parties using University facilities. The purpose of this Policy is to establish safeguards in support of this commitment.

DEFINITIONS

Adult – any person 18 years of age or older (Ariz. Rev. Stat. § 1-215(3)).

Authorized Adult and/or Program Staff – Adults, paid or unpaid, who have Direct Contact with Minors in a Program or Third-party Activity. This includes, but is not limited to, faculty, staff and other employees, volunteers, University students, interns, employees of temporary employment agencies, and independent contractors or consultants. For purposes of this Policy, the terms Authorized Adult(s) and Program Staff may be used interchangeably.

Direct Contact – providing care, supervision, guidance to or control over Minors or having other non-incidental interactions with Minors.

Minor – any person under 18 years of age (Ariz. Rev. Stat. § 1-215(22)) who participates in a Program or Third-party Activity. This definition does not apply to persons under the age of 18 who have graduated from high school and are attending the University for academic credit. Nor does it apply to persons under the age of 18 who attend University activities while supervised by their parent(s) or legal guardian(s).

One-on-One Contact – Direct Contact between a Minor and an Authorized Adult that is not within the clear and unobstructed view of another Authorized Adult, or a parent or legal guardian.

Program – an organized activity in which Minors participate, whether on or off campus, that is offered, sponsored, hosted, controlled, or otherwise operated by a Sponsoring Unit. Programs include, but are not limited to, workshops, camps, clinics, internships, conferences, pre-enrollment visits (including recruiting visits by prospective student-athletes), 4-H and Cooperative Extension activities, and other similar activities. The term Program does not include events on campus that are open to the general public and that persons under the age of 18 may attend at the sole discretion of their parent(s) or legal guardian(s).

Sponsoring Unit – a University academic or administrative unit that offers, sponsors, hosts, controls or otherwise operates a Program.

Reportable Offense – any of the following offenses committed against a Minor:

a) The infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage to or upon a Minor;
b) Any non-accidental contact with a Minor's genitals, breasts, or anus;
c) Furnishing harmful or unlawful items or substances to a Minor;
d) Surreptitious photographing, videotaping, filming or digitally recording a Minor in a place or in a condition in which such Minor would have a reasonable expectation of privacy (e.g., bathrooms, locker rooms, etc.).

Third-party Activity – sports camps and other similar activities in which Minors participate and that use University facilities, but which are owned, offered, controlled, or otherwise operated by third-parties pursuant to a facilities use or other similar type agreement with the University. This term does not include the rental or use of University owned or controlled facilities by a third-party for a private entertainment event.

Third-party Activity Provider – any individual or entity that owns, offers, controls or otherwise operates a Third-party Activity.

University Housing – residential facilities owned by or under the control of the University.

SPONSORING UNIT AND THIRD-PARTY ACTIVITY PROVIDER REQUIREMENTS

A. Communication and Notification

1. The Sponsoring Unit will obtain contact information, including name, phone numbers, and street and email addresses, for the parent(s) or legal guardian(s) of all Minors (Appendix A). It will also obtain similar information for one or more adults serving as emergency contacts. This information will be used to notify such individuals of any 1) significant health or safety issues affecting the Minor, including medical or behavioral problems, and 2) any programmatic disruptions, including Program cancellations and time changes.

2. Third-party Activity Providers will obtain substantially similar information for Minors participating in a Third-party Activity.

3. The Sponsoring Unit or Third-party Activity Provider will provide contact information for at least one Authorized Adult to the parent(s) or legal guardian(s) of each Minor.

B. Medical Information, Administration of Medication, and Emergency Services

1. The Sponsoring Unit will obtain a completed **Program Participant Medical Information and Release Form** (Appendix B) for each Minor.

2. Program Staff will only administer or dispense medications to Minors as follows:
    a. Program Staff will review all Appendices A and B submitted on behalf of Minors.
    b. The Minor's parent(s) or legal guardian(s) will provide prescription medication in its original container labeled with the Minor's name, medication name, and storage and dosing instructions. Program Staff may dispense medication to a Minor only as directed on the original container, unless the Minor's parent(s) or legal guardian(s) provide superseding instructions on the official letterhead of a physician.
    c. Program Staff will store medication in a secure location accessible only by an Authorized Adult and will follow any special storage directions on the original container (e.g., refrigeration). The Minor will be responsible for self-administration in the presence of an Authorized Adult.
    d. Minors may possess any physician-prescribed medical devices intended to treat emergency or chronic conditions. Examples include but are not limited to "epi" pens and asthma inhalers.

3. Program Staff will maintain current first-aid and CPR certifications and will call 9-1-1 in the case of a medical emergency involving a Minor.

C. Supervision of Minors

1. No Authorized Adult will have One-on-One Contact with a Minor. Therefore, an Authorized Adult may have contact with a Minor only if at least one other Authorized Adult, parent or legal guardian has a clear and unobstructed view of the other Authorized Adult and Minor.

2. Program Staff will not photograph, video, or digitally record a Minor unless expressly authorized by the Minor's parent(s) or legal guardian(s).

D. Communication with Minors

Authorized Adults may communicate with Minors by phone, social media, or other electronic means (e.g., emails, text messages, etc.) only to convey information regarding Program or Third-party Activities.

E. Behavioral Expectations

1. Program Staff will distribute written rules and regulations regarding the Program or Third-party Activity to all Minors and their parent(s) or legal guardian(s). Such rules and regulations will specify the conduct requirements/prohibitions to which all Minors are

subject including, but not limited to the "Prohibited Conduct" section of the University's Student Code of Conduct and, if applicable, the Department of Residence Life's Community Standards and Policies. The rules and regulations will inform Minors and their parent(s) or legal guardian(s) that, at the sole discretion of Program Staff, Minors may be subject to discipline for violations of applicable rules and regulations, up to and including dismissal from the Program or Third-party Activity at the expense of the Minor's parent(s) or legal guardian(s).

2. Minors may only use audio, video or digital recording devices with the permission of Program Staff.

F. Applicability to Third-party Activity Providers

University facility use or other similar agreements with Third-party Activity Providers will specify that compliance with the requirements of Sections A through E of this Policy is a condition of such agreements, although such Providers may design their own forms and write their own policies to comply with such requirements.

G. Recordkeeping and Background Checks

1. No fewer than sixty (60) days before a Sponsoring Unit commences a Program, it will submit a Program description to the Vice President for Student Affairs ("VPSA") containing dates and location(s) of Program activities, and the names of all Program Staff and Minors. Sponsoring Unit will supplement the description as new information becomes available. University facility use or other similar agreements with Third-Party Activity Providers will impose the same requirement upon such Providers. The VPSA will maintain a master list of all Programs and Third-Party Activities. Such master list will include but not be limited to Program and Third-party Activity names and descriptions, dates of operation, University Housing room and roommate assignments, and identities and contact information for all Program Staff and Minors. The VPSA will consult with the Department of Records Retention & Archives regarding the length of time records pertaining to Programs and Third-party Activity Providers should be retained.

2. The Division of Human Resources ("HR") will conduct or cause to be conducted a criminal background check of all Program Staff who participate in a University Program pursuant to the policies and procedures of the Arizona Board of Regents and the University. University facility use and other similar agreements with Third-party Activity Providers will specify that, as a condition of being allowed to use University facilities, such Providers will provide proof to HR that they have conducted criminal background checks at their own expense through a private authorized vendor of all proposed Program Staff.

H. Training

1. The Sponsoring Unit will require that all Program Staff read and become familiar with this Policy. All Program Staff will sign and date a form verifying that they have reviewed this Policy and agree to its terms, and the Sponsoring Unit will maintain all such verifications. No Adult may have Direct Contact with a Minor until he or she has provided such verification.

2. The University will develop a training program that includes information about responsibilities pertaining to safeguarding Minors, applicable policies and procedures, and reporting requirements regarding Reportable Offenses. No Adult may have Direct Contact with a Minor unless he or she has successfully completed the training as directed by the University. The University will maintain a list of the names and dates on which Adults have completed the training.

3. University facility use or similar agreements with Third-party Activity Providers will mandate that such Providers furnish training to their Program Staff.

I. Reportable Offenses

1. If an Authorized Adult becomes aware of or has reasonable suspicion to believe that a Minor has been subjected to a Reportable Offense, he or she will immediately report such information to a peace officer by calling 9-1-1. Any Authorized Adult who is aware of an ongoing threat to the health or safety of a Minor will take such steps as are appropriate under the circumstances to immediately separate the Minor from the threat.

2. The Program or Third-party Activity Provider will immediately take steps to prohibit any Authorized Adult or Minor accused of causing harm to a Minor from having any further Direct Contact with Minors until such time as a law enforcement agency or Child Protective Services investigation of such allegations concludes that the Authorized Adult has not committed a Reportable Offense upon or against the Minor.

J. Penalties for Violations

University Program Staff who violate this Policy may be subject to discipline including, but not limited to, dismissal from current Programs and/or the ability to participate in future Programs.

Sponsoring Units that violate this Policy may be prohibited from offering, sponsoring, hosting, or otherwise operating Programs.

Third-party Activity Providers that violate this Policy may be prohibited from using University facilities.

RELATED POLICIES AND OTHER MATERIALS:

Reporting of Illegal or Unethical Conduct at the University of Arizona
http://president.arizona.edu/memos_letters/reporting-illegal-or-unethical-conduct-university-arizona

Mandatory Background Checks for Employees and Process for Hiring, Retaining, or Terminating Employees Convicted of a Felony Offense – ABOR Policy 6-709
http://azregents.asu.edu/rrc/Policy%20Manual/6-709-Mandatory%20Background%20Checks-Employees-Process%20for%20Hiring-Retaining-Termination%20Employees%20Convicted-Felony%20Offense.pdf

Fingerprint-Based Criminal Background Checks for Security- or Safety-Sensitive Positions
http://www.hr.arizona.edu/02_sel/FPChecks.php

Pre-Employment Screening – University of Arizona Human Resources Policy 103.1
http://www.hr.arizona.edu/policy/103.1

Pre-Employment Screening and Background Checking Procedures
http://www.hr.arizona.edu/pre_employment_background_screening

Criminal Background Checks for Non-competitive Hires, Transfers and Reassignments and Student Employees and Volunteers
http://www.hr.arizona.edu/criminal_background_checks_for_non_competitive_hires

Workplace Violence – University of Arizona Human Resources Policy 401.1
http://www.hr.arizona.edu/policy/401.1

University of Arizona Nondiscrimination and Anti-harassment Policy
http://policy.arizona.edu/sites/default/files/Nondiscrimination.pdf

Visitors in the Workplace – University of Arizona Human Resources Policy 421.0
http://www.hr.arizona.edu/policy/421

CAFT Hearings
Rationale for change of bylaws
Patricia B Hoyer
Sept. 5, 2013

Suggested changes to bylaws will institute two gate-keeping steps prior to a formal hearing by CAFT.

1. Grievance Clearinghouse Committee (GCC) will collectively review a grievance and decide whether it warrants forwarding to CAFT.
2. Committee on Academic Freedom and Tenure (CAFT) will collectively meet informally with the grievant and determine whether the case warrants a formal hearing*.

Benefits of this new method of screening to reduce the number of hearings that subsequently seem unwarranted:

1. Grievant will have a chance to have his/her case considered by a broader audience than in a formal CAFT hearing.
    a. GCC is made up of the chairs/reps. of CAFT (Chair and Vice Chair), Committee on Conciliation, Office of Institutional Equity, University Committee on Ethics and Commitment, and one Faculty Senator-at-large.
    b. CAFT is made up of 12 elected University-wide general faculty members who have been vetted by the President, and Chair of the Faculty.
    c. A CAFT hearing panel is made up of 3 or 5 (cases of dismissal or tenure/promotion denial) members of CAFT (or previously vetted faculty).
2. A formal CAFT hearing is very costly in the time and effort expended by CAFT panel members, Faculty Center administration and attorneys from the Office of General Council, in preparation of documents, scheduling witnesses, as well as the hearing itself (can be several hours to several days in duration).
3. A formal CAFT hearing usually also involves witnesses from within the University, thereby costly in their time and effort as well (preparing documents, etc.). This often also fuels emotions and hard feelings between the grievant and colleagues.
4. A formal CAFT hearing is also a financial burden in providing a court reporter (recording and transcribing all of the hearing), food and refreshments, and often outside legal counsel from the community.

*CAFT does not make any final decisions, only a recommendation to the President based on findings.
*This change will in no way preclude access to a fair hearing for a grievant whose academic freedom has been infringed upon.

THE UNIVERSITY OF ARIZONA®
Committee on Academic Freedom and Tenure
Faculty Center
1216 E. Mabel St. - PO Box 210456
621-1342 (Fax: 621-8844)
facsen@u.arizona.edu

History of CAFT Cases and Decisions 1987-2002;

TABLE I **G=grievant, R=respondent (*usually Univ AZ*)**

YEAR	CAFT CHAIR	TOTAL CASES	COLLEGE	CAFT FINDINGS	PRESIDENT'S DECISION
1987-88	Jane Hill	3		3(G)	3(G)
1988-89	Edward Sheehan	3		2(G); 1(R)	2(G); 1(R)
1989-90	Glen Nicholson	3		3(G)	1(G); 2(R)
1990-91	Susan Steele	1		1 (G)	1(G)
1991-92	Billie Jo Inman	5		4 (G); 1(R)	4(G); 1(R)
1992-93	Donald Thomson	2		1 (G): 1(R)	1(G): 1(R)
1993-94	Henry Ewbank	3		3 (G)	3(G)
1994-95	Charles Adams	3		3 (G)	3(G)
1995-96	Mark Smith	1		1 (G)	.5(G); .5(R)
1996-97	Mary Wetzel	0			
1997-98	Thomas Cetas	1	1-B	1 (G)	.5(G); .5(R)
1998-99	Nathan Buras	0			
1999-00	Juan Heinrich	1	1-G	1 (G)	.5(G); .5(R)
2000-01	Betty Glisky	2	1-A, 1-B	1.5(G); .5(R)	1.5(G); .5(R)
2001-02	Don Bourque	2	1-A, 1-B	1(G); 1(R)	1(G); 1(R)
	totals	***30***		***25.5(G); 4.5(R)***	***22(G); 8(R)***

History of CAFT Cases and Decisions 2002-2009

TABLE II

YEAR	CAFT CHAIR	TOTAL CASES	COLLEGE	CAFT FINDINGS	PRESIDENT'S DECISION
2002-03	Ralph Fregosi	2	1-A, 1-D	1(G); 1(R)	1(G); 1(R)
2003-04	Bruce Sales	2	1-B, 1-D	2(G)	2(G)
2004-05	Donald DeYoung	2	1-E, 1-C	1(G); 1(R)	2(R)
2005-06	Jean Braucher	0			
2006-07	Owen Davis	1	1-A	1(R)	1(R)
2007-08	Susan Wilson-Sanders	3	1-A, 1-H, 1-F	1(G); 2(R)	3(R)
2008-09	Susan Wilson-Sanders	6	3-B, 2-A, 1-C	6(R)	6 (R)
2009-10	Patricia Hoyer	1	1-C	1(R)	1(R)
2010-11	Judith Brown	3	1I, 1A, 1H	1(G); 2(R)	0.5(G); 2.5(R)
2011-2012	Owen Davis	0			
2012-2013	Stephen Wright	2	1D, 1J	2(R)	2(R)
	totals	***22***		***6(G); 16(R)***	***3.5(G): 18.5(R)***

total # cases since 2002 from individual colleges (A-J): college names redacted
A=(6); B=(4); C=(3); D=(3); E=(1); F=(1); G=(0); H=(2); I=(1); J=(1)

Analysis of Decisions (88-02 vs 03-13)

	CAFT FINDINGS	PRESIDENT'S DECISION
1988-2002	**85% (G)**	**73.3% (G)**
	11.7% diff – CAFT/Pres	
2003-2013	**27.2% (G)**	**15.9% (G)**
	11.3% diff – CAFT/Pres	
88-02/03-13	**↓ 57.8% (G)**	**↓ 57.4 % (G)**

9/2/09 pb Caft/analysis/analysis caft cases 1987-2009

Article VII
Grievance Policies and Procedures for Faculty

Section 1. Purpose: To provide for ~~hearing~~ review procedures for members of the General Faculty implementing 6-201(N) (See *Arizona Board of Regents Policy Manual* at 6-201(L) and 6-201(M) for ~~hearing~~ procedures applicable to dismissal, suspension without pay or adverse actions concerning promotion, tenure or nonrenewal allegedly based on discrimination or unconstitutional action, and 6-~~301 (K)~~ 302 for ~~hearing~~ procedures applicable to dismissal or suspension of Academic Professionals.

Source: *Arizona Board of Regents Policy Manual* - 6-201
Arizona Board of Regents Policy Manual - 6-~~301~~ 302
University Handbook for Appointed Personnel (UHAP)

Section 2. Grievance Principles

a. The Board of Regents and the President, administrators and faculty of the University of Arizona (UA) recognize the importance of providing a prompt and efficient procedure for fair and equitable resolution of grievances without fear of prejudice or retaliation for initiating a grievance or participating in the grievance process. Faculty members should have a reasonable amount of time to file grievances to seek redress for perceived harm they have suffered.

b. Each individual's attempt to rectify a perceived wrong is considered consistent with UA's role as an upholder of individual rights and the integrity of the University.

c. The existence of a grievance process in no way diminishes the responsibility of faculty and administrators for the exercise of sound ~~academic~~ judgment.

d. All grievants shall have clearly defined avenues of appeal and redress that may include mediation and/or ~~a hearing~~ an opportunity to present one's concerns to ~~before~~ a faculty committee that reports to the President or his or her designee. The President decides the matter and his or her decision is the final agency decision. The grievant's rights to relief in the courts shall not be affected by this policy.

e. Faculty grievance procedures apply to general faculty as defined in the Constitution of the General Faculty, Article II.

f. The preferred option is to resolve grievances internally at the level closest to the grievant. By using internal conciliation and hearing procedures first, the grievant should ordinarily be able to obtain acceptable results without escalation to a formal charge with an outside agency.

g. At each level of the grievance process, the ~~committee~~ Grievance Clearinghouse Committee or decision maker will advise the grievant of the options available for redress and appeal as part of his or her decision if the grievance is not resolved at that level.

h. In cases involving dismissal of tenured faculty or continuing-status professionals, suspension without pay, violation of due process and academic freedom, the Arizona Board of Regents Policy Manual 6-201 and 6-~~301~~ 302 takes priority. In other cases, a grievant may have his or her issues reviewed by the Grievance Clearinghouse Committee for potential review by the Committee on Conciliation and/or Committee on Academic Freedom and Tenure. ~~request either a conciliation route that may then be followed by a grievance hearing or may directly choose a grievance hearing.~~

i. When a matter reaches a formal hearing, faculty ~~Faculty~~ may choose to present the grievance ~~have a hearing on a grievance~~ before a panel of their peers without counsel present. Alternatively, faculty may choose to be represented by legal counsel at his or her own expense in all hearings.

j. Each grievant has the right to a fair and reasonably speedy investigation and judgment by members of the appropriate committee or office.

k. Two or more faculty members with the same grievance have the right to seek redress jointly or individually.

l. Grievance committees shall keep written records, as appropriate, which shall be equally available to all parties in the case, except privileged communications or documents that are confidential pursuant to state or federal laws or regulations. Committees are not required to keep records of deliberations.

m. All parties to a grievance are entitled to notification within three (3) business days of changes in the status of their grievance.

n. Grievances involving faculty members who work off the main UA campus generally shall be handled by grievance procedures prescribed herein.

o. Grievants and witnesses are assured freedom from reprisals related to their testimony or participation in the grievance process. A separate whistleblower policy describes whistleblower protections and when those protections are applicable.

p. Allegations of sexual or other impermissible harassment will be referred to the University Office of Institutional Equity for investigation. ~~following the procedures developed by that office.~~

q. Allegations of discrimination on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, ~~or~~ gender identity, or genetic information will be referred to Office of Institutional Equity for investigation. ~~Separate documents describe the policies and procedures. However, if a faculty member alleges that an adverse decision was based on unlawful discrimination other than that covered by ABOR 6-201(M) or 6-301(L), the faculty member may proceed to a CAFT hearing under this policy and these procedures following an investigation by the Office of Institutional Equity and appeal.~~

r. Issues of misconduct in research, scholarship, or creative endeavor; conflict of commitment, and facilities misuse are handled by the University Committee on Ethics and Commitment (UCEC) or other committees designated under a separate policy. In conducting inquiries on those matters, UCEC or other appropriate committees follow the applicable University policies on research integrity, professional commitment, and proper facilities use.

s. Generally, if a conflict cannot be settled through informal means, ~~the Ombuds or Conciliation process,~~ a member of the faculty is best served by filing his or her grievance with the single and most appropriate committee or office. The Grievance Clearinghouse Committee will direct the faculty grievant to the appropriate office or hearing body. ~~inform the parties which committee (Conciliation or CAFT) or process (Office of Institutional Equity) will handle the grievance.~~

t. The standard of proof for all findings, conclusions, and recommendations relating to grievances shall be a preponderance of the evidence.

u. No faculty member or administrator can be a decision maker in a dispute in which he or she is a party or in which he or she has a conflict of interest.

v. No faculty member shall forfeit the right to grieve a matter unless he or she ~~is aware that s/he~~ has been harmed, has a right to grieve the matter, and is specifically apprised of any time limits regarding contesting the matter.

Section 3. Grievance Resolution Procedures

The Grievance Clearinghouse Committee shall be composed of the chairs of the Committee on Academic Freedom and Tenure (CAFT), the Committee on Conciliation, the Committee on Ethics and Commitment, a representative of the Office of Institutional Equity, and a faculty representative ~~s~~elected by the Faculty Senate. The ~~Vice~~ vice chair of CAFT shall also serve on the Grievance Clearinghouse Committee as a non-voting member. The chair of CAFT will function as the *ex-officio* voting chair of the Grievance Clearinghouse Committee.

a. The recommended starting point for resolving grievances is at the head or dean level, whichever is applicable. If, however, the grievant does not wish to follow

this route, or this route has not provided acceptable resolution, a grievant has the option of using an ~~ombudsperson~~, Ombuds~~person~~ Committee member, informal University mediator, members of the Committee on Conciliationor ~~a more formal grievance hearing process.~~ or review by the Grievance Clearinghouse Committee.

b. In most cases, faculty may choose an informal route, (~~ombuds~~ Ombuds Committee member, informal mediation or members of the Committee on Conciliation), which may be followed (if ~~necessary~~ appropriate) by review by the Grievance Clearinghouse Committee. ~~the grievance hearing route or the grievance hearing route alone.~~ Grievances alleging discrimination ~~(including sexual harassment)~~ may be filed with either the Grievance Clearinghouse Committee ~~(see Article V, Section 7, for composition of Grievance Clearinghouse Committee)~~ or directly with the Office of Institutional Equity.~~, but will be investigated in either instance by the Office of Institutional Equity.~~

c. Informal problem resolution may be requested, or formal grievances may be filed if the grievant believes any of the following:

i. There has been a violation, a misinterpretation, or an arbitrary or discriminatory application of University policy, regulation, or procedure which, applied personally to that faculty member, infringes upon his or her privileges, responsibilities, or terms and conditions of employment, (e.g., salary, teaching assignment, equipment access, or other inequities); or

ii. He or she has suffered an adverse employment decision ~~been discriminated against~~ on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, ~~or~~ gender identity, or genetic information; or

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

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

Section 4. Informal Resolution Procedures

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

a. Ombuds Program

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

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

b. "Point of View"-The University's Informal Mediation Program

The Point of View Informal Mediation, sponsored by Human Resources, provides neutral trained mediators from the University community. Those who elect to use this process are provided an opportunity to share their uninterrupted point of view. The mediator does not decide who is right or wrong; instead, the mediator helps people understand the conflict and brainstorm options to solve it.

c.~~b.~~ Conciliation Process

i. The Committee on Conciliation has jurisdiction to make inquiry and discuss any problem involving any member of the General Faculty in his or her relationship with the University. The committee may consult and advise but shall not conduct hearings. It is the duty of the committee, after careful investigation, to offer advice to the person or persons involved.

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

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

iv. Legal counsel may not attend or participate in the ~~conciliation~~. Conciliation. A grievant may have an adviser from the University community who has no personal knowledge of the matter, who may attend meetings and review written documentation.

v. The ~~c~~Conciliator(s) shall have fifteen (15) days after assignment by the Grievance Clearinghouse Committee to contact the parties followed by thirty (30) days to try to resolve the conflict. Upon agreement of the parties, the chair of the Conciliation Committee may extend the conciliation period by thirty (30) days.

vi. The ~~c~~Conciliation ~~process~~ results shall be summarized in a report prepared by the ~~c~~Conciliator and sent to the parties.

vii. If ~~c~~Conciliation provides a mutually satisfactory result, the process ends. If the parties cannot resolve the differences, the grievant has thirty (30) days from the date of the Conciliator's report to contact the Grievance Clearinghouse Committee to request that the grievance be reviewed by the Committee on Academic Freedom and Tenure. ~~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.~~

Section 5. Grievance ~~Hearing~~ Review Procedures

a. Whether or not a grievant has sought ~~c~~Conciliation, he or she may request a ~~hearing~~ review by ~~a grievance hearing committee through~~ the Grievance Clearinghouse Committee. If the grievant alleges unlawful discrimination not covered by *Arizona Board of Regents Policy Manual* 6-201(M) or 6-~~301(L)~~ 302, he or she may file a complaint directly with the Office of Institutional Equity without first going through the Grievance Clearinghouse Committee.

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

ii. If ~~the Office of Institutional Equity representative determines that~~ the Grievance Clearinghouse Committee determines the grievant's case contains an allegation of unlawful discrimination, the grievant's case shall be referred to the Office of Institutional Equity. ~~If the Office of Institutional Equity representative determines that the grievant's case does not contain an allegation of unlawful discrimination, the remaining voting members of the Grievance Clearinghouse Committee will advise which committee shall handle the grievance.~~

iii. The Grievance Clearinghouse Committee has the right and responsibility to decline to forward grievances for further consideration if the complaint does *not* involve:

(1) A violation, a misinterpretation, or an arbitrary or discriminatory application of University policy, regulation, or procedure which, applied personally to that faculty member, infringes upon his or her privileges, responsibilities, or terms and conditions of employment (e.g., salary, distribution of effort, equipment access, or other comparable inequities); or

(2) An allegation of an adverse employment decision on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, ~~or~~ gender identity, genetic information; or

(3) An infringement on his or her academic freedom; or

(4) Those grievances covered under ~~UA Faculty Bylaws, Article VII,~~ Section 5,b, iii, (2), (a).

iv. The Grievance Clearinghouse Committee has the right and responsibility to decline to forward grievances for further consideration if the complaint is substantively identical to an earlier grievance by the same individual which has been, or is being, dealt with through ~~CAFT~~ the Committee on Academic Freedom and Tenure or the Office of Institutional Equity process.

b. The grievance review procedure will involve the following steps:

i. Within thirty (30) days of ~~receipt~~ the date of the ~~c~~Conciliator's report on matters that were the subject of ~~c~~Conciliation or within six (6) months of the grievant's knowledge of the occurrence of the actions which formed the basis for the grievance, the grievant shall make a written request for a formal ~~hearing~~ review to the chair of the Grievance Clearinghouse Committee.

ii. The request must be filed by the grievant by hand delivery or by certified mail, return receipt requested, at the Faculty Center and shall contain: grievant's name, address, telephone number, a statement of the complaint, resolution sought, and either the name and address of grievant's attorney, or a statement that grievant is proceeding without an attorney.

iii. The Grievance Clearinghouse Committee shall review the facts surrounding the allegation(s) and may either decline to forward the grievance for further consideration or forward ~~advise which committee or process will handle~~ the case based on the following jurisdictional guidelines:

(1) Alleged discrimination. If discrimination in employment, program, or activity based on race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, ~~or~~ gender identity, or genetic information is the basis of the grievance, the matter will be referred to the Office of Institutional Equity for consideration in accordance with the procedures established by that office.

(2) Other faculty grievances, including infringement on academic freedom and tenure not covered by *Arizona Board of Regents Policy Manual* 6-201(M) or 6-~~301(L)~~302, will be ~~handled~~ reviewed by the Committee on Academic Freedom and Tenure ~~(CAFT)~~ under this policy.

(a) Under this policy, ~~CAFT~~ the Committee on Academic Freedom and Tenure shall ~~hear~~ review any faculty allegation that a decision affecting his or her employment relation with the University was not

determined in substantial compliance with regular University procedures, but only after any administrative appeal mechanism applicable to the decision in question has been exhausted. ~~This includes, but is not limited to, non-renewal of contracts, denial of tenure, promotions, sabbatical leaves, leaves, and disputes on the amount of salary due a non-tenured faculty member who has been suspended or dismissed before the expiration of the employment period.~~

(b) ~~CAFT~~ The Committee on Academic Freedom and Tenure shall ~~hear~~ review other faculty grievances, such as alleged unfair treatment, where no policies or procedures exist or existing policies or procedures have been misinterpreted, misapplied or violated by a University administrator, but only after any administrative appeal mechanism applicable to the decision in question has been exhausted.

(c) The Committee on Academic Freedom and Tenure review process shall include an interview with the grievant who will be afforded an opportunity to express his or her concerns, and may include interviews with other parties which are required if further action is considered. Within ten (10) days of this interview, the Committee on Academic Freedom and Tenure will either choose to recommend a formal hearing before the Committee on Academic Freedom and Tenure or will determine that the faculty member will not be afforded a formal hearing.

Section 6. Grievance Hearing Procedures

a. In cases in which a faculty member is suspended or dismissed, receives an adverse decision concerning his or her promotion, tenure, or nonrenewal as a result of allegedly discriminatory or unconstitutional action, or is released from employment under ABOR Policy 6-201L (Conditions of Faculty Service, Hearing Procedures for Faculty), he or she may request a formal hearing before the Committee on Academic Freedom and Tenure.

i. ~~v~~. The chair of ~~CAFT~~ the Committee on Academic Freedom and Tenure shall forward to the respondent the request for a hearing and the formal grievance within seven (7) days after ~~GCC~~ the Grievance Clearinghouse Committee has referred the case to ~~CAFT~~ the Committee on Academic Freedom and Tenure, with instructions to respond within fifteen (15) days. If the grievant has indicated that he or she will be represented by counsel, the time for respondent to respond should be extended as needed in order for the respondent to seek the advice of counsel. The response shall contain the name, address, telephone number of respondent, a statement of respondent's position on the issue, and the name and

address of the respondent's attorney (if any) if grievant elects to be represented by an attorney.

~~v.~~ ~~Within fifteen (15) days of receipt of the respondent's position statement, the grievant and respondent will receive written notification from the chair of the Grievance Clearinghouse Committee as to which committee will handle the case and a statement of procedures of that committee. The chair of the Grievance Clearinghouse Committee shall notify the chair of CAFT (or the appropriate committee) of the case assignment at the same time.~~

ii. ~~vi~~. The chair of ~~CAFT~~ the Committee on Academic Freedom and Tenure will appoint a hearing panel within ten (10) ~~class~~ days of a case assignment. The chair of the ~~CAFT~~ Committee on Academic Freedom and Tenure panel will set a hearing date in conjunction with all parties involved in the case. The hearing should begin within sixty (60) ~~calendar~~ days of the date the grievance is assigned to the hearing panel. The sixty (60)-day period includes only the time when the University is in session. Semester breaks and summer recess are not included unless otherwise agreed to by the ~~CAFT~~ Committee on Academic Freedom and Tenure panel chair and the parties. The parties shall receive notice of the hearing date at least twenty (20) days before the hearing date. The notice shall include:

(1) A statement of the time, place and nature of the hearing;

(2) A statement of the authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular statutes, rules, or policies involved; and

(4) A short and plain statement of the matters asserted. If ~~CAFT~~ the Committee on Academic Freedom and Tenure is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

iii. ~~vii~~. A grievance shall not proceed if the grievant, after due notice, fails to be present or fails to obtain a continuance. A grievant may withdraw his or her grievance at any stage in the grievance procedure by writing the chair of the panel designated to hear the grievance.

iv. ~~viii~~. If a grievant commences a grievance with an outside investigative agency based on the same or similar grounds, either the conciliator or the chair of the hearing panel, depending on the stage of the complaint process of the internal grievance, will continue the internal process unless the grievant withdraws the internal grievance or desires a postponement.

v. ~~ix~~. No later than fifteen (15) days before the hearing date, the grievant and respondent must provide written documentation, including exhibits and a list of witnesses, to the chair of the hearing panel. The chair may require additional written submissions such as a written opening statement prior to the hearing.

vi. ~~x.~~ The chair of the hearing panel shall send a copy of the written documentation and witness lists submitted by the grievant and the respondent to the panel members within three (3) days after receipt. The grievant's witness list, exhibits, and other required documentation will be forwarded to respondent, and the respondent's witness list, exhibits, and other required documentation will be forwarded to grievant by the chair within three (3) days after receipt of lists from both parties.

vii. ~~xi.~~ Any member of the General Faculty requested by the panel to appear as a witness in its investigation of a complaint shall consider it an obligation as a General Faculty member to appear and testify. The chair of the panel may call witnesses upon request of either party or on the chair's initiative. The chair may also require the production of books, records, and other evidence. Such requests shall be made either by personal delivery or by certified mail. The chair of the hearing panel shall have the authority to issue subpoenas for the attendance of witnesses and for the production of books, documents, and other evidence.

viii. ~~xii.~~ ~~CAFT~~ The Committee on Academic Freedom and Tenure has an important fact-finding role. The hearing may be conducted in an informal, collegial manner and without adherence to the rules of evidence required in judicial proceedings. To the extent possible, the hearing should be carried out in a non-adversarial, collegial way. Hearings shall be conducted according to the following rules:

(1) No fewer than three (3) faculty members shall constitute a hearing panel. Members shall not participate on a hearing panel when there is a conflict of interest.

(2) The hearing, but not the deliberations of the committee, shall be recorded.

(3) Unless overriding reasons under law or ABOR policy are given to grievant, respondent, and other appropriate parties, all parties shall have access to all information that is presented during the hearing at no expense to them.

(4) The chair of the panel shall keep the parties informed about the status of the grievance.

(5) Faculty may choose to have a hearing on a grievance before a panel of their peers without legal counsel present. Alternatively, the faculty may choose to be represented by legal counsel present at his or her own expense in all hearings. In cases between a faculty member and an administrator, if the faculty

member chooses not to be represented by counsel present at the hearing, then the administrator shall not have counsel at the hearing either. In cases between faculty members, either party may choose to be represented by counsel present at the hearing at his or her own expense. Any party may obtain legal advice and assistance in preparation for a hearing, even if a legal advisor will not be present at the hearing itself.

(6) Legal advice to the grievance panel:

(a) If neither party is advised or represented by counsel and a University attorney has not been involved in the case on behalf of either party, then a University attorney may provide legal advice to the grievance committee upon request.

(b) Outside counsel may be ~~obtained~~ selected by ~~CAFT~~ the Committee on Academic Freedom and Tenure from a list of qualified attorneys provided by the University to provide legal advice to the committee if the University attorney is precluded from providing advice to the committee because of a conflict or for other reasons as determined by ~~CAFT~~ the Committee on Academic and Tenure. The role of counsel is to give sound legal advice and assistance to the panel on the matter it is hearing.

(c) At the discretion of the ~~CAFT~~ Committee on Academic Freedom and Tenure panel, when the parties are represented by counsel, a hearing officer may be secured under the University's agreement with ~~the American Arbitration Association~~ Tri-University Outside Counsel, ~~may conduct the hearing~~. ~~Alternatively and at the CAFT panel's discretion, a hearing officer secured from another list of impartial hearing officers maintained and used by the Department of Human Resources for personnel hearings may conduct the hearing~~. The hearing officer assists the panel in developing findings, conclusions and recommendations during deliberations and may prepare the written report in consultation with the panel but does not participate in the decision-making process of deliberation.

(7) For good cause shown, upon request of either party or on the chair's own initiative, the chair may continue the proceedings to another time.

(8) The hearing shall be closed to the public except that the grievant may, at his or her discretion, demand that the hearing be open to the public.

(9) The grievant and respondent may be present during the hearing proceeding. Witnesses shall be excluded except while testifying.

(10) Generally, the panel will allow all witnesses to testify and documents to be presented which are relevant and probative to the complaint or the response. The ~~CAFT~~ Committee on Academic Freedom and Tenure panel shall exclude irrelevant, immaterial or unduly repetitious evidence.

(11) Each party may present an opening statement of his or her position. Generally, the grievant will then present all of his or her witnesses and documents. The panel members may question the witnesses and parties and ask questions about documents presented throughout the hearing. The respondent may question the grievant and witnesses. After the grievant has presented his or her case, the respondent shall have an opportunity to present witnesses and documents, and the committee members may question the witnesses and ask questions about documents presented. The grievant may question the respondent and witnesses.

(12) At the completion of the hearing, including any closing statement and receipt of any written memoranda requested by the panel, the panel will deliberate and prepare a written recommendation. The recommendation shall include findings of fact and conclusions, separately stated, based exclusively on the evidence. Within thirty (30) days of the conclusion of the hearing and receipt of all written documents requested of the parties, the panel will forward its recommendation to the President, who will make the final decision. Upon good cause shown, the President may extend the recommendation date by an additional thirty (30) days.

(13) Within forty-five (45) days of ~~receipt~~ the date of the panel's recommendation and record, the President shall issue a written decision that includes findings of fact and conclusions, separately stated. Copies of the President's decision, including the ~~CAFT~~ Committee on Academic Freedom and Tenure recommendation, shall be ~~mailed~~ provided to ~~CAFT~~ the Committee and the parties. The President's decision shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. § 12-901 et.seq., if desired, must be filed within thirty-five (35) days from the date when a copy of the decision is served upon the party affected. If the President cannot issue a decision within the forty-five (45)-day period, the President will notify the parties within ~~the 45-day~~ that period of a delay in the issuing of the decision, the reasons for the delay, and the date on which the decision can be expected.

(14) A faculty member who is dissatisfied with the President's decision may request reconsideration of the decision by filing a written request with the President no later than fifteen (15) days following receipt of the President's written decision. If no request for reconsideration is made, the President's decision is effective at the expiration of the period in which to request reconsideration.

(a) The request for reconsideration 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~~ Committee on Academic Freedom and Tenure panel that deprived the faculty member of a fair and impartial hearing;

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

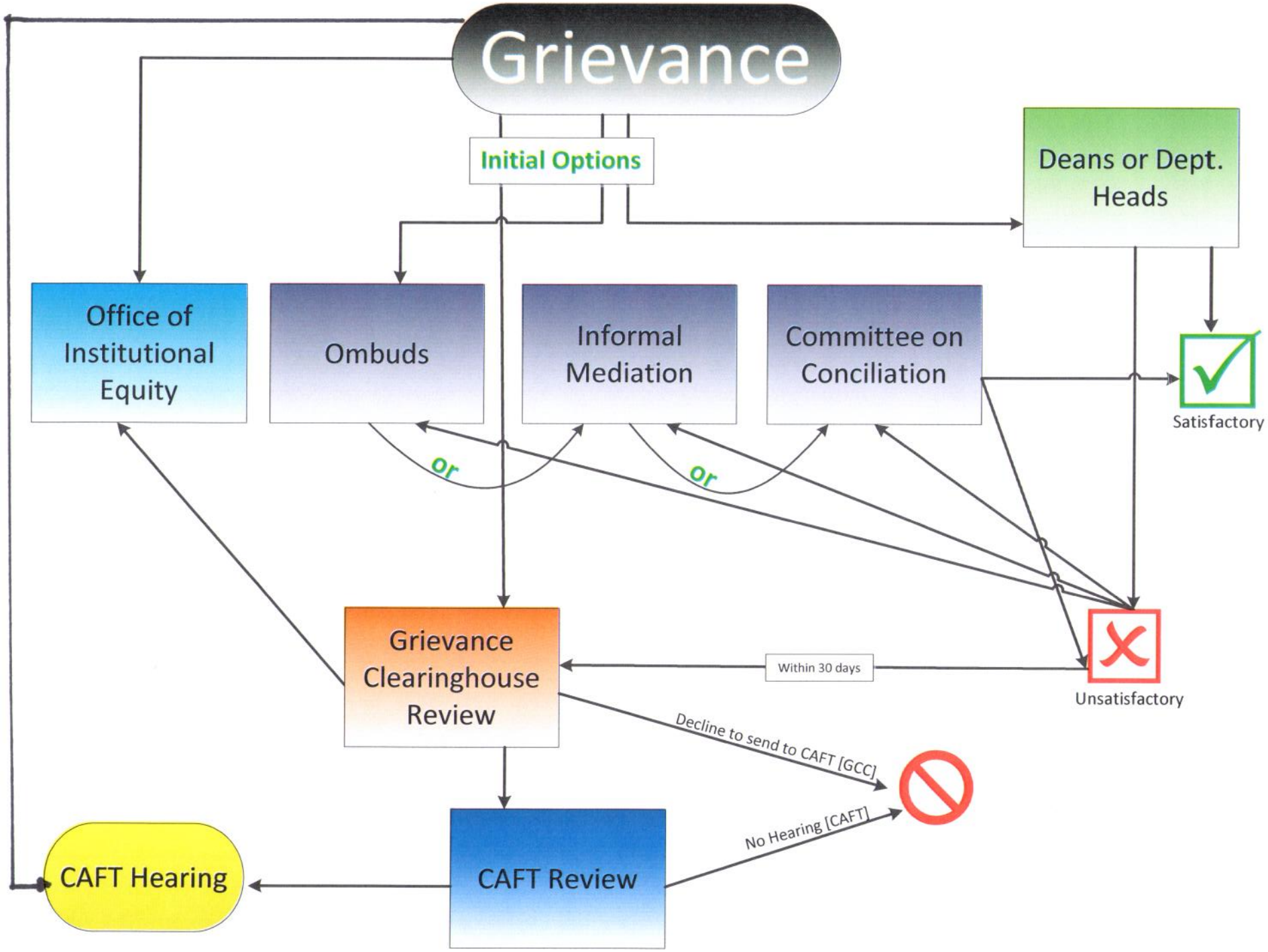
(iii) The decision is not justified by the evidence or is contrary to law.

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

(c) The President's decision on reconsideration shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. § 12-901 et.seq., if desired, must be filed within thirty-five (35) days from the date when a copy of the decision is served upon the party affected.

Cross-References
For the composition of grievance committees, see "Bylaws of the General Faculty of the University of Arizona." Article V, Sections 7, 8, 9.

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


Grievance
Initial Options
Deans or Dept. Heads
Office of Institutional Equity
Ombuds
Informal Mediation
Committee on Conciliation
Satisfactory
or
or
Grievance Clearinghouse Review
Within 30 days
Unsatisfactory
Decline to send to CAFT [GCC]
No Hearing [CAFT]
CAFT Hearing
CAFT Review

GUIDELINES FOR REORGANIZATIONS AND MERGERS OF ACADEMIC UNITS AT THE UNIVERSITY OF ARIZONA (revised 1-29-14)

Principles

The environment in which the University of Arizona functions is highly dynamic. Shifts in economics, politics, technology, and demographics create opportunities we must take advantage of and challenges that we must meet. In order to survive and thrive in a highly dynamic environment, we must collaborate, bringing our collective intelligence to bear on the best courses of action in changing circumstances.

Senior academic administrators have a responsibility to monitor these changes and, when appropriate, to propose changes in the structure of academic units which will allow them to prosper under new circumstances. Shared governance leadership has a corresponding responsibility to participate constructively in managing these transitions in ways that bring faculty perspectives and expertise into the decision making process while also protecting faculty rights and privileges.

These guidelines focus on the role of faculty in influencing decisions about reorganizations and mergers, but every benefits-eligible university employee who would be affected by the proposal has the right to be informed as early as possible when strategic planners are giving serious consideration to merging, reorganizing, or making significant changes to the mission of their college, department, school, or center; to be able to provide feedback on those ideas; and to know that their feedback will be taken seriously.

For those – administrators or faculty – who believe a reorganization or merger of one or more academic units has sufficient merit to warrant broader discussion:

- Be transparent: Provide a clear case for change, based on the strategic vision of the University and the affected units. Avoid even the appearance of "solutions in search of a problem." What demonstrable benefits would the proposed change bring the University? What problems would the proposed change solve? If the proposed benefits are financial, be specific about the savings or efficiencies you anticipate would result from the change.
- Share information: What are the drivers (financial, academic, political, etc.) for the proposed change? What are the advantages (economic, synergistic, etc.) of the proposed change? What are the disadvantages of retaining the status quo? What is your timetable for making a final decision? What external deadlines, if any, affect the timing of the decision? What other options have been considered thus far?
- Engage in consultation: With whom have you consulted with so far? How do you plan to involve shared governance groups at the university, college, and/or departmental level? What are the plans for soliciting and assessing feedback from affected groups and individuals?
- Insure tenure/continuing status protections: As a matter of principle, promotion and tenure/continuing status criteria should not be changed as a byproduct of a merger or reorganization. Have you considered the impact of your proposal might affect the

promotion and tenure (or continuing status) criteria or process for faculty in affected units? How would the proposed changes affect Service Professionals and Academic Professionals on year-to-year appointment? How would reporting relationships change? Be frank about the impact of the proposed change on job security for every category of employee.

- Avoid summer decisions: Avoid initiating major academic mergers or reorganizations over the summer or winter break. Do not proceed past the idea stage without shared governance representation in the process.

For faculty and other personnel in the affected units:

- Participate. Engage early and often. Be civil. Understand that, whether you ultimately agree with the proposal or not, its makers have acted in good faith.
- Make an effort to understand both the pros and cons of the proposed action.
- Make an effort to understand both the pros and cons of NOT undertaking the proposed action.
- Are there additional options or approaches that merit consideration? What are they? What problems with the original proposal for change would they solve?
- Be willing to serve as a shared governance representative on a committee to explore issues and plan changes.

Definitions: These guidelines apply to proposals which would transfer groups of faculty members from one academic unit to another as a part of a reorganization or merger of units.

- Reorganization means changing the administrative structure of the university such that:
  - A new college is created from all or parts of existing departments; or
  - An existing department is transferred from one college to another.
- Merger means combining existing departments or colleges into a new unit.
- Affected units means the academic departments which would be merged or transferred from one college to another.
- Affected faculty means tenure/tenure-eligible or continuing/continuing-eligible members of the general faculty who have appointments in one of the affected units, as defined above.

Disclaimer: These guidelines do ***NOT*** apply to:

- The voluntary movement of individual faculty members from one department or college to another;
- Reorganizations or mergers within a department, or within a single department college;
- Reorganization proposals that would involve the release of general faculty prior to the end of an appointment period. The procedure for reorganizations that involve the release of general faculty prior to the end of an appointment period is governed by

ABOR policy 6-201K, "Release of Faculty for Reorganization Caused by Budgetary Reasons or Programmatic Changes," and ABOR Policy 6-301J, "Release of Professional Employees and Continuing Eligible Professionals."

Process

1. Shared governance representation in planning: As soon as consideration of an academic reorganization or a merger moves beyond mere speculation, proposers will work with the senior academic administrator (e.g., provost, dean) of the affected unit(s) to put together a planning committee consisting of both administrators (e.g., deans, department heads) and non-administrative faculty from the affected units. Where there are local faculty shared governance groups in place, those groups will be asked to choose at least two members of the planning committee. Where no local shared governance groups are in place, the senior academic administrator will work jointly with members of the Faculty Senate from the affected college(s) to appoint at least two faculty members to the planning committee. Faculty from affected units will make up no less than 50% of the planning committee.
2. Publicizing the Planning Process: Once the initial planning committee has been appointed, the senior administrator of the affected units (the Dean, when the proposal affects only one college, or the Provost, when the proposal affects more than one college) will provide an overview of the proposal to Deans Council, asking Deans to share the information with the faculty in their colleges. If additional departments wish to be considered as partners in the proposed merger/reorganization, representatives from those units will be added to the planning committee.
3. Opportunities for meaningful feedback: The planning committee will share its progress with members of the affected units no less frequently than monthly. Progress reports will be distributed via email to members of these units and to any other groups of faculty identified through the planning process as potentially being impacted by the proposal (closely related departments, faculty in research centers or institutes with members from the affected units, etc.) The planning committee will seek feedback both in writing and in person, and should include one or more straw polls in order to assess the level of support or resistance to the plan, or to substantive elements within the plan. Face to face feedback meetings will be scheduled within a week of the release of each written report. The planning committee will compile the feedback they receive, along with the committee's response (if appropriate) within two weeks.
4. Impact analysis: The planning committee's work will include an analysis of where individual faculty members in affected units will fit in the new structure.
    a. If units (e.g., departments or colleges) are to be broken up, the plan will detail which parts of the units will go where.
    b. If units are to be merged, the plan will detail how the leadership of the new unit will be chosen.

c. The plan should include provisions to protect current promotion and tenure/continuing status criteria and processes in the new environment.

d. If faculty teaching workloads will be affected by the proposed change, the plan will explain how and why. Teaching loads vary from department to department and from discipline to discipline, but the proposed merger/reorganization should avoid creating greater disparities than currently exist.

e. Similarly, while market-driven differences in faculty salaries are to be expected, the proposed merger/reorganization should avoid creating greater disparities than currently exist.

5. Final plan:

   a. The committee's "final" plan will be released in draft form to allow members of the affected units and other interested parties to offer feedback during a 30 day- ~~two week~~ window.

   b. The committee will hold at least one extensive Q&A session to explain their plan, answer questions about it, and listen to feedback sometime within **30 days during the fall or spring semesters** ~~two weeks~~ of releasing their draft final plan.

   c. At the end of this period, the committee will meet to review feedback and make modify their plan if they have received new information that suggests changes are appropriate.

6. Plan Approval: Once the planning committee has revised its plan based on feedback from all quarters, faculty in the affected units will be formally polled on their approval or disapproval of the proposal. If a majority (50% plus one) ~~of a quorum (50% plus one~~ of the affected faculty eligible to vote in each of the affected units vote to support the proposal, and if the President believes it is of value, then implementation can proceed in accordance with University processes and ABOR policies, as appropriate. If the proposal does not receive the support of a majority ~~of the quorum~~ of eligible affected faculty ~~voters as defined above~~, the planning committee can:

   a. Opt to amend the proposal and seek a second vote, or

   ~~b. Take the proposal directly to the Faculty Senate for discussion and possible vote. If the proposal is approved by the Faculty Senate, and the President believes it is of value, then implementation can proceed.~~

   ~~c.~~b. Request that the President approve the proposal as is, providing a written rationale and holding an open session to justify proceeding with a proposal that has strong opposition from faculty in the affected units.

   ~~**[Vote # 1 by APPC: 3 in favor/2 opposed]**~~

   ~~d.~~c. ~~Opt to amend the proposal and seek a second vote, or~~

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~~e.~~d. ~~Request that the President approve the proposal as is, providing a written rationale and holding an open session to justify proceeding with a proposal that has strong opposition from faculty in the affected units.~~

~~[Vote # 2 by APPC: 2 in favor/3 opposed]~~

~~a. Opt to amend the proposal and seek a second vote.~~

~~b. If the second vote on the amended proposal fails to generate the required level of support from affected faculty, the proposal will no longer be considered.~~

7. Faculty Senate Review: The final report of this committee will be widely distributed to the University community and presented to the Faculty Senate for approval within thirty (30) days of receipt of the report. The report may support, oppose, or suggest modification of the proposal.
8. ABOR Approval: Following appropriate consultation, the President (or designee) will reach a decision on the proposal and if appropriate forward to the Arizona Board of Regents for approval.
9. Implementation:
    a. Absent a compelling reason to move more quickly, the best time to implement a merger or reorganization is the beginning of the next fall semester.
    b. Those implementing the reorganization or merger should work with the UA Division of Human Resources to initiate a change management process, offering assistance as needed for faculty and other employees during the period of transition.
10. Procedural review: The Shared Governance Review Committee will investigate allegations of failure to comply with the process and/or principles enumerated above upon receipt of a written complaint by a faculty member or other benefits-eligible employee.

ADDENDUM TO GUIDELINES FOR REORGANIZATIONS AND MERGERS OF ACADEMIC UNITS AT THE UNIVERSITY OF ARIZONA (revised 1-29-14)

6. Plan Approval: Once the planning committee has revised its plan based on feedback from all quarters, faculty in the affected units will be formally polled on their approval or disapproval of the proposal. If a majority (50% plus one) ~~of a quorum (50% plus one~~ of the ~~affected faculty eligible to vote~~ eligible faculty voters as defined by the unit, in each of the affected units vote to support the proposal, and if the President believes it is of value, then implementation can proceed in accordance with University processes and ABOR policies, as appropriate. If the proposal does not receive the support of a majority of eligible affected faculty , the planning committee can

GUIDELINES FOR REORGANIZATION PROPOSALS AT THE UNIVERSITY OF ARIZONA

Approved by Faculty Senate September 9, 2002

Revised and Approved by the Faculty Senate April 7, 2008

The University of Arizona strives to achieve the highest quality programs in a highly dynamic environment. Therefore, the institution must be able to move expeditiously to take advantage of new opportunities and maximize efficiency. In this context, it may be useful for academic units within the University to re-examine their organizational structure and consider whether changes may be appropriate.

The following procedure pertains to reorganization proposals that would include the transfer of members of the general faculty, as defined in the Faculty Constitution, from one academic unit to another. They do *not* pertain to reorganization proposals that would involve the release of general faculty prior to the end of an appointment period. The procedure for reorganizations that involve the release of general faculty prior to the end of an appointment period is governed by ABOR policy 6-201K, "Release of Faculty for Reorganization Caused by Budgetary Reasons or Programmatic Changes," and ABOR Policy 6-301J, "Release of Professional Employees and Continuing Eligible Professionals."

The following assumptions and clarifications are an integral part of this procedure for construction of reorganization proposals:

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

A proposal for academic reorganization can originate from diverse levels; however the faculty academic support personnel, and academic administrators (such as Deans, Heads and Directors) in the units to be affected must be involved in the development of a proposal. The proposer(s) will submit a proposal to the President with copies to the Provost and Chair of the Faculty. The proposal will include:

1. A background statement establishing the basis for the proposal, including a description of the preliminary discussions and significant consultations held thus far, and an assessment of possible alternatives;

2. The requested action, including:

a. a timetable for the action, including an implementation date;

b. an assessment of the impact of the proposed change on affected research, instructional and outreach programs;

c. a list of the potentially affected faculty members and an assessment of the impact on affected faculty members, staff, and appointed professionals;

d. a review of the types of course and curriculum changes that might be necessary; and

e. a preliminary analysis of the costs and of the benefits of the proposed reorganization.

If 75% of the affected faculty members approve the proposed reorganization, and if the President believes it is of value, then implementation can proceed in accordance with University processes and ABOR policies, as appropriate. If a majority (50%+1) but less than 75% of the affected faculty approves the proposed reorganization, and if the President wishes to pursue the matter further, then the following steps are required:

The President (or his designee) and the Chair of the Faculty will immediately:

I. Constitute an advisory committee charged to evaluate the proposal with a special emphasis on enhancing the mission-related activities of the affected units. The Chair of the Faculty (or designee) will chair the committee and ensure that the members of the committee collectively have the necessary knowledge bases to adequately assess the curricular, operational, research and outreach costs and benefits. The committee will be comprised as follows:

a. No fewer than three faculty members, to include one member elected by the faculty in the sending unit(s), one member elected by the faculty in the receiving unit(s), and one member elected by those whose transfer is proposed. The Chair of the Faculty will conduct nomination meetings with each of the three groupings and will arrange for mail ballots to select the three members.

b. Three members of the Faculty Senate appointed by agreement of the Provost and Faculty Senate Executive Committee.

c. One faculty member of the Strategic Planning and Budget Advisory Committee (SPBAC), selected by members of SPBAC.

d. The President of ASUA or a designee selected by ASUA.

e. The President of GPSC or a designee selected by GPSC.

f. The President of the Staff Advisory Council or a designee selected by SAC.

g. The President of APAC or a designee selected by APAC.

II. Forty-five (45) days will be allocated to completing this review. The report of this advisory committee will be widely distributed to the University community and presented to the Faculty Senate for approval within thirty (30) days of receipt of the report. The report may support, oppose, or suggest modification of the proposal.

III. Following appropriate consultation the President (or his designee) will reach a decision on the proposal and if appropriate forward to ABOR's appropriate committee for recommendation and ABOR action.

These modifications in the reorganizational procedures should allow decisions to be reached in seventy-five (75) days within the Academic Year, thus allowing the University to respond to opportunities and challenges in a reasonable period.

Non-Tenure Track Task Force Report and Action Items

The Non-Tenure Track Task Force was charged by the Chair of the Faculty, Wanda Howell, to "study the clarity and consistency in the use of non-tenure track titles, comparable job expectations, and compensation and career track options."

Principles:

- Non-Tenure Track faculty are mission-critical, contributing in a variety of significant ways to the teaching, research/innovation, and outreach/impact goals of the institution.
- Both the institution and Non-Tenure Track faculty benefit when goals and expectations for this group are clearly identified.
- To be effective, units need clear campus guidelines concerning Non-Tenure Track appointments, but they also need flexibility locally in order to describe, employ, and manage their Non-Tenure Track workforce in ways that meet their unique needs.

Stakeholder Input

Task Force members have conferred with, solicited feedback from, or presented to the following units:

- Faculty Senate, Senate Executive Committee, & Faculty Officers;
- Heads Up/Dept Heads;
- Academic Personnel Policy Committee [APPC];
- The Council of Academic Business Officers [CABO];
- Division of Human Resources;
- Associate Provost for Faculty Affairs;
- Provost's Council & Deans' Council [pending]; and
- The Office of Institutional Research and Planning Support.

Action Items

This report contains a number of action items. Each has an accompanying timeline that details when the item is expected to be addressed. The Task Force also recommends that the Chair of the Faculty formally appoint a group to review and report on progress, as well as on any continuing (or new) issues related to Non-Tenure Track faculty no later than FY 2015/16.

Non-Tenure Track Titles

Currently, there are minimal campus-wide definitions for Non-Tenure Track faculty titles. As a result, there has been little uniformity in how these titles are applied. Establishing clearer

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definitions of and distinctions between different Non-Tenure Track titles (based on the nature of assigned work, the distribution of effort, and the term and/or FTE of the position/appointment) could allow units to:

1) More consistently and appropriately allocate work;
2) Provide campus with a better understanding of the nature of service and the distribution of effort for individuals with different Non-Tenure Track titles;
3) Provide Non-Tenure Track faculty with titles that more clearly represent their work and their level of engagement with and value to the university; and
4) Lead to a stronger shared understanding of the different potential career paths for our Non-Tenure Track faculty.

Action Item: Defining "Adjunct"

> *Action Item 1: Standardize the use and meaning of "adjunct" across campus so that it is used solely as a modifier to describe Non-Tenure Track appointments that are less than full fiscal or academic year appointments in term and are below .75 FTE in effort.*[1]
>
> *Timeline: The new definition should be in place and used on contracts across campus beginning July 1, 2014.*

See Appendix A: *Conditions for Adjunct Appointments.*

The Task Force initially looked at using the same criteria for adjunct as we will be using for ACA and UA benefits eligibility (see Appendix B). However, after investigating the very low numbers of appointments throughout the campus which are both benefits eligible and also less than fulltime or full effort; and thinking as well about the purpose of assigning (or not assigning) the adjunct modifier (to, as much as possible, delineate "fully engaged" NTT appointments from those that are not), we settled on the above criteria.

Action Item: Defining "Visiting"

> *Action Item 2: Standardize the use and meaning of the title modifier "visiting," so that there is greater clarity and consistency in how it is used across campus.*
>
> *Timeline: The new definition should be in place and used on contracts beginning July 1, 2014.*

The Task Force recommends that the campus establish guidelines to 1) primarily limit the use of "visiting" to appointments that are not expected to be renewed multiple times, and 2) to use this title only for appointments of individuals who have held, are on leave from, or are retired from an academic or research position at another educational institution; and/or whose

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research, creative activities, or professional achievement makes a visiting appointment the most appropriate title choice. It may be decided that in rare cases when an appointment meets all the criteria for "adjunct," but an adjunct appointment is inappropriate because of the stature of the individual (e.g., distinguished professor, former high government official, etc.) units should be allowed to use "visiting" as a qualifier instead. The Associate Provost for Faculty Affairs and the Division of Human Resources should work with APPC to finalize the definition.

Action Item: Differentiating Between Common Non-Tenure Track Titles

> *Action Item 3: Provide greater clarity at the campus level for how units should approach defining and differentiating between Non-Tenure Track Titles, based on the nature of the assigned work and on the distribution of effort.*
>
> *Timeline: The Associate Provost for Faculty Affairs will begin working with units to use the broad campus definitions and framework to inform local practice for applying NTT titles. By 2015, all units are expected to have codified their local practice for applying NTT titles and file a description of that practice centrally (with their college and with the office of the Associate Vice Provost for Faculty Affairs or other appropriate unit).*

Action Item: Making Better Use of Principal Lecturer

> *Action Item 4: Principal Lecturer is a title that is described in ABOR (and is referenced in official UA documents, including the Faculty Constitution) but is not in use at the UA. The Task Force recommends that this title be made available for use by units, as appropriate.*[2]

The Task Force recommends that the campus continue to concentrate the distribution of our Non-Tenure Track faculty appointments in either the Lecturer "series" of titles (Lecturer, Senior Lecturer, Principal Lecturer[3]), or in one of the ranked Professor series of titles (Asst./Assoc./Full Clinical, Research, or Professor of Practice; or Asst./Assoc./Full Professor, Non-Tenure Track [NTT])[4] and use the "Instructor" title sparingly, if at all, as has been our general practice.[5]

These two "series" of titles, however, need to be more formally differentiated to allow us to achieve greater consistency in their use (across campus and within colleges/units), and to provide our Non-Tenure Track faculty with titles that reflect the nature of their assigned work and/or the distribution of their effort. Toward this goal, the Task Force recommends that the campus establish better guidelines and support for units in identifying which titles to use for Non-Tenure Track appointments. These guidelines would concentrate the use of the Lecturer series on those Non-Tenure Track faculty who are primarily engaged in teaching, and use the appropriate ranked Professor title for those Non-Tenure Track faculty whose distribution of effort includes significant additional responsibilities (e.g., leadership on curriculum design,

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assessment, advising, program management, or significant service or research responsibilities, etc.) or who are more heavily engaged in graduate education.

Because the specific needs of individual colleges or units will differ, the Task Force suggests that a framework and broad definitions be developed at the campus level (including more descriptive definitions in UHAP) and that those be further fleshed out by colleges or units, using differences in nature of assigned work and distribution of effort to differentiate between these titles locally. Colleges or units should be required to develop these criteria locally, based on the work and needs of their units, and keep an updated copy of those criteria on file centrally (with the office of the Associate Provost for Faculty Affairs or other appropriate unit).

See Appendix B: *Selecting Appropriate Non-Tenure Track Faculty Titles.*

Contracts, Reviews, Promotion, & Career Advancement

90 Day Notice of Renewal/Non-Renewal: Currently, language is added to contracts that waives the rights in UHAP to notice of nonrenewal or review for employees with appointments of less than six months or for any appointments with "adjunct" in their title.[6]

Related Action Items:

> *Action Item 5: The Task Force Recommends that the University curtail the practice of adding language to faculty contracts that waives rights given to them by UHAP (or ABOR).*
>
> *Action Item 6: The Task Force recommends that UHAP be modified so that Non-Tenure Track faculty members with the adjunct or visiting modifiers in their title (under the revised definition) are not afforded the same right to notice of non-renewal or to notice of eligibility for review[7] as are other NTT faculty appointments.*
>
> *Action Item 7: The Task Force recommends that units be prompted 100 days prior to the renewal date for each of their Non-Tenure Track faculty appointments (other than those with the adjunct or visiting modifiers in their titles), so that notices of non-renewal may be sent out, if necessary.[8]*
>
> *Action Item 8: The Task Force recommends that "renewal date" be clearly defined in UHAP (and/or elsewhere in UA policy, as appropriate), so that is it clear when a 90 day notice of nonrenewal must be received in order to comply with policy.[9]*
>
> *Timeline: The timing of all of these actions are interrelated and also depend on the implementation of the recommended changes in the use of adjunct and visiting modifiers. As such, they should be put into practice no later than FY2015/16.*

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Reviews: Regular and thorough reviews are essential to realizing the goals the institution has for Non-Tenure Track faculty, and for those faculty to meet their own professional goals.

- Department heads or supervisors need to review their NTT faculty employees in order to ensure the quality of the product (teaching, research, etc.) they are receiving (toward future decisions concerning renewals/non-renewals, performance improvement plans, or promotion or career advancement), and ensure they are acting good stewards of the fiscal and human resources the University has entrusted to them.
- Non-Tenure Track faculty need to be reviewed in order to understand the value of their contributions to the goals of the unit, to understand areas they might have for improvement or growth, and to be aware of the career path options that may be available to them in the short and longer term.
- UHAP currently requires all faculty (with no distinction between NTT and TT faculty, or between fulltime/effort faculty and limited term/effort appointments) to have annual reviews with peer review (UHAP 3.10).
- In UHAP, recommendations for the promotion of Non-Tenure Track faculty are to be considered by departmental committees on faculty status. If departmental faculty are expected to weigh in on promotions, it is important that they also have the opportunity to provide meaningful feedback for Non-Tenure Track faculty as part of their annual reviews.
- The UA currently utilizes two types of reviews for Non-Tenure Track faculty: those with peer-review and those without. There may also be a significant number of NTT faculty who are not receiving regular reviews.

It is the Task Force's recommendation that all NTT faculty receive reviews (per current policy), but that reviews with a peer element only be required for NTT faculty without the adjunct or visiting modifiers. As is current policy, the type and extent of the peer element of the review should be at the discretion of each department; some departments may (as they do now) elect to conduct a full peer review to parallel reviews completed for TT and CS faculty, while other departments may elect to conduct a supervisory review with a more formative or developmental peer review component (course observation, evaluation of teaching materials, TCE assessments, etc.).

Establishing required elements for the annual reviews for NTT (or other) faculty could help to ensure there are shared, written assumptions between supervisor and employee about performance in assigned work (strengths, areas needing improvement, etc.), work and workload expectations for the coming year, review of any plans for promotion or opportunities for career advancement, etc.

Action Items: Reviews

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Action Item 9: The Task Force recommends that UHAP be modified to require that all NTT faculty receive reviews (as is current policy), but that reviews with a peer element only be required for NTT faculty without adjunct or visiting modifiers. As a result, units would only be required to provide adjunct and visiting NTT faculty with a supervisory review. As is current policy, the type and extent of the peer element of the review should be at the discretion of each department.

Timeline: These changes should go into effect when the rewrite of UHAP goes into effect, preferably prior to FY 2014/15.

Action Item 10: The Task Force recommends that the quality and extent of annual reviews of faculty conducted in a unit be formally included as a data point in the annual and five-year evaluations of unit heads.[10]

Timeline: As the new processes and competencies for administrative reviews (for both 5-year and annual reviews) are developed and then implemented across campus, this data point should be included as part of those reviews.

Action Item 11: Establish a set of required/core elements for annual reviews for NTT faculty.

Promotion/Career Advancement

Promotion or Career Advancement options for Non-Tenure Track faculty include promotion, which occurs within a title (e.g., Lecturer to Senior Lecturer), or advancement into a different title (e.g., moving from Lecturer to a ranked Non-Tenure Track title) depending on performance, job expectations, departmental funds, and unit priorities.[11]

Notice of Eligibility for Review

Minimally, Non-Tenure Track faculty who are not in adjunct appointments should be informed of their eligibility to be considered for promotion in rank at reasonable intervals (UHAP currently reads every 5 years). To facilitate this, the Task Force suggests that all annual performance reviews include a component discussing the Non-Tenure Track faculty member's progress toward promotion/career advancement.

3-Year/Multiple-Year Employment [MYE] Contracts

Many colleges elect to hire their Non-Tenure Track faculty on one-year contracts, though often for many years running. MYE contracts increase job security (thus advancing engagement with the campus and the community); allow for more robust participation in leadership and shared governance; and may increase the retention of valued institutional professionals.

Non-Tenure Track faculty with single-year contracts are currently not considered Faculty for purposes of shared governance (Faculty Senate ARTICLE II Section 1 c. and d.) – and the

decision point rests not on the nature of the service, but rather, on the length of the contract. In addition to a category of "Non-Voting" Members of the General Faculty being proposed later in this document, it is also the Task Force's recommendation that departments establish formal decision points at which to consider moving their NTT faculty to MYE appointments, particularly in those cases where the individual holds a ranked title (under the new definitions), has consistently exceeded expectations, and where unit budgets allow.

Action Items: Multiple-Year Contracts

Action Item 12: Work with departments to establish formal decision points for, or career tracks leading to MYE contracts for NTT faculty.

Action Item 13: Develop (and market to departments) a more flexible renewal process for those on MYE contracts in order to make these contracts more attractive to units, while still remaining fair to those on the contracts.

Proposal: MYE reviews for renewals (done at the end of the second year, as is current ABOR policy) would have three possible outcomes (instead of just two):

1) *Nonrenewal – the individual is guaranteed a terminal year (as is the case now), but is not renewed beyond that. They could still be rehired in some capacity following the terminal year, but the nonrenewal makes clear that there is no expectation of that;*
2) *Conditional Renewal[12] – the individual is guaranteed a second contract following the terminal year of the MYE contract (is "renewed"), but the type of contract that will be offered [Y2Y or MYE] is determined at least 90 days prior to the renewal date [beginning of the fourth year], when budgets and priorities are more clear; or*
3) *Renewal – the individual is renewed for another three-year contract a year before the end of the current contract (as is current practice).*

Timeline: The Associate Provost for Faculty Affairs should work with campus stakeholders to develop a more flexible process (or processes) and market it to units beginning in FY2014/15.

Action Items: Career Path Options

Action Item 14: Gather and make available to campus how some units have established criteria, expectations, and processes/career paths for the awarding of multiple year contracts for NTT faculty.

Action Item 15: Gather and make available to campus how some units have established career paths that include a move into continuing status for some of their long term NTT faculty.

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Timeline: This work should be undertaken by the Associate Provost for Faculty Affairs beginning in FY 2014/15. Information on how units have accomplished the above should be made easily available to other units.

Support for Non-Tenure Track Faculty and their Supervisors

While not specifically mandated as part of the charge, the issue of support for Non-Tenure Track faculty deserves attention. To fully realize the myriad strengths that Non-Tenure Track faculty bring to the institution, in particular, specific content or methods expertise, it will be necessary that Non-Tenure Track faculty be given the tools to fully meet both their own and the institution's expectations.

Action Item: Orientation

Action Item 16: All incoming NTT faculty should have access to an orientation to the institution to help them succeed in the positions they've accepted.

Timeline: Colleges should ensure delivery of orientations to their NTT faculty, but Faculty Affairs should coordinate with colleges, campus HR, and other units to ensure a baseline of information about university policies, procedures, and services are communicated to all incoming NTT faculty.

Orientations allow new faculty to better understand campus culture and values, develop a sense of belonging and buy-in, and situate their particular contributions within the broader goals of the University. From a practical perspective, orientations help create a successful transition to the UA, and can make an often-steep learning curve much more manageable.

Action Item: Instructional support

Action Item 17: Units and colleges currently provide varying kinds (and amounts) of instructional support for faculty. The Task Force recommends the creation of an Instructional Portal to ensure that all faculty have centralized access to the full range of institutional resources, and that all instructional support units have a venue through which to expose their services directly to teaching faculty.

Timeline: An instructional portal should be in place and available to all faculty, no later than the beginning of FY 2015/16.

At a minimum, the instructional portal should include the following:

- Instructional forms (e.g., Change of Schedule Form, Report of Incomplete Grade, Code of Academic Integrity, Record of Faculty/Student Conference, TCE request forms);

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- Instructional policies, procedures and guidelines (e.g., FERPA, Grading Policy Manual, UA Undergraduate Course Syllabus Policy, Summary of Course Evaluation Rubric for Tier 1 and Tier 2 General Education Courses, University General Petitions);
- Instructional resources for course improvement, classroom management, and other resources to maximize teaching and learning effectiveness (e.g., Office of Instruction and Assessment; D2L course site request/support; DRC resources and recommendations for Universal Design; Dean of Students office; Think Tank; University Libraries content & services; UA BookStores' order forms and calendar; TCE calendar, forms, and information; etc.);
- "Where Am I Teaching?" with a link to UITS's classroom information (note: hundreds of requests are made by instructors to change rooms after classes have started. Not only does this present a burden to Room and Course Scheduling, but it also seriously impacts students who may have crafted their schedules with attention to the amount of time needed to travel from one class to another); and
- Providing (or requiring) online training (FERPA, Sexual Harassment, Information Security, etc.) through the portal would also be a possibility.

Action Item: Professional Development

Action Item 18: Gather and make available to campus examples of "best practices," from units that have established criteria, expectations, and processes for NTT faculty to take periods of professional leave for defined purposes (analogous to faculty sabbaticals) and other forms of professional development and/or support.

Timeline: This work should be undertaken by the Associate Provost for Faculty Affairs beginning in FY 2014/15. Information on how units have accomplished the above should be made easily available to other units.

Action Items: Policy Awareness and Training for Faculty and Administrators

While we have mandatory online modules that cover policy and best practice surrounding things such as preventing sexual harassment; understanding IRB/Human Subjects, FERPA, computer security; or even training required for use of campus vehicles or electric carts, we do not require faculty to be trained (or to elect to opt out of such training) in the policies and bylaws that govern their own employment. Likewise, the new heads' lunches and seminars, while useful for networking and information sharing, are not sufficient for preparing those new to (or returning to) administrative duties on our campus.

Action Item 19: Training for Administrators: A mandatory core curriculum (online modules, workshops, assessments, etc.) should be developed for new department

heads or other administrators, in order to familiarize them with their responsibilities, campus (and ABOR) policies and bylaws, avenues for support or mentorship, etc.

Action Item 20: Faculty Awareness: The Task Force recommends that we consider iteratively asking our faculty to validate their understanding of a core set of UA policies, bylaws, and campus practices (concerning employment, governance, etc.), much as we do the areas listed above.

Action Item 21: Support for Faculty on Specific Policy Questions: The Task Force recommends a faculty group be charged with providing support for individual faculty who have questions about policy (or the implementation of policy) that would fall under the purview of faculty governance.

Suggested Model: Currently, the Academic Personnel Policy Committee's [APPC] primary role is to review policy changes or proposals that would affect faculty and forward appropriate action items to Senate:

> *[APPC] receives reports and considers and forwards action items to the Faculty Senate relating to promotion and tenure/continuing status (policy and procedures; statistical report on decisions from the previous year, sabbatical and leave of absence policy, performance evaluation policy and procedures and their relationship to salaries, definition of faculty membership, and governance)*

Charging APPC to take on this additional function would not only offer faculty a point of contact for these questions, it would also provide the members of APPC with a better understanding of any nagging issues with or misconceptions about policy among the faculty at large.

Action Item 22: Policy Portal: the Task Force recommends the campus invest in the development of a campus policy portal or other mechanism through which campus (and ABOR) policies could be more easily (and exclusively) browsed or searched.

Faculty Governance

- Currently, the "General Faculty" of the University of Arizona includes tenure-eligible and tenure track faculty, continuing-eligible and continuing status professionals, and MYE [Multiple Year Employment – i.e. 3 year contract] Non-Tenure Track faculty.[13] General Faculty members have voting rights, may hold office in faculty positions, and have full access faculty governance at the college and unit levels.
- Non-Tenure Track faculty who are NOT on multiple year contracts are represented in shared governance at the campus level by APAC, but at the college and department level, their representation/participation is mixed. Some of these faculty are represented within their colleges' or departments' faculty governance bodies (and may have some voting rights within the college or unit) while others are not.

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- While Non-Tenure Track faculty are not defined as members of the "General Faculty" in the Faculty Constitution, because they are defined as "faculty" in UHAP, they are governed by many of the same policies that apply to Tenure-Track faculty. This often puts Non-Tenure Track faculty in the unusual position of being represented by different shared governance entities, depending on the situation (APAC for some things and Faculty Senate for others).

Action Item: Unify Faculty under Common Policies and Governance Structures

Action Item 23: Have the Constitution & Bylaws Committee investigate unifying all faculty under common policies and governance structures, as appropriate, by modifying the definition of "General Faculty" in the Faculty Constitution and bring potential model(s) to the Faculty Senate and APAC for discussion and/or vote.

Timeline: The Constitution & Bylaws Committee should investigate the options and bring their findings to the Senate and APAC for discussion and/or vote within 12 months.

Proposal: One approach would be to include Non-Tenure Track faculty who are not on multiple-year contracts as "Non-Voting Members" of the General Faculty. These non-voting members would have full, elected representation in Faculty Senate[14] (number to be determined) and, if appropriate, could be appointed to serve on Faculty Senate committees. They would not, however, be allowed to hold other elected office or vote on other matters. This change would not directly affect faculty governance decisions or practice at the college or departmental levels.

The Task Force recommends that the Faculty Senate Constitution & Bylaws Committee investigate this, or other options and bring a recommendation back to Senate for a vote or for further discussion. This would include closely reviewing the Constitution, Bylaws, and other pertinent policies or documents to see where and how these documents would have to be modified. The University of Utah has recently unified their faculty, and some of the approaches and wording they've used could also be useful in our work here: http://regulations.utah.edu/academics/6-300.php

See Appendix C: Suggested Changes to the Faculty Constitution and By Laws.

[1] Adjunct may modify any Non-Tenure Track title (e.g., adjunct senior lecturer, adjunct associate clinical professor, etc.). While "adjunct" should *not* be used for appointments that do not meet the above criteria, there may be times when units decide not to use the adjunct modifier for appointments that *do* meet those criteria. Examples might include "visiting" appointments, but could also include situations where a longer-term Y2Y NTT faculty member (with a non-adjunct appointment) reduces their FTE below the .75 threshold (in a move toward retirement or for other reasons, etc.). The Task Force expects that these types of uses will be rare, and will be dealt with on a case by case basis.

[2] Should it be decided, for whatever reason, that the UA will continue not to take advantage of the Principal Lecturer title, it should be removed from official UA documents (such as UHAP and the Faculty Constitution & Bylaws).

[3] Principal Lecturer is a title that is described in ABOR (and is referenced in official UA documents, for example, in the Faculty Constitution), but its use has been discouraged (and it has not been used in at least the past 15 years). The Task Force recommends that the use of this title no longer be discouraged.

[4] The Assistant/ Associate/Full Professor, Non-Tenure Track series of titles was developed by and is used in the College of Social and Behavioral Sciences. While this title does not exist in ABOR, ABOR allows the three universities to develop their own local Non-Tenure Track titles, as needed [ABOR Policy 6-201E.2].

[5] Instructor was historically used (and seems to have been created as a category in ABOR) as a way of allowing universities to hire doctoral candidates without having a dissertation in hand (ABD), either as TT or Non-Tenure Track, and then to move that person into a TT professor appointment once the terminal degree was granted. This practice seems to have ended in 2007 and was only used a handful of times since 2000. IN 2009, UHAP was modified to remove tenure-eligible Instructors as a category of employment on our campus. The title has more recently been used synonymously with Lecturer.

[6] This practice seems to have been in place in some form since at least 2002.

[7] This means that their supervisor would not be obligated to inform them in writing (at 5 year intervals) that they are eligible to be reviewed for promotion, as is required by UHAP. It does not mean that they do not have the right to have their work reviewed by their supervisor. The Task Force believes that the performance of all Non-Tenure Track faculty should be reviewed.

[8] For the academic year, this would be 100 days prior to August 1st. For the fiscal year, it would be 100 days prior to June 30th.

[9] At present, while the renewal date is often considered the same as the start date, for academic year contracts, some may equate the renewal date with the end of the contract (which is different than the start date).

[10] Suggested data points might include things such as:

1. All faculty reporting to the supervisor (or who report to their direct reports) receive an appropriate annual review;
2. Each annual review meets certain requirements (has a peer element, if required; is based on multiple data points, not just generalizations; includes both a summary of the work, the outcomes, impact and individual's role in the successes [or failures]; includes a section detailing areas that need improvement and what would constitute improvement; includes a section on career path/plans – promotion, advancement, etc., as appropriate; includes an annual goals and expectations section, detailing assigned duties and work for the coming year, etc.);
3. Any NTT faculty who are not renewed receive 90-day nonrenewal notices; and
4. Administrators (and their direct reports) adhere to local, college, and university policies and bylaws, and ensure an understanding of and compliance with these policies and bylaws within their units.

[11] Some units have conflated promotion and career advancement in developing potential career paths for their NTT faculty (e.g., "promoting" Senior Lecturers into Full Professors of Practice). While this in some ways is contrary to the approach recommended by this Task Force, it is in pursuit of the same broader goals. As such, units that have developed effective career path options locally should not feel compelled to change them.

[12] "Conditional" may be a poor word to use here, as the renewal is not exactly conditional – a renewal is guaranteed, but the type of contract is not.

[13] We currently have approximately 80 MYE Non-Tenure Track Faculty, 900 Y2Y Non-Tenure Track Faculty, 1500 TT Faculty, and 230 CS faculty/professionals.

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2012 Head Counts and FTE for UA Faculty/Continuing Status Professionals

Employment Category	Head Count	FTE
Tenured/Tenure-Eligible Faculty	1560	1510
Continuing/Continuing-Eligible Faculty & Professionals;	228	224
Multiple Year Employment [MYE] Non-Tenure Track Faculty	80	77
Non-Tenure Track Faculty [Year-to-Year & Less than a Year Contracts]	1377	962
• NTT Faculty at more than ½ time	910	831
• NTT Faculty at less than ½ time	467	131

[14] These elected representatives would have all the rights and responsibilities of other Senate members (i.e. they would be allowed to vote on any topics put to a Senate vote). The Constitution & Bylaws Committee may want to consider whether adjunct or visiting faculty (using the new definitions) should be eligible to vote for Senate representatives (both for logistical and philosophical reasons).

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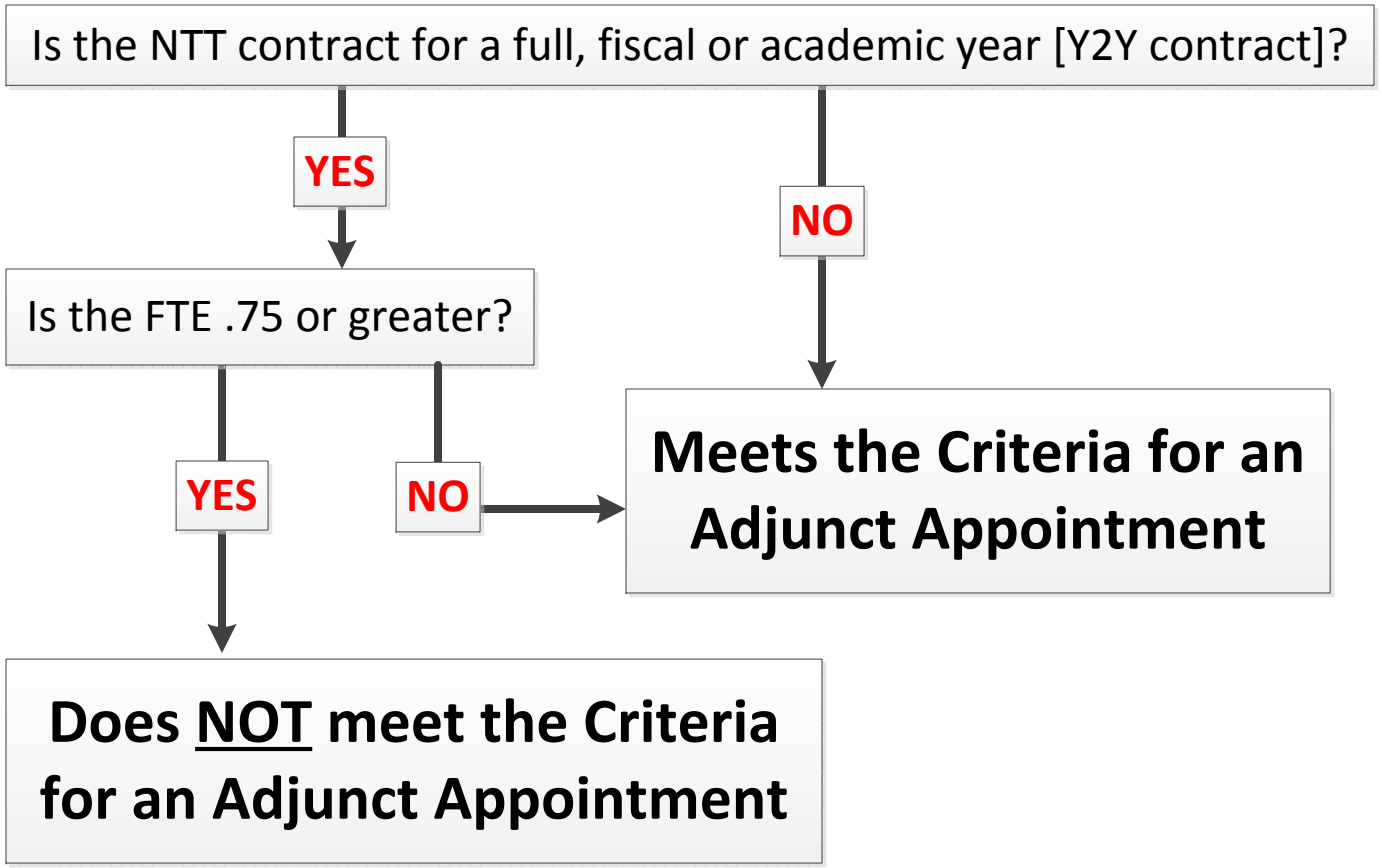
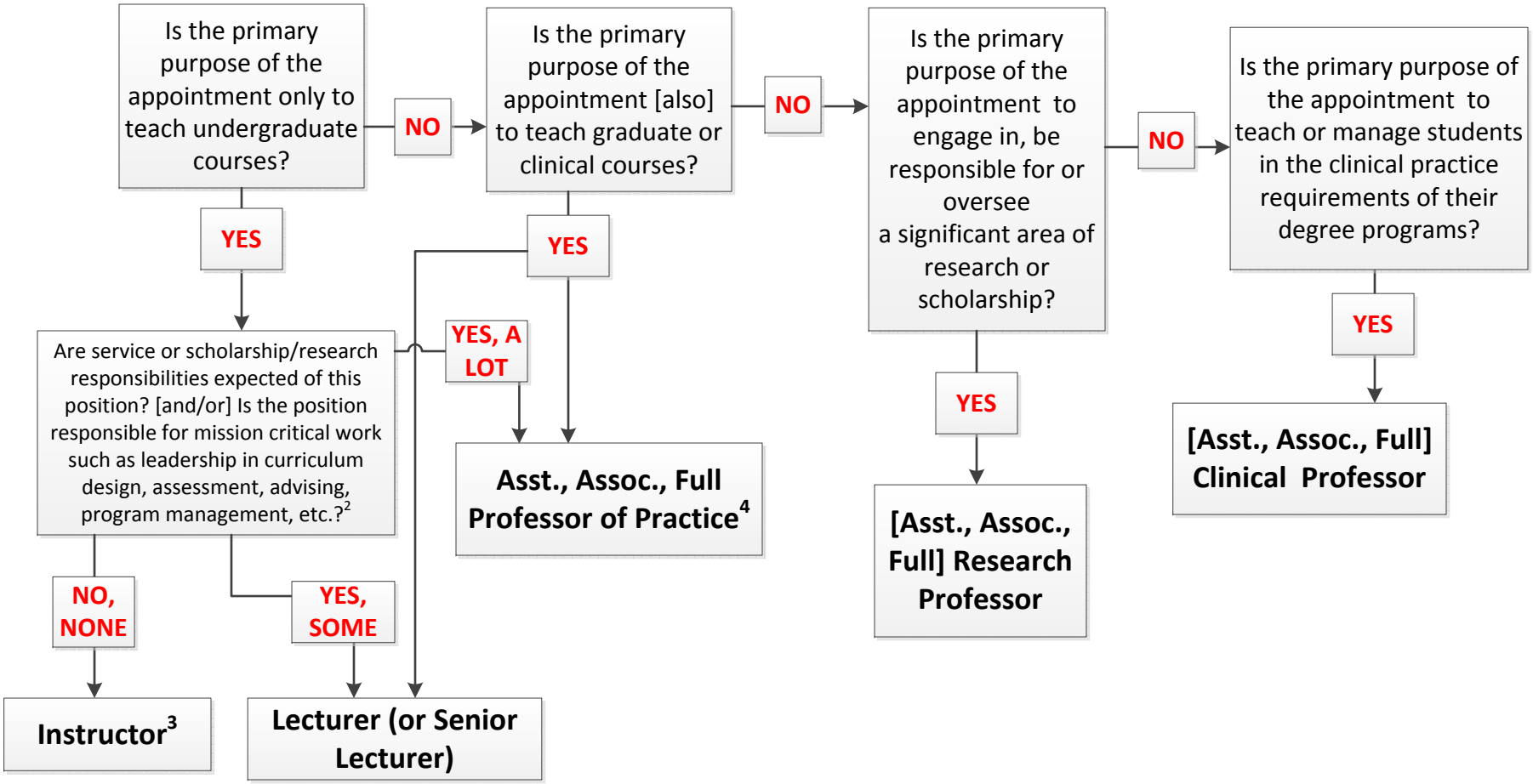
Conditions for Adjunct Appointments*



*This chart does not apply to multiple-year [MYE] contracts. The "adjunct" modifier should NOT be used for any MYE faculty appointments.

Selecting Appropriate Non-Tenure Track Faculty Titles[1]



[1]This flow chart is intended to be a starting point to help units to consider the appropriateness of appointments at different NTT titles based on the nature of service and workload distribution of the position. It is not intended to be used as a prescriptive tool. Units should develop their own criteria to inform these decisions.

[2]The nature of the work and distribution of effort in a position are the key criteria in differentiating between the lecturer title and any type of NTT professor title. Colleges or units should develop criteria to differentiate between these series of titles locally, based on the work and needs of the unit, and keep an updated copy of those criteria on file with the Associate Provost for Faculty Affairs.

[3]While the Instructor title should largely be limited to adjunct appointments, if used at all, in some units it could be appropriate for non adjunct appointments with 100% teaching responsibilities.

[4]SBS uses the series of titles Asst./Assoc./Full Professor, Non-Tenure Track as well as Professor of Practice.