ARIZONA BOARD OF REGENTS
POLICY MANUAL

6-201 Conditions of Faculty Service

Revision Dates

9/29/2022, 9/27/2018, 9/28/2012, 8/4/2011, 4/30/2009, 6/22/2006, 8/17/2005, 8/20/2004, 8/15/2003, 1/24/2003, 8/21/1997, 5/30/1997, 2/13/1997, 10/18/1991, 10/10/1986, 3/12/1983 (adopted; effective 5/1/1983)

B. FACULTY

A. Preamble

The Arizona Board of Regents is entrusted by the people of the State of Arizona with the responsibility for developing and maintaining a system of higher education that provides an opportunity for education to all persons, explores and expands the frontiers of knowledge, and serves to improve the quality of life for the people of the state. In pursuit of these responsibilities, the Board is committed to the development and maintenance of an outstanding university system characterized by sound academic programs, distinguished faculty, institutional diversity, fully equipped facilities, and an open and stimulating environment for learning, teaching, research and service to the public.

It is the policy of the Board to provide access to the university system to all qualified persons in Arizona, to provide equal employment opportunities and due process for its employees, to promote freedom of inquiry, search and exposition of truth and to involve the faculty in the formulation of educational policy and the governance of the universities.

The Board recognizes that Arizona universities have long adhered to the honorable tradition of academic freedom in teaching, research and service and reaffirms that the process of faculty participation and consultation in matters of academic policy is a valuable tradition that must be preserved. The faculties of the respective universities have a correlative duty to share in the responsibilities and obligations of governance and administration.

To these ends, the Board of Regents establishes these Conditions of Faculty Service (6-201) for the Arizona universities.

B. Purpose

1. These Conditions of Faculty Service (6-201) constitute the conditions of employment as a faculty member. Every Notice of Appointment shall incorporate these conditions by reference and shall provide that acceptance of the appointment is recognition that these conditions govern the employment relationship.

2. The Board of Regents is charged by law to exercise control and supervision of each university. Any authority delegated by the Board shall always be subject to the ultimate authority of the Board. The Board shall retain the right of periodic review and modification of all aspects of governance of the universities, and the right to enact such rules, regulations, policies and orders as it deems proper, subject to the rule making procedures set forth in the Board Policy Manual.

3. The Board and the universities may adopt additional rules to govern the employment relationship. Such rules may be modified in accordance with rule making procedures, where applicable, established by the Board and/or the individual universities, which include opportunities for appropriate involvement by representatives of each university's Faculty Senate.

C. Definitions

in this section, unless the context otherwise requires:

1. “Academic Year” means the period commencing and ending with each university’s academic calendar.

2. "Appointment" means employment for a period as specified in a Notice of Appointment. The term refers to both the initial appointments and all subsequent appointments, reappointments or renewals of appointments.

3. "Board" means the Arizona Board of Regents.

4. “Clinical Professor” means a non-tenured, non-tenure eligible faculty member who has established himself or herself by professional experience and expertise over a sustained period of time to be qualified to teach or manage practicum, internship, or practice components of degree programs but who may not have substantial academic experience. The primary responsibilities of this position are teaching or managing students in the practice requirements of their degree programs in a manner that advances the educational mission of the university in a significant or substantial way.

5. "Committee on Academic Freedom and Tenure (CAFT)" means a committee selected by the faculty under procedures determined by each university. Responsibilities of the committee include, but are not limited to, the conduct of hearings in accordance with ABOR Policy 6-201L. and M. (Conditions of Faculty Service, Hearing Procedures for Faculty and Procedure to Review Allegedly Discriminatory or Unconstitutional Action (Including Violations of Due Process or Academic Freedom)).

6. "Day" means calendar day, except that where the last day of any specific time period falls on a Saturday, a Sunday, or a university-recognized holiday, then the time period shall run until 5:00 p.m., of the next day which is not a Saturday, a Sunday, or a university-recognized holiday.

7. "Discriminatory Action" means an employment action that constitutes discrimination on the basis of gender, race, color, national origin, religion, age, veteran status, sexual orientation, or qualified handicapped status, or any other discrimination prohibited by State or Federal law.

8. "Faculty" means all faculty members at a university.

9. "Faculty member" means an employee of the Board whose Notice of Appointment is as lecturer, senior lecturer, principal lecturer, instructor, teaching professor, assistant professor, associate professor, professor, professor practice, research professor, clinical professor or Regents Professor or whose Notice of Appointment otherwise expressly designates a faculty position. Graduate students who serve as teaching or research assistants, associates or otherwise, are academic appointees as well as graduate students but are not faculty members.

10. “Fiscal Year” means a period of twelve (12) months commencing on July 1.

11. "Lecturer," "Senior Lecturer," “Principal Lecturer”, or “Teaching Professor” means a non-tenured faculty member whose primary responsibility is teaching undergraduate, graduate, or clinical courses.

12. "Multiple-year Appointment" means an appointment to a faculty position as a lecturer/senior lecturer/principal lecturer, assistant/associate/full professor of practice, assistant/associate/full teaching professor, assistant/associate/full research professor or assistant/associate/full clinical professor, as defined herein, for a period more than one academic or fiscal year but not more than three academic or fiscal years.

13. "Notice of Appointment" means the document by which an appointment is made to a faculty position, which is signed by the president of the university, or designee and which is more fully described in ABOR Policy 6-201D.6., (Conditions of Faculty Service, Appointment Procedures).

14. "President" or "University President" means the president of a university or the president's designated representative.

15. “Professor of Practice” is a non-tenured, non-tenure eligible faculty member who has established himself or herself by expertise,

achievements, and reputation over a sustained period of time to be a distinguished professional in an area of practice or discipline but who may not have substantial academic experience. The primary responsibilities of this position are teaching courses, including seminars and independent studies, to undergraduates and graduate students in a manner that advances the educational mission of the university in a significant or substantial way.

16. "Renewal" means the process by which an appointment is extended for an additional period.

17. “Research Professor” means a non-tenured, non-tenure eligible faculty member who has established himself or herself by expertise, achievements, and reputation over a sustained period of time to be a distinguished scholar and a researcher but who may not have substantial academic experience. The primary responsibilities of this position are to engage in, be responsible for or oversee a significant area of research or scholarship in a manner that advances the mission of the university in a significant and substantial way.

18. "Rule" means a written statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure to be utilized in implementing law or policy.

19. "Tenure" is the employment status awarded by a president to a faculty member who has demonstrated excellence in teaching, research, and service in accordance with criteria established by each university. The status of tenure creates a legitimate claim of entitlement to continued employment unless the tenured faculty member is dismissed or released in accordance with ABOR Policy 6-201H., J., or K., (Conditions of Faculty Service, Post-Tenure Review, Dismissal or Suspension, or Release of Faculty for Reorganization Caused by Budgetary Reasons or Programmatic Changes), of these conditions.

20. "Tenured" means having tenure.

21. "Tenure-eligible" means having an opportunity to be reviewed for tenure.

22. "University" means the University of Arizona, Arizona State University, Northern Arizona University, or any other university under the jurisdiction of the Board.

23. “Volunteer Faculty Members.”

    a. Those individuals who voluntarily provide substantial and significant services to a university as preceptors, teachers or researchers on

whom a university wishes to confer a faculty title (through an approval process established by the university) to reflect the contributions these individuals make.

b. Volunteer Faculty

(1) Are not employees of the Board of Regents or a university,

(2) Will have no expectation of future employment with the Board of Regents or a university,

(3) Will not be entitled to any of the rights afforded other faculty members under either this chapter or relevant faculty handbooks applicable to university faculty members,

(4) Will not be considered members of a university's general faculty, and

(5) Will receive no compensation for their services, nor be part of the faculty governance system except to the extent permitted by the bylaws of a particular college.

(6) Volunteer faculty may be eligible for a change in title reflecting greater contributions they make to the university in accordance with university or college policies, but are not tenure-eligible or eligible for any other tenure-eligible or tenured faculty benefits such as sabbaticals.

(7) A volunteer faculty member's title may be withdrawn at any time by the President in his sole discretion without cause, notice or due process.

(8) Each university will determine what, if any non-salary, non-compensation amenities will accrue to its volunteer faculty and provide them documentation that contains the conditions of their volunteer service, including any amenities to which they may be entitled.

D. Appointment Procedures

1. Each university president shall establish written procedures through which faculty, heads of academic units, and deans shall have opportunity for effective participation in deliberations leading to recommendations for appointment of faculty members.

2. Faculty appointments made without Board approval.

a. A university president may appoint faculty members without Board approval provided that in each instance:

(1) The appointment is for an academic year beginning on or about August 15, a fiscal year beginning July 1, or a portion of such academic or fiscal year; or the appointment is for a multiple-year term as provided for in ABOR Policy 6-201D.4., and 5., (Conditions of Faculty Service, Appointment Procedures);

(2) The appointment is documented by a Notice of Appointment as required in ABOR Policy 6-201D.6 (Conditions of Faculty Service, Appointment Procedures), which is accepted in writing by the prospective faculty member as required in ABOR Policy 6-201D.7 (Conditions of Faculty Service, Appointment Procedures);

(3) Any salary provided in connection with the appointment does not exceed the maximum salary level set by the Board; and

(4) Funds for such an appointment are available from an authorized source.

b. The appointment is effective on the date written acceptance of the Notice of Appointment is received by the university office designated to receive such acceptance unless a subsequent date is specified in the Notice of Appointment.

3. Faculty appointments made with Board approval

a. An appointment at a salary in excess of the maximum salary level shall be made only with the approval of the Board.

b. The appointment shall not be effective until a written acceptance of the Notice of Appointment is received by the university official designated to receive such acceptances and the appointment has been approved by the Board.

4. Lecturers, senior lecturers, and principal lecturers may be offered one year or multiple year appointments. A multiple-year appointment may be renewed at the end of the appointment period for another multiple-year appointment or for a single year appointment. In accordance with procedures adopted by each university, review for renewal will be conducted during the year prior to the final year. There is no limit on the number of renewals. No multiple-year appointment shall become effective

until approved by the university president.

5. Professors of practice, teaching professors, research professors, or clinical professors may be offered one-year or multiple-year appointments. Appointments may be at the rank of assistant, associate or (full) professor. In accordance with procedures adopted by each university, review for renewal of the appointment will be conducted during the year prior to the final year. There is no limit on the number of renewals. No multiple-year appointment shall become effective until approved by the university president.

6. The Notice of Appointment constitutes the employment contract of the person named in the notice when accepted in writing by the person so named. All notices of appointment shall at a minimum:

    a. Be in writing and signed by the president or designee;

    b. State the name of the faculty member and the period of the appointment and the salary, if any, to be paid;

    c. State the type of faculty appointment and indicate whether the appointment is "with tenure" or is "tenure-eligible" or "non tenure-eligible";

    d. Where appropriate for non tenure-eligible faculty, the Notice of Appointment or offer letter shall state that the appointment is dependent for continuation upon funding from a specific source other than state appropriations and that the appointment may terminate prior to the end of the designated contract period if funding is no longer available; and

    e. State that these conditions of faculty service are incorporated by reference, as are other applicable rules of the Board or university.

7. A faculty member shall accept his or her appointment by signing and returning the Notice of Appointment to the designated university official no later than: (1) fourteen (14) days following the date on which the notice was posted or personally delivered if the appointment is for a fiscal year; or (2) thirty (30) days following the date on which the notice was posted or personally delivered if the appointment is for an academic year. Signatures by those holding valid powers of attorney shall be accepted as those of faculty members. If a faculty member fails to return a signed Notice of Appointment within the required time frame, the appointment may be rescinded, except that for good cause demonstrated by the faculty member the president shall cancel the rescission. Disagreement with the terms of the appointment shall not be deemed good cause, but neither the

offer of nor the signing of the Notice of Appointment shall constitute an agreement as to demonstrated typographical or clerical errors contained in the notice, nor shall signing the Notice of Appointment waive the right of the faculty member to pursue a disagreement with respect to the offer for any other reason. Each faculty member shall be responsible for notifying the university of a mailing address where the Notice of Appointment is to be sent.

8. No oral or written communication made prior to or after the execution of a Notice of Appointment that is inconsistent or in conflict with the Conditions of Faculty Service (6-201) or other Board or university rules shall become a part of the conditions of employment.

9. Whether or not an annual salary adjustment has been included in the annual Notice of Appointment, acceptance of the Notice of Appointment shall not waive the faculty member's right to request a review of a salary adjustment in accordance with the university procedure for such a review.

10. Regardless of the terms of the notice of appointment, a faculty member may be placed on furlough under a furlough plan approved pursuant to Board policy 6-810.

E. Types of Faculty Appointments

1. Any person appointed as an Assistant Professor, Associate Professor or Professor is either tenured or tenure-eligible as designated by the Notice of Appointment, except as provided in ABOR Policy 6-201E.2. (Conditions of Faculty Service, Types of Faculty Appointments).

2. Any person appointed to a faculty position designated as "visiting," "adjunct," “teaching”, "research," "clinical", or such other title(s) as may be designated by each university, shall not be tenured or tenure eligible and shall have no expectation of continued employment beyond the end of the current appointment period.

3. Any person appointed as an instructor may or may not be tenure-eligible as designated by the Notice of Appointment.

4. Any person whose appointment is designated tenure-eligible shall have no legal right of continuity in his or her position beyond the current period of appointment but will be reviewed for renewal or tenure in accordance with procedures adopted by each university.

5. A tenure-eligible faculty member who has worked beyond the second year and who receives an adverse renewal or tenure decision shall be given a

terminal year appointment. University policies may provide for a shorter notice of non-renewal in the first or second years.

6. Any person appointed as a lecturer, senior lecturer, or principal lecturer shall have no expectation of continued employment beyond the end of the current appointment period, with the exception of those individuals who have previously attained tenure prior to the 1991-92 appointment period. Lecturers, senior lecturers and principal lecturers may receive a multiple-year appointment.

7. Any person appointed on a multiple-year appointment as a professor of practice, teaching professor, research professor, or clinical professor shall have no expectation of continued employment beyond the end of the current appointment period.

8. Any person appointed to a faculty position, except those faculty members who have attained tenure status, whose appointment is dependent for continuation upon funding from a specific source other than state appropriations, shall have no expectation of continued employment if such funding is no longer available.

9. A faculty member may hold a nonfaculty appointment concurrent with a faculty appointment. Only the faculty appointment shall be subject to the conditions of faculty service.

10. Except as otherwise provided in ABOR Policy 6-208 (Honored Faculty Positions), an honorary, courtesy, or other non-earned faculty appointment is not an appointment to a tenure-eligible position. No compensation shall be provided in connection with such an appointment and such appointment may be terminated at any time at the discretion of the university president.

11. At each university, the total number of multiple-year appointments as lecturers, senior lecturers, principal lecturer, professors of practice, teaching professors, research professors and clinical professors may not exceed fifteen percent (15%) of the number of tenure track faculty, both tenured and tenure eligible.

F. Faculty Compensation, Employment-Related Benefits and Board Policies

1. Maximum and minimum salary scales for Associate Professors, Assistant Professors, senior lecturers, lecturers, and instructors, and minimum salary scales for professors are set by the Board. The president shall approve individual salaries within those scales or as otherwise approved by the Board. Salary adjustments will depend upon available funding and are allocated by the president within the limitation of available funds and

based on the provisions in ABOR Policy 6-211 (Evaluation of Faculty) and ABOR Policy 6-901 (Salary Increases).

2. Employment-related benefits are made available to faculty members as a matter of State law or Board policy and are subject to change by the Legislature or the Board.

3. Each university shall maintain a compilation of such employment-related benefits and policies and shall make good faith efforts to inform the faculty of their existence.

4. Policies governing outside activities and supplementary compensation are administered by each university.

G. Duties and Responsibilities

Duties of a faculty member shall consist of those responsibilities assigned by the president of the university or an appropriate administrator, such as a vice president, dean, director, or department head/chair. Teaching assignments, schedules and other instructional responsibilities shall be carried out under the direction of the president. Duties and responsibilities shall be related to the expertise and competence of the faculty members and may include sponsored or unsponsored research projects, service activities, or administrative functions. Assigned duties may include assisting with efforts to achieve university or departmental goals related to affirmative action, including participation in student recruitment and retention programs directed at economically disadvantaged, minority, and underrepresented student populations. Teaching (including advising), research, and service performance shall be subject to evaluation by the president and performance shall be considered in decisions relating to compensation, renewal, promotion, tenure, or termination.

H. Post-Tenure Review

1. Elements of Post-Tenure Review Process

The purpose of the post-tenure review process is to provide accountability through emphasis on sustained high quality performance and opportunities for continued faculty development, and to provide additional accountability to the university community, to the public, and to the Board.

Each university shall design and implement a post-tenure review process for all tenured faculty members in accordance with Board approved guidelines (“Common Elements of the Post-Tenure Review Process). The post-tenure review process at each university shall include the following essential elements:

a. Annual performance evaluations for all tenured faculty members shall be conducted by unit heads and/or peer committees, appropriate administrators and incorporate student input.

b. A faculty member's performance shall be evaluated based upon written expectations agreed to between the faculty member and the unit head and by reference to performance standards developed by each academic unit.

c. A faculty member who is determined to be performing at an unsatisfactory level shall be required to participate in developing and implementing a plan designed to improve his or her performance; the plan shall include specific goals, timelines, and benchmarks that will be used to measure progress at periodic intervals.

d. Failure to achieve the goals prescribed in the performance improvement plan in a timely manner shall result in a recommendation for dismissal.

e. A faculty member who is recommended for dismissal as a result of the post-tenure review process shall have an opportunity to challenge the recommendation as prescribed in ABOR Policy 6-201L., (Conditions of Faculty Service, Hearing Procedures for Faculty).

2. Accountability Mechanisms

The universities shall maintain detailed information on the results of the post-tenure process and results shall be presented to the Board upon request of either the Executive Director or Chair of the Board. The specific data to be included in these reports is prescribed in the Board approved guidelines described above.

I. Promotion, Tenure, and Renewal

1. Decisions relating to promotion, tenure, and renewal shall be made in accordance with university rules and procedures. These rules and procedures shall be developed in consultation with the faculty senate and approved by the president. The final decisions on promotion, tenure and renewal shall be made by the university president after considering all evaluations, recommendations and other evidence submitted. A tenured or tenure-eligible faculty member who receives an adverse decision on any of these matters is entitled upon request to a written summary of the reasons for the final decision from the president.

2. Lecturers, senior lecturers, or principal lecturers may apply for tenure-eligible positions for which they are appropriately qualified and tenure-eligible faculty may apply for lecturer, senior lecturer, or principal lecturer positions. In neither instance, however, would special priority be given in the selection process.

3. University rules and procedures applicable to tenure-eligible faculty members shall include (1) a maximum probationary period no longer than seven (7) years in full-time service at tenure-eligible rank, except in cases of waiver by the president for an individual faculty member, or as provided by policies established by the university to extend the period for individual faculty members facing adverse circumstances; (2) a mandatory periodic review; and (3) provisions to cover situations in which the faculty member's assignment is changed. A tenure-eligible faculty member shall have no expectation of renewal for the maximum probationary period.

4.

   a. Written criteria shall be developed at each university in consultation with elected faculty members of the faculty senate and approved by the university president to be applied to all decisions on promotion, tenure, and renewal. These criteria shall include such considerations as teaching effectiveness (including quality of advising); quality of scholarly research, publication, or creative endeavors; and the quality of service rendered to the profession, the university, and to the community as it relates to the mission of the university. The primary criterion for the evaluation of lecturers, senior lecturers or principal lecturers, and assistant professors, associate teaching professors, or teaching professors shall be teaching effectiveness.

   b. The contract of a tenure-eligible faculty member is renewed, and tenure and promotion are granted, on the basis of excellent performance and the promise of continued excellence. The denial of tenure or renewal, however, need not be construed as due to failure or poor performance on the faculty member's part. Considerations such as the need for a different area of specialization or for new emphases; the lack of a continuing position; the need to shift a position or resources to another department; or the opportunity for an alternative program in teaching, research, or service may dictate that the individual not be renewed, granted tenure, or promoted.

5. Attainment of tenure can only occur through specific notification from the president and may not result from inaction or inadvertence. A faculty member who is granted tenure is entitled to said status at the

commencement of the appointment period immediately following the decision.

6. Renewal of a fixed-term appointment shall occur only with the approval of the president and may not result from inaction or inadvertence.

J. Dismissal or Suspension

1. Tenured Faculty Members

a. Tenured faculty members shall not be dismissed or suspended without pay except for just cause. Such dismissal or suspension may take effect only following an opportunity for the faculty member to utilize the conciliation/mediation and hearing procedures as prescribed in ABOR Policy 6-201L.3 and L.4 (Conditions of Faculty Service; Hearing Procedures for Faculty, Conciliation/Mediation and Hearing).

b. Just cause shall include, but not be limited to, demonstrated incompetence or dishonesty in professional activities related to teaching, research, publication, other creative endeavors, or service to the university community; unsatisfactory performance over a specified period of time and a failure to improve that performance to a satisfactory level after being provided a reasonable opportunity to do so by the university, as demonstrated through the board-approved post-tenure review process; substantial neglect of or refusal to carry out properly assigned duties; personal conduct that substantially impairs the individual's fulfillment of properly assigned duties and responsibilities; moral turpitude; misrepresentation in securing an appointment, promotion, or tenure at the university; or proven violation of Board or university rules and regulations (including the code of conduct or any other disciplinary rules), depending upon the gravity of the offense, its repetition, or its negative consequences upon others.

c. The inability to perform assigned duties due to physical or mental incapacity may be deemed just cause for dismissal or suspension without pay, but only in accordance with university policies governing leaves of absence without pay established pursuant to ABOR Policy 6-805 (Leave of Absence Without Pay).

2. Nontenured Faculty Members

a. Nontenured faculty members may be dismissed or suspended without pay during an appointment period only after a finding of just cause as defined in ABOR Policy 6-201J.1, (Conditions of Faculty

Service; Dismissal or Suspension, Tenured Faculty Members) Except that “unsatisfactory performance” will be demonstrated through the review procedures for tenure-eligible and nontenure-eligible faculty duly adopted on each campus. Such dismissal or suspension may take effect only following an opportunity for the faculty member to utilize the conciliation/mediation and hearing procedures as prescribed in ABOR Policy 6-201L.3. and L.4. (Conditions of Faculty Service; Hearing Procedures for Faculty, Conciliation/Mediation, and Hearing).

b. A university president may decide not to renew the appointment of any nontenured faculty member. The president shall make such decision after receiving recommendations from the appropriate department and college. A nontenured faculty member has no expectation of continued employment and shall not be entitled to a hearing following or prior to a decision of nonrenewal except as provided in ABOR Policy 6-201M.1., (Conditions of Faculty Service, Procedure to Review Allegedly Discriminatory or Unconstitutional Action (Including Violations of Due Process or Academic Freedom)). Upon request, a tenure-eligible faculty member whose appointment is not renewed shall be entitled to a statement of reasons in writing for that action from the president.

3. Leave with Pay

a. A faculty member may be placed on leave with pay only if it is determined by the president that the faculty member's continued presence on the university campus is likely to constitute a substantial interference with the orderly functioning of the university or a department or unit thereof.

b. Except as provided in ABOR Policy 6-201J.3.c (Conditions of Faculty Service, Dismissal or Suspension, Leave with Pay), the decision to place a faculty member on leave with pay:

(1) May be made only after the faculty member has been provided an opportunity to respond to the allegations; and

(2) Shall be promptly communicated in writing to the faculty member.

c. In exceptional cases, when the president makes a written finding that release of information relating to the substance or source of the allegations may compromise the investigation of such allegations, the university may limit or deny the faculty member's opportunity to

respond to the allegations for a period of time not to exceed fifteen (15) working days while the investigation proceeds.

d. The period of leave may extend no longer than the duration of an investigation to determine if there is just cause for dismissal or suspension without pay, except that if the investigation leads to a recommendation for dismissal or suspension without pay, then the period of leave may extend through the final resolution of the hearing procedures discussed in ABOR Policy 6-201L., (Conditions of Faculty Service, Hearing Procedures for Faculty)

e. Placement on leave with pay status shall not be considered a disciplinary sanction.

f. A faculty member who is placed on leave with pay shall continue to receive full salary and benefits during the term of the leave.

K. Release of Faculty for Reorganization Caused by Budgetary Reasons or Programmatic Changes

1. A release pursuant to this section is designated a "release for reorganization."

2. Release of tenured faculty members, or release of nontenured faculty members prior to the end of the appointment period, may occur upon reorganization when determined to be necessary due to budgetary or programmatic considerations requiring program discontinuance, curtailment, modification, or redirection.

3. When the reorganization proposed by the administration calls for the release of any tenured faculty member or nontenured faculty member before the end of an appointment term, the following procedures shall be observed:

a. The president shall ask the faculty senate to designate a review committee composed of faculty and students to review and evaluate the proposed plan for reorganization. The committee's review shall include a public forum to provide an opportunity for all members of the university community to present their views on the impact of the proposed reorganization.

b. Each faculty member whose position may be affected by the proposed reorganization shall be notified promptly in writing of the proposed action and shall be given an early opportunity to present his or her views in person to the review committee and to the

responsible administrator. Any written statement submitted by the faculty member shall become part of the official record.

c. The review committee shall provide the president with a written evaluation of the proposed reorganization no later than ninety (90) days following the president's request, unless the president specifically requests that the evaluation be provided in a shorter period. This evaluation shall include an assessment of the impact of the proposed reorganization upon students, faculty, and staff, the university as a whole, related activities outside the university, and the interest of higher education within the state. The committee shall maintain a record of its proceedings, including all written documents and statements submitted to it.

d. The president shall decide whether or not to recommend the reorganization following receipt of the review committee's evaluation. If the president rejects the committee's evaluation, the president shall furnish the committee a written statement of the reasons for doing so.

e. The president shall present his or her recommendation relating to the proposed reorganization to the Board for approval.

f. If the Board approves the reorganization, each faculty member whose position is to be eliminated shall receive written notice when the decision to eliminate his or her position is final.

4. Each university shall devote its best efforts to securing alternative appointments within the university for any faculty member who is released as a result of reorganization. Each university shall devote its best efforts and available resources to ensure that such faculty members are made aware of openings at other Arizona universities and opportunities for retraining or further professional growth.

5. In the event that the program element which has been terminated should be reinstituted within a period of three years, new positions requiring qualifications and duties reasonably comparable to those of the released tenured faculty member shall not be filled without first offering the appointment to the released tenured faculty member. The released tenured faculty member must be given a reasonable time, not to exceed thirty days, to accept or decline reappointment.

6. A tenured faculty member who is to be released, or a nontenured faculty member who is to be released during an appointment term, shall be entitled to a review of this decision by filing a written request with the president within fifteen days of receipt of notice of such release.

The review shall be conducted according to the following procedures:

a. The president shall ask the faculty senate to designate a review committee to review the decision to release.

b. The review committee shall be convened no later than twenty days following the faculty member's request to determine whether the release is consistent with the objectives to be served by the reorganization.

c. The review committee shall take into consideration the basis for the university's decision to release and shall provide the opportunity for the faculty member to respond.

d. The review committee may consolidate proceedings in order to expedite its reviews, but shall review each decision to release on its own merits and render its recommendations accordingly.

e. The review committee shall forward its written recommendation to the president no later than forty-five days following receipt of the faculty member's request for review. If the decision to release is deemed to be reasonable, the committee shall recommend that the decision to release be upheld. If the decision to release is deemed not to be reasonable, the committee shall recommend that the decision to release be reversed. This review committee shall make no recommendation as to the reorganization.

f. The university president shall consider the committee's recommendation and render a final decision to uphold or reverse the decision to release no later than fifteen days from the receipt of the committee's recommendation.

7. A tenured faculty member who is released shall be given a terminal year appointment unless the Board's approval of the reorganization includes a specific determination that budgetary considerations do not permit such an appointment.

L. Hearing Procedures for Faculty

1. Statement of Principles

Investigations and hearings require the judicious consideration of facts, but they should neither partake of the form of courts of law nor be constrained by the limitations imposed upon such courts. They are academic hearings the purpose of which is to safeguard and protect not

only the individual rights of the members affected but also the integrity of the university.

2. General

   a. A faculty member recommended for suspension without pay or for dismissal shall be subject to the procedures set forth in ABOR Policy 6-201L. (Conditions of Faculty Service, Hearing Procedures for Faculty).

   b. The procedures in this subsection apply only to dismissal or suspension without pay proceedings. In particular, and without limitation, these procedures are not applicable to:

      (1) Decisions relating to promotions, sabbatical leaves or other leaves;

      (2) Decisions relating to renewal at the end of an appointment period of a nontenured faculty member;

      (3) Decisions relating to release from employment due to reorganization;

      (4) Decisions relating to evaluation of faculty under section 6-211 (Evaluation of Faculty); and

      (5) Suspension or dismissal from a concurrently held nonfaculty position.

3. Conciliation/Mediation

   a. If a faculty member is recommended for suspension without pay or for dismissal, the faculty member may appeal the recommendation by submitting written notice of appeal to the President no later than ten (10) days following the date on which the recommendation is posted. The president of the university shall refer such appeal to a conciliation committee within seven (7) days of receiving the notice. The conciliation committee consists of one or more full-time faculty who are elected by the academic senate or faculty as a whole. This committee shall attempt to arrive at a mutually agreed upon solution.

   b. If conciliation fails or after 30 days following the date on which the appeal was referred, the president shall provide the faculty member with a written notice of dismissal or suspension. The President may extend this deadline for up to 30 days if the prospect for

successful conciliation is positive. The President's written notice of dismissal or suspension shall:

(1) Refer to the particular statutes, rules or policies, if any, involved.

(2) Contain a statement of the reasons for the recommendation in sufficient detail to enable the faculty member to prepare a defense.

c. As an alternative to meeting with the conciliation committee, a faculty member may agree to participate in a mediation process to be established by the university. In the case of mediation, the same deadlines for referral and termination of the procedure shall pertain as in the case of conciliation.

4. Hearing

a. The faculty member may appeal a notice of dismissal or suspension without pay by providing the president and the chair of the Committee on Academic Freedom and Tenure (CAFT) with a written detailed statement of the faculty member's position within 10 days after receipt of the notice of dismissal or suspension. Failure to provide the written statement within the ten day period shall immediately terminate the procedure.

b. The faculty member shall further provide a copy of the notice of dismissal or suspension and the statement of position to the Chair of the CAFT. The Chair shall then fix a time for hearing, which hearing shall commence not less than 30, nor more than 45 days, after receipt by CAFT of the notice of dismissal or suspension and the written statement of position from the faculty member. The Chair shall serve upon the parties a written notice of hearing at least 20 days prior to the hearing. The Chair may shorten or extend these time periods for good cause shown or upon consent of the parties except that the notice of hearing shall not be shorter than twenty (20) days without the consent of the parties.

c. The notice of hearing shall include:

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

(2) The names of the panel members.

(3) A statement that the hearing is held in accordance with ABOR Policy 6-201L (Conditions of Faculty Service, Hearing Procedures for Faculty).

(4) A copy of the notice of dismissal or suspension attached and incorporated by reference.

d. At least 10 days before the hearing date each party shall provide to the hearing committee and the other party or parties a written list of the names and addresses of each witness the party intends to use at the hearing. No witnesses shall be used at the hearing other than those listed except for good cause shown or upon written agreement of the parties.

e. Failure of either party to appear at the scheduled hearing shall be treated as follows: In the case of the faculty member, failure to appear shall waive the faculty member's right to appeal the decision. In the case of the university representative, failure to appear shall be treated as resolution of the grievance in favor of the grievant. Failure of either party to appear may be excused for good cause by the committee, in which case, the hearing may be rescheduled.

f. The record of the hearing shall include, to the extent such items are applicable, the following:

(1) All documents filed by the parties and all notices, orders, or other documents issued by or submitted to the Committee on Academic Freedom and Tenure in connection with the proceeding.

(2) Testimony received and considered.

(3) Record of objections and offers of proof and rulings thereon, which may be contained in the transcript.

(4) Findings.

(5) The written recommendation reflecting the decision of the hearing committee.

g. Each party to the hearing shall be afforded an opportunity to respond and present evidence and argument on all issues involved. Each party shall have the right:

(1) At the party's own election and cost, to be represented by counsel or accompanied by an advisor, which advisor may consult with and advise the party but shall not otherwise participate.

(2) To present witnesses and submit evidence, including documentary evidence.

(3) To question adverse witnesses.

h. The following shall be observed with respect to the hearing:

(1) The hearing, but not the deliberations of the committee, shall be recorded by a court reporter and shall be transcribed upon the request of any party at that party's own cost.

(2) The hearing may be conducted in an informal, collegial manner and without adherence to the rules of evidence required in judicial proceedings. The CAFT Committee shall exclude irrelevant, immaterial, or unduly repetitious evidence.

(3) The Chair of the hearing committee shall have the authority to issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths. The subpoena shall be in writing and shall be served upon the witness in person. Members of the university community are required to comply with subpoenas issued pursuant to this procedure unless compliance would result in unavoidable personal hardship or participation beyond the terms of the contract.

(4) On application by a party, the Chair of the hearing committee, at his or her discretion, may permit a deposition to be taken, in the manner and upon the terms designated by the Chair, of a witness who cannot be subpoenaed or is unable to attend the hearing. Prehearing depositions and subpoenas for the production of documents may be ordered by the Chair, provided that the party seeking such discovery demonstrates that the party has reasonable need of the deposition testimony or the materials being sought and no other reasonable means of discovery are available.

(5) The Chair shall preside over and conduct the hearing and shall rule upon all matters of procedure including the

admission of evidence. The Chair shall also exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

(6) Official notice of certain facts may be taken.

(7) At the conclusion of the submission of all evidence, the hearing committee shall permit each party or counsel to make an oral or written summation.

(8) The university bears the burden of proving the existence of just cause by a preponderance of the evidence.

(9) A committee legal advisor, selected by CAFT from a list of qualified attorneys provided by the university, shall sit in attendance at the hearing and may be asked to comment on questions of procedure and admissibility of evidence and shall otherwise assist in the conduct of the hearing, but shall not vote. A person shall not serve as both a committee legal advisor and as an advisor or legal counsel in the proceedings for either of the parties. The legal advisor for the committee will be compensated by the university.

i. The recommendation of the hearing committee shall be in writing; shall include findings of fact based exclusively on the evidence; and shall be presented to the university president within 30 days following the conclusion of the hearing except, upon good cause, the president may extend the recommendation date by an additional 30 days.

j. Upon receipt and review of the hearing committee recommendation, the university president shall approve, disapprove, or modify the committee recommendation or remand one or more issues for further consideration by the committee. The president shall issue a decision in writing, no later than 45 days following receipt of the committee recommendation and record that includes findings of fact and conclusions of law, separately stated. The president shall not be bound by the recommendations of the committee. Copies of the decision and the committee's recommendation shall be mailed to the parties, and members of CAFT. The president's decision shall include a statement that an appeal to the 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 sought to be reviewed is served upon the party affected.

k. The faculty member may request reconsideration of the president's decision by filing a written request setting forth a ground for reconsideration with specificity within fifteen (15) days of receipt of the 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. The grounds for reconsideration are:

1. Irregularities in the proceedings, including but not limited to any abuse of discretion or misconduct by the committee which has deprived the employee of a fair and impartial process;

2. Accident or surprise that could not have been prevented by ordinary prudence;

3. Newly discovered material evidence, which could not have been available for the presentation;

4. Excessive or insufficient result;

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

l. If the faculty member requests reconsideration, the president shall issue a decision on reconsideration within twenty (20) days of receiving a request for reconsideration.

m. 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 on which the decision on reconsideration is served on the party affected.

M. Procedure to Review Allegedly Discriminatory or Unconstitutional Action (Including Violations of Due Process or Academic Freedom).

1. A faculty member who receives an adverse decision concerning his/her promotion, tenure, nonrenewal or release from employment under ABOR Policy 6-201L (Conditions of Faculty Service, Hearing Procedures for Faculty) may file a written complaint alleging that the adverse decision was a discriminatory action, or was based on unconstitutional grounds (including violations of due process or academic freedom). This complaint must be filed with the office of the university president within 10 days of the faculty member's receipt of notice of the final adverse decision.

a. "Receipt of notice" means delivery of written notice of the final adverse decision to the faculty member's last known address by certified mail, return receipt requested. If undeliverable, the written notice is deemed to have been received by the faculty member if properly sent to the faculty member's last known address.

b. The faculty member shall have the right to a hearing before the Committee on Academic Freedom and Tenure (CAFT), or before such other appropriate committee as may be established by the university and the academic senate, but not both CAFT and such other appropriate committee; provided that the faculty member first exhausts any applicable alternate resolution procedures established by the university.

c. Where alternate resolution procedures are not established, the written complaint shall be transmitted to the Chair of the hearing committee within seven (7) days after receipt by the office of the university president. The hearing shall occur no earlier than thirty days nor later than forty-five days after the filing of the complaint, except that with consent of both the university and the complaining party, or upon majority vote of the hearing committee, the hearing may be advanced or delayed.

d. Where alternate resolution procedures are established by the university, those procedures will be initiated by the president within seven (7) days after receipt of the written complaint. The written complaint, if not resolved through use of the alternate procedures, shall be transmitted to the chair of the hearing committee within seven (7) days after completion of the alternate procedures or after thirty (30) days following the date on which the alternate procedures were initiated. The President may extend this deadline for up to thirty (30) days if the prospect for successful resolution is positive. The hearing shall occur no earlier than thirty (30) days nor later than forty-five (45) days after the written notice is received by the chair of the hearing committee, except that with consent of both the university and the complaining party, or upon majority vote of the hearing committee, the hearing may be advanced or delayed.

2. The burden of proving discriminatory action or unconstitutional grounds shall be on the faculty member. The hearing procedures developed by each university shall provide for the following:

a. The right to an impartial hearing committee of not fewer than three committee members.

b. The right of each party to obtain access to all relevant, non-privileged documents relating to the allegations which are subject to the other party's control and which do not violate the privacy rights of non-parties; all disagreements relating to the disclosure of documents shall be decided by the chair of the hearing committee.

c. The authority of the chair to administer oaths and to issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence. The subpoena shall be in writing and shall be served upon the witness in person. Members of the university community are required to comply with subpoenas issued pursuant to this procedure unless compliance would result in unavoidable personal hardship or participation beyond the terms of the contract.

d. The right of the university and the faculty member to present witnesses and evidence and to question witnesses.

e At the party's own election and cost, the right of each party to be represented by counsel or accompanied by an advisor, which advisor may consult with and advise the party, but shall not otherwise participate.

f. The hearing shall be recorded by a court reporter. A transcript may be obtained by any party at that party's own cost.

g. Written findings of fact.

h. The right of the university, faculty member and committee members to a copy of the written recommendation of the committee;

i. A closed hearing upon request of any party.

3. The recommendation of the committee shall be transmitted to the university president within thirty (30) days following the conclusion of the hearing except, upon good cause, the president may extend the recommendation date by an additional thirty (30) days. No later than forty-five (45) days following receipt of the committee recommendation the president shall render a final determination in writing as to whether the challenged decision shall be affirmed or modified. A copy of the determination shall be mailed to the parties and the committee members. The date of the mailing shall be the effective date of the decision.

   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 sought to be reviewed is served upon the party affected.

4. The faculty member may request reconsideration of the president's decision by filing a written request setting forth a ground for reconsideration with specificity within fifteen (15) days of receipt of the decision. If no request for reconsideration is made, the president's decision is effective on the 15th day after the date of the decision at the expiration of the period in which to request reconsideration. The grounds for reconsideration are:

    a. Irregularities in the proceedings, including but not limited to any abuse of discretion or misconduct by the committee which has deprived the employee of a fair and impartial process;

    b. Accident or surprise that could not have been prevented by ordinary prudence;

    c. Newly discovered material evidence, which could not have been available for the presentation;

    d. Excessive or insufficient results;

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

5. If the faculty member requests reconsideration, the president shall issue a decision on reconsideration within twenty (20) days of receiving a request for reconsideration.

6. 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 on which a copy of the decision on reconsideration is served upon the party affected.

N. Faculty Grievance Procedure

In accordance with ABOR Policy 6-904 (Grievance), each university shall provide an established grievance procedure to resolve any work-related concerns of a faculty member, including but not limited to any complaint alleging a violation of the conditions of faculty service or any other rules of the Board or university relating to faculty members. The grievance procedure shall authorize a faculty member to initiate a grievance by filing with the chair of the designated faculty committee a written statement that describes the specific action(s) being challenged and any Board or university rule that has allegedly been violated.

O. Revisions

1. A comprehensive review of these conditions shall be undertaken no less frequently than once every five years. This review shall be conducted by a working group that includes representatives of each faculty senate to ensure faculty input in all stages of the review process.

2. No modifications to these conditions may be considered by the Board prior to consultation with representatives of the faculty senates.

P. Implementation

The president of each university shall establish, in consultation with the faculty senate, such additional policies and procedures consistent with this policy as may be needed to carry out the Conditions of Faculty Service, and such policies shall be set forth in full and not by reference to any other document.

Q. Interpretation

These conditions of faculty service shall be governed and interpreted under the laws of Arizona.

R. Severability

If any section, paragraph, subdivision, clause, sentence, or phrase of this policy shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portion of the policy. If any provision of this policy contains an ambiguity, which may be construed as either valid or invalid, the valid construction shall prevail.

S. Acquired Tenure Status

This policy shall not divest a faculty member of tenure status acquired prior to its adoption.

Policy History

3/12/1983	The Policy Manual was adopted by the Board to be effective 5/1/1983.
10/10/1986	Policy revision approved by the Board on second reading.
10/18/1991	Policy revision approved by the Board on second reading.
2/13/1997	Policy revision approved by the Board on second reading.

5/30/1997 Policy revision approved by the Board on second reading.

8/21/1997 Policy revision approved by the Board on second reading.

1/24/2003 Policy revision approved by the Board on second reading.

8/15/2003 Policy revision approved by the Board on second reading.

8/20/2004 Policy revision approved by the Board on second reading.

8/17/2005 Policy revision approved by the Board on second reading.

6/22/2006 Policy revision approved by the Board on second reading.

4/30/2009 Policy revision approved by the Board on second reading.

8/4/2011 Policy revision approved by the Board on second reading.

9/28/2012 Policy revision approved by the Board on second reading.

9/27/2018 Policy was revised to reflect “Executive Director” of the Board in place of “President.”

9/29/2022 Policy revision approved by the Board on second reading.

Related Information

See 3/12/1983 meeting minutes.